



PL.06 13/14
Planning Committee
18 September 2013

Subject: Planning applications for determination

Report by:

Director of Regeneration and Planning

Contact Officer:

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Area Team Manager
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Purpose / Summary:

The report contains details of planning applications that require determination by the committee together with appropriate appendices

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment : None arising from this report.

Climate Related Risks and Opportunities : None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 – 129973 - Scothern

Planning application for change of use of land at rear from paddock land to garden land and erection of single storey annexe at 3 The Oaks, Scothern.

RECOMMENDED DECISION: Grant with Conditions

2 – 130093 - Dunholme

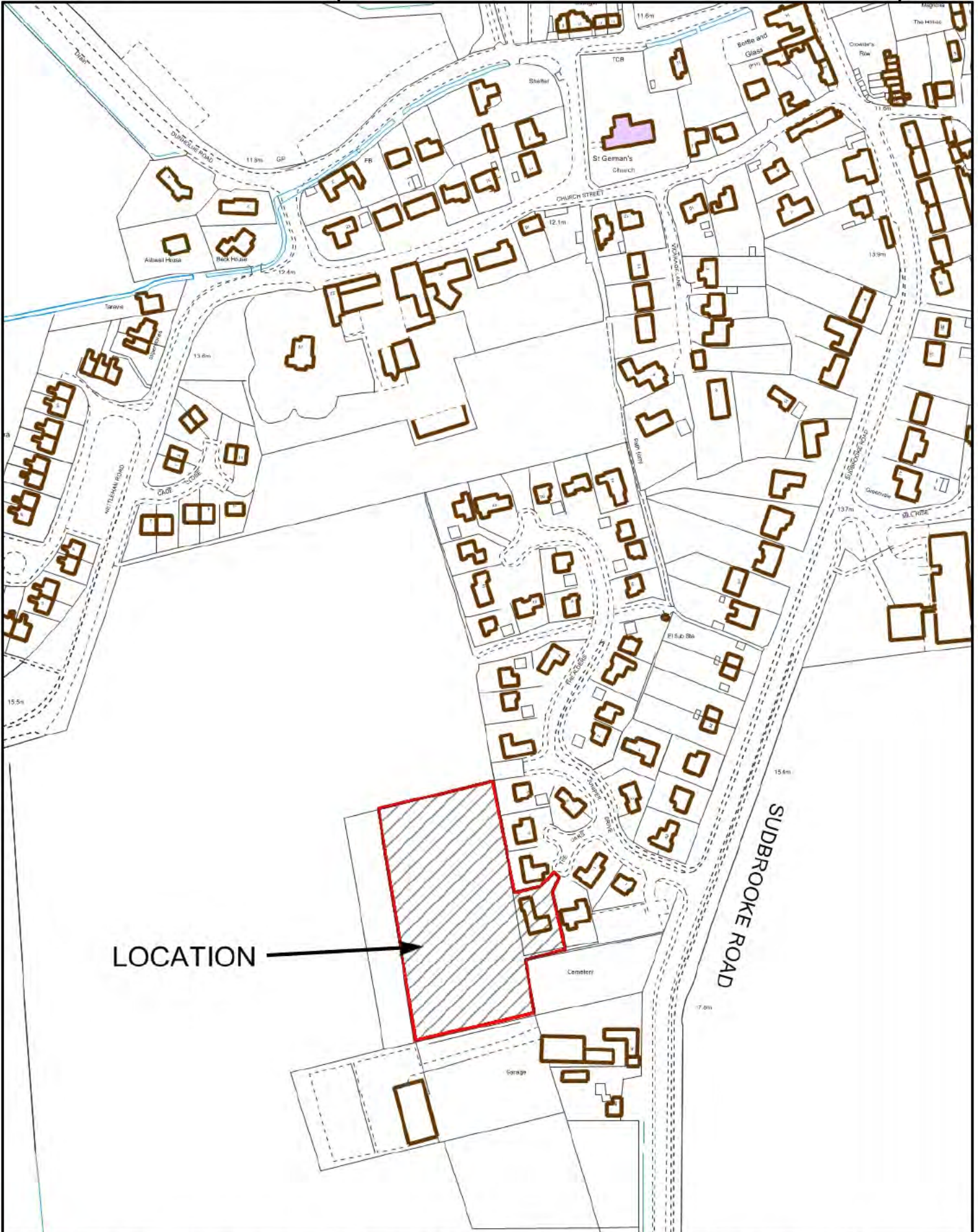
Planning application for demolition of existing vacant public house and erection of convenience food store, together with associated car parking. Lord Nelson Inn, 1 Market Rasen Road, Dunholme

RECOMMENDED DECISION: Grant with conditions

3 – 130117 - Torksey

Planning application for change of use of former public convenience to photo studio/gallery including raising the existing eaves height and replacing the roof structure. Former Public Toilets, Torksey Lock, Torksey

RECOMMENDED DECISION: Grant planning permission



Officers Report

Planning Application No: 129973

PROPOSAL: Planning application for change of use of land at rear from paddock land to garden land and erection of single storey annex.

LOCATION: 3 The Oaks Scothern Lincoln, Lincolnshire LN2 2WB

WARD: Sudbrooke

WARD MEMBER(S): Councillor S Curtis

APPLICANT NAME: Mr Mark Harris

TARGET DECISION DATE: 11/07/2013

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Zoe Raygen

RECOMMENDED DECISION: Grant with Conditions

Description: Application site forms 3 The Oaks in Scothern. The property is a modern large detached house sited in the corner of a small cul de sac. The owner of the property owns a large area of land to the rear of his plot and has cultivated an area adjacent to the plot as garden land. This area also has permission for the erection of a stable and the change of use to paddock. This planning permission has been partially implemented through the installation of foundations to the stable building. To the south of the site is a commercial unit owned by the applicant and to the north and west open countryside.

The proposal is to erect an annexe to the property through the provision of a detached building which will provide living accommodation for a relative, garaging for the main house and storage facilities for the main house. The annexe is to be erected on the site of the approved stable building. The proposal also includes the retrospective change of use of the paddock to garden land.

The application was deferred at your meeting on the 29th June so that members could undertake a site visit. The site visit took place on the 11th July 2013.

Since the site visit the application site has been amended to include the access through the adjacent commercial premises in the ownership of the applicant so that the garages proposed in the annex can be used for garaging for 3 The Oaks.

The application was reported to the Planning Committee on 21st August 2013 but was deferred to allow further information to be reported regarding the ability of the applicant to put the stables to a future use.

Relevant history:

119457 – planning application for alterations and extensions to existing private dwelling Grant Conditionally 2007

121453 – Planning application for erection of new stables and change of use to paddock Grant Conditionally 2008

Representations:

Chairman/Ward member(s): Councillor Curtis: I wish the application to be determined by the Full Planning Committee. My main concerns are 1. There is no essential need as the applicants elderly mother already lives within a short walking distance from the applicants property. 2. The Annex would be too large to justify the needs of a single elderly person. 3. The Annex would not be incidental to 3 The Oaks but become a single private residential property. 4. Vehicular access would only be possible over the adjoining Commercial Premises resulting in congestion of Residential/Commercial/Trade/Emergency vehicles and possible breach of planning conditions previously imposed on the Commercial site.

Policy Res 3 (Backland and Tandem Development) It would adversely affect the general quality and character of the area by virtue of (a) increasing the density of development in that area to an unacceptable high level (b) result in the loss of features both natural and man-made to the detriment of the character of the locality.

Policy NBE 20 (Development on Edge of Settlements) Development would detract from the rural character of the settlement edge and the countryside beyond.

It does not meet the sequential release of land policy.

Parish/Town Council/Meeting: My Council has the following comments/objections to make on the proposal:

The Parish Council is sympathetic to the wishes of the applicant to provide accommodation for his relative in order to improve her quality of life but the Council has a number of concerns relating to this planning application and request that this matter be dealt with by Full Planning Committee which should also include a site visit to ensure that members are fully aware of the context of the application.

The Parish Council wishes to raise the following concerns in relation to this planning application (129973):

1. The Parish Council believes that development would not satisfy the requirements of Policy RES 13 - Family Annexes. The development site is not within the current curtilage of the host property at 3 The Oaks. Furthermore, it is neither integral to, nor incidental to, the host property and therefore it is our view that it should be considered as a separate development.

2. The development would be outside of the existing settlement boundary and may therefore conflict with Policy NBE 20 - development on the edge of settlements.

3. The development may conflict with Policy RES 3 - Backland and Tandem development as it would represent an increase in the density of residential development in the area.

4. The application makes reference to the extant planning permission for paddock land and the construction of a stables and Policy STRAT 11 - renewal of existing permissions, may therefore be considered relevant since the original permission was granted 5 years ago and the construction of the approved building is not yet complete.

However, since the application being considered here is for a completely different type of building then the Parish Council consider that reference to any existing permission should be deemed irrelevant. Different sustainability criteria etc would apply to a residential property as opposed to a stable block. Furthermore, changes introduced as part of the NPPF may also need to be considered in respect of this application to create a new residential property, albeit one with a similar 'footprint' to the approved building.

In addition, from the plans submitted the Parish Council would question whether the scale of development is appropriate for the stated intend occupancy by a single, elderly resident given that the plan shows 4 garage/parking spaces, several "storage" areas and a large "room in roof" or attic area which may be inaccessible to the intended occupant.

Finally, the Parish Council feels that the area of land for which a change of use is requested is significantly larger than would be appropriate for a single storey dwelling of this size and scale.

5. The Parish Council are concerned that vehicular access to the development would be through the commercial site adjacent, via several physical barriers that could impede access for the emergency services and other service/utility providers particularly outside of normal business hours when the commercial site would be secured.

Access to a residential property may also contravene the existing access permissions for the commercial site itself.

Furthermore, the Council are concerned about continuing access to the development should the ownership of the commercial site change in the future.

6. Given the existing problems with surface water and sewage drainage within the village, the Parish Council are keen to ensure that any additional development takes the possible impact on these into account. It is not clear if an appropriate assessment has been completed in this instance.

7. A public footpath runs adjacent to the area of land for which a change of use

to 'residential' is sought - it is not clear if this would represent an issue to be considered as part of this application.

Parish Council further comments on amended application:

The Parish Council welcomes the attempt at clarification on the matter of access to the proposed annex that this amendment introduces but we remain confused as to whether the application should be considered as an annexe to the host property, particularly as the Planning Officer's report on the initial application states that "...as an annex incidental to the host building it would not be expected to have its own vehicular access." (Page 7, "Access" paragraph).

Furthermore, the Planning Officer also commented in an email to the Parish Council dated 30 July 2013 that "The only amendment is the red line to the access which will be a joint access with the commercial property and will allow the access to be used by the owners of No 3 to garage their cars in the annexe. This is already occurring and the principle of the access was authorised in the previous planning application for the stables." The original planning application (129973) did not mention this use and the previous application, 121453, only established access for use by vehicles associated with the stabling of horses rather than private motor vehicles owned by the applicant.

The Parish Council remains very concerned that use of a shared access route to this property, should permission be granted, would be problematic for the resident both during business hours when there may be several traffic movements occurring at any given time but more importantly during hours when the adjacent business is closed and the access blocked by means of several locked barriers / gates. This would be a **major concern** should the resident require assistance from the emergency services and the owner of the business premises (the applicant) is not immediately available to facilitate access.

Our previous comments on the application as a whole remain extant and are not, in the Parish Council's opinion, mitigated by this amendment which also raises additional questions.

Local residents: None received
 LCC Highways: None received
 Environment Agency: None received
 Archaeology: No objections
 Building Control: None received

Relevant Planning Policies:

National guidance

National Planning Policy Guidance

West Lindsey Local Plan First Review 2006

STRAT 1 – Development requiring planning permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 12 – Development in the open countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

NBE 10 – Protection of Landscape Character in Development Proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 20 – Development on the edge of settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

RES 13 – Residential Annexes

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

The above policies were saved in 2009 but the weight afforded to them must be considered in the context of their conformity with the National Planning Policy Framework 2012. The policies have been assessed and where they are not considered to be compliant with the National Planning Policy Framework it will be noted in the report

Other Policy

The Core Strategy

- Draft Partial Central Lincolnshire Joint Core Strategy (2012)
<http://www.central-lincs.org.uk/>

This document has been approved and will now be the subject of a public consultation exercise from 29th July to the 9th September with an examination in public expected in early 2014. While the policies will therefore carry more weight than previously, the weight is still somewhat limited as they are still the subject of challenge.

Main issues

- Principle of development
- Impact on visual amenity
- Impact on residential amenity

Assessment:

Principle of development

Policy RES 13 regarding the provision of residential annexes states that planning permission will be granted for the creation of additional self contained living accommodation either by extending an existing dwelling or converting existing outbuildings which are incidental to the dwelling and within the curtilage of the original dwelling. While the policy states that the creation

of a separate dwelling unit will not be permitted, it is considered that this statement is not in accordance with the contents of the national Planning Policy Framework which seeks to provide sustainable development without distinguishing whether new building is attached or not to host dwellings. This part of the policy is therefore given very limited weight.

Policy STRAT 12 states that planning permission will not be granted for development proposals outside the settlement limit unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use requiring a countryside location.

The retrospective proposal to change the use of the paddock to garden land would therefore be contrary to that policy, however the enclosure has been done in a sensitive manner retaining the open feel of the land and being enclosed with a mixture of hedging and 1.8 metre fencing. This fencing was approved as part of the application for the change of use of the land to a paddock. The Public Right of Way No 149 runs to the west of the site and then along the north boundary of the site. However when viewed from a distance it would be very difficult to see the difference between the use of the land as a paddock and that of a garden given the open nature of the site with tree planting and large area of grass.

While the proposal for the annexe is also beyond the settlement limit of Scothern, it is on the edge of the settlement and within the garden land of the host property on the edge of the settlement. Planning permission has been granted via permission 124153 for the erection of stables, the foundations of which have already been implemented on the ground. This, structure therefore has to be a material consideration regarding the principle of siting a structure of a similar size here. The annexe will be in the same position as the proposed stable building in the south east corner of the site adjacent to the cemetery and the applicants adjacent business. It will be extended slightly, over and above the footprint of the approved stable building, to provide a covered walkway between a store and the annexe.

If the applicant were to build the stable block then it would be built on existing paddock land. While the application includes for the paddock to be converted to garden land the curtilage of a residential property does not necessarily have to conform with the boundary of a residential property. Stables can be contained within the curtilage of a residential property however there is no definition within the legislation of residential curtilage.

There are various relevant court cases but the two most frequently cited are *Dyer v Dorset* 1988 and *The Hon. David McAlpine v SoS & Another* 14/11/94. In the first case a curtilage was defined as a small area forming part or parcel with the house or building which it contained to which it was attached. It was a matter of fact and degree. One of the appeal judges endorsed as “adequate for most present day purposes” the Oxford English Dictionary definition of curtilages. *“A small court, yard, garth or piece of land attached to a dwellinghouse, and forming one enclosure with it, or so regarded by the law: the area attached to and containing a dwellinghouse and its outbuildings”*.

In the second case the High Court identified three relevant characteristics of a curtilage. First, it was confined to a small area about a building; second, an intimate association with land which was undoubtedly within the curtilage was required; third, it was not necessary for there to be physical enclosure of that land which was within the curtilage but the land in question needed to be regarded in law as part of one enclosure with the house.

It is clear therefore that the curtilage of a residential building should be a small area with an intimate association with land that was within the curtilage. Each case needs to be considered on its own merits. On balance in this instance it could be argued that the stable building would be outside of the curtilage of the residential property even though it is within the legally defined garden area.

In this case the stable block would not benefit from any permitted development rights and would not be able to be converted to residential use or extended without planning permission. As this is a matter for individual interpretation the applicant could argue the opposite case and this would need to be addressed by an Inspector at any appeal should the application be refused.

Concerns have been raised regarding the ability of the applicant to sell the property off to be used as a single residential dwelling, this is now especially highlighted given the incorporation of the vehicle access to the garages. The applicant has confirmed though that the long term use of the building would be in association with the house at 3 The Oaks and is happy to accept a condition restricting the use as such. A condition could also be added to restrict the parking at the annexe to 3 The Oaks.

While the NPPF may support in principle a single dwelling in this sustainable location, it is considered that access to it through a commercial property would not be an acceptable solution. It is important therefore that these two conditions are attached to prevent the buildings use as a single residential use.

The access through the commercial area is already being used to drive cars through to this area of the applicants land and the principle of a vehicle access here, albeit to stables has been approved. It is not considered therefore that vehicle activity would be anything over and above that which already occurs via this access.

It is considered therefore given the location of the building on the site of a previously approved structure and the use of the building as an annexe to provide accommodation for a family member then the principal of the development is acceptable. The applicant does not need to demonstrate an essential need for that family member as part of the policy requirement. It is considered necessary however to apply a condition requiring that the annexe is only used in association with and incidental to the host dwelling and the parking only used for the occupiers of 3 The Oaks.

Impact on visual amenity

The building is sited on the south east corner of the site and is single storey. The location is well screened from view with the tree planting that has been established required by condition of the permission for the stable building. In any event it would be seen against the views of the adjacent commercial buildings which would minimise any visual impact. The design of the annexe is considered to respect the character and appearance of the development in this area on the edge of the settlement

The approved materials for the stables were timber cladding and a clay pantile roof. The applicant proposes red brick and pantile roof for the proposed annexe and these materials are considered acceptable in this rural location on the edge of the settlement and when viewed in the context of the adjacent modern house at 3 The Oaks and the commercial buildings on the site to the south.

Impact on residential amenity

The nearest residential property is the host property 3 The Oaks and the annexe will sit adjacent to commercial properties to the south (owned by the applicant) and a cemetery to the east. The location is unobtrusive and at least 35 metres from the nearest other residential property and therefore there will be no harmful impact on neighbouring residential amenity

Conclusion and reason for decision

This is a finely balanced decision, the application is within the open countryside and therefore the development would be contrary to Policy STRAT 12 however it is on the edge of a settlement adjacent to an existing dwellinghouse. The applicant has planning permission for a stable block which would be of a similar size and scale and can still be implemented, it would be difficult to argue therefore that a building here would be harmful to visual amenity.

The applicant has stated that the building is for his mother and the need for the development is not a relevant planning consideration. This can be secured through the addition of conditions. On balance therefore it is considered that the development is acceptable.

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies STRAT 1 – Development Requiring Planning Permission, STRAT 12 – Development in the Open Countryside, NBE 10 – Protection of Landscape Character in Development Proposals, NBE 20 – Development on the edge of settlements RES 13 – Residential Annexes of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework and planning permission reference 121453. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions. With the conditions in place, it is considered that the proposal is acceptable, while the development is beyond the settlement limit the principle of a structure in this location is given through application 121453.

The provision of an annexe here would be a sustainable addition to the property, the siting ensures that the visual intrusion would not be significant and residential amenity can be preserved.

Recommendation: That the planning application be granted subject to the following conditions:

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. No development shall commence until a scheme detailing the disposal of surface water drainage from the site (including the results of soakaway tests) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

3. No development shall take place until details (including the colour) of all external and roofing materials to be used have been submitted to and approved by the Local Planning Authority. the development shall be carried out only using the agreed materials.

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact and to accord with the National Planning Policy Framework and saved policy STRAT 1 – Development requiring Planning Permission of the West Lindsey Local Plan First Review June 2006.

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: J1255 03, J125501, J1255 02 dated 16 May 2013. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the national Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

5. The development shall be carried out only using the materials approved in condition 3 of this permission and shall be so retained.

Reason: In the interests of the visual amenity of the area and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

Conditions which apply or relate to matters which are to be observed following completion of the development:

6. The development shall not be brought into use until the surface water drainage as approved under condition 2 of this permission has been provided. It shall thereafter be retained and maintained.

Reason: To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency and in accordance with West Lindsey Local Plan First Review Policy STRAT1

7. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary and incidental to the residential use of the dwelling known as 3 The Oaks, Scothern

Reason: The annexe is sited in a location which would not be suitable for an independent dwelling due to its lack of access and location within the open countryside, therefore occupation is restricted to be incidental and ancillary to the host dwelling in accordance with the National Planning Policy Framework and saved policy RES 13: Residential annexes of the West Lindsey Local Plan First Review 2006.

8. The car parking spaces shall be used only by the occupants and visitors of 3 The Oaks

Reason: To ensure that the annexe is maintained in the ownership of the occupants of 3 The Oaks and to accord with the National Planning Policy Framework and saved policies STRAT 1 and RES 13 of the West Lindsey Local Plan First Review 2006.

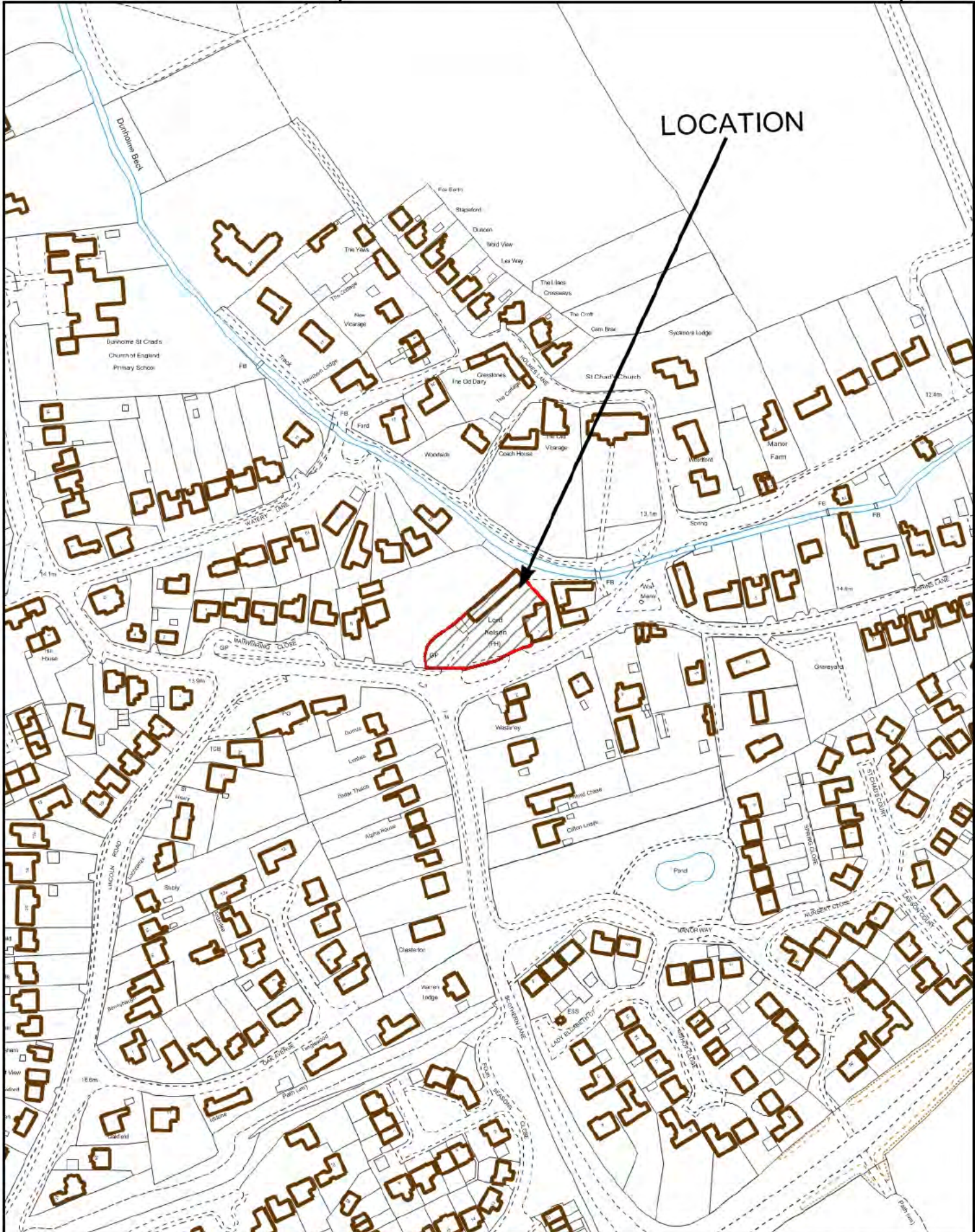
Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European

Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report



Officers Report

Planning Application No: 130093

PROPOSAL: Planning application for demolition of existing vacant public house and erection of convenience food store, together with associated car parking.

LOCATION: Lord Nelson Inn 1 Market Rasen Road Dunholme Lincoln, Lincolnshire LN2 3QR

WARD: Dunholme

WARD MEMBER(S): Councillor S Rawlins

APPLICANT NAME: Lincolnshire Co-Operative Society

TARGET DECISION DATE: 19/08/2013

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Zoe Raygen

RECOMMENDED DECISION: Grant with conditions

Description: The application site forms the Lord Nelson Inn and its curtilage on Market Rasen Road in Dunholme. The premises forms a two storey detached building on the east of the site at the edge of the pavement, brick built with a slate roof. The building itself is painted white. The remainder of the site is vacant, previously containing outbuildings which have since been demolished after falling into disrepair.

To the east of the site are residential properties. To the north is a stream and footpath beyond which are further residential properties and two listed buildings one of which is a church. Between the application site and these properties is a dense belt of trees which provides cover to the Listed Buildings.

To the north west are residential properties and their curtilages. Opposite the site are residential properties. There is a war memorial in Market Rasen Road to the east of the site.

The proposal is to demolish the existing building and erect a new building to provide a convenience food store and the layout and provision of associated car parking.

Relevant history:

W24/0580/95 - Planning application to extend public house to provide kitchen and restaurant Grant Conditionally 1995

128638 - Application for determination to demolish outbuildings – prior approval not required 2012

Representations:**Chairman/Ward member(s):** None received**Parish/Town Council/Meeting: Dunholme Parish Council:**

The main concern for the parish councillors is the look of the proposed store.

It is not at all in keeping with the other more traditional white buildings and church within the surrounding areas. They feel that the Lord Nelson building should be kept where possible or if a new building has to be built it should be more sympathetic to the area and the look of the centre of the village.

The other things that they feel need to be considered are the effect on other local businesses, especially should the local shop be forced to close due to the new food store as it currently houses the post office for the village.

Should this be forced to shut then people will still have to travel to Welton to their co op to use a post office, which is one of the reasons the co op state they are wanting to build in Dunholme - so that traffic congestion and parking is eased at the Welton store.

It is also felt that with the area being such a large space some of it should be secured for a community facility such as a Parish Council office.

Local residents: 64 Letters of objection received and 580 signature petition received from:

Springfield Market Rasen Road, The Old Dairy Holmes Lane, Fieldhouse Lincoln Road (x2), Sycamore Lodge Holmes Lane (x3), Anderson, 9 Paynell, Dunholme Post Office, 12 Lincoln Road, 13 The Granthams, 34 Honeyholes Lane, 16 Market Rasen Road, Greystones Holmes Lane, 8 Ashing Lane, 13 Merleswen, 6 Beech Close, 102 Lincoln Road, 7 Watery lane, The Old Vicarge, 2 Honeyholes Lane, 21 Kennington Close, 32 Lincoln Road, 21 Kennington Close, Lea-way Holmes Lane, 23 Lincoln Road, Costcutter Supermarkets Group, 22 Westfield Road, 71 Eastfield Road, 12 Manor Way, 10 Willow Road Branston, Tiptree Stainton-by-Langworth, 29 Honeyholes Lane, Alpha House Scothern Lane, 10 The Granthams, Greystones Holmes Lane, 4 The Granthams, 52 Lincoln Road, 32 Honeyholes Lane, 5 Kneeland, 5 Bishop Close, 17 Ryland Road, 7 Field Close, 7 Holmes Lane, 2 Lincoln Road, 13 Market Rasen Road, 5 Hughson Walk, 7 Market Rasen Road, 6 Allwood Road, 12 Wentworth Drive, 5 Paynell, 11 Market Rasen Road, 9 Market Rasen Road, 28 Lincoln Road, The Coach House Holmes Lane, Dunoon Holmes Lane, Vanquish House Dunholme Road, 8 Oak View, 1 Four Seasons Close, Sycamore Lodge Holme Lane, 29 Stewart Close Welton, 30 Merleswen Road, :

- Style of building out of character with existing surrounding buildings
- Increase in traffic would increase traffic risk to children
- Policy RTC 6 states retail proposals will be granted providing they are small in scale and serve a local need only. There is no local need
- Would lead to loss of Spar and Post Office
- Increased traffic would disturb peace and quiet

- Impact on parking when the church is in use
- Buildings should be brought back into use as part of a centre for entertainment as well as refreshment for all age groups
- Enough people in the village to sustain a profitable well run pub
- Detrimental impact on business of post office
- Should incorporate the existing buildings façade and retain the white rendering
- Increased traffic and noise from delivery lorries and customers cars
- Built of local Langworth brick
- Current building has great value as a heritage asset
- New building too modern
- A well run pub and restaurant is badly needed in Dunholme
- Building should have been listed
- Ruin the walking view along the Beckside
- Entrance/exit to the proposed site does not give an entirely clear view of oncoming traffic from the left when exiting the site as there is a bend in the road
- The proposed opening hours until 2300 may lead to more people visiting the site and provide for a wider need rather than a purely local need required by Policy RTC6
- There is an opportunity to enhance the centre of the village by bringing the Nelson back into use
- Grave concerns about the welfare of the existing retail offerings serving the community
- The proposed periphery wall: though well designed, is of a high of 900mm which would obscure the drivers view of any small children, pushchairs or dogs crossing the entrance to enter the shop. However if the proposed building was positioned on the N.W rear boundary, pedestrians would then have the opportunity of entering the site from the South west corner without having to cross the vehicular entrance/ exit.
- Expect Co-op to use acoustic enclosures
- Has any assessment been made of the impact of the store on traffic levels through Dunholme
- Don't need another store
- Impact on listed buildings and heritage of area
- The shell of the Nelson can be retained and a full refurbishment can be viable
-

10 Letters of support from 9 Kennington Close, 25 Ryland Road, 8 St Chads Court, 58 Lincoln Road, 12 Manor Way, Chesterton Scothern Lane, 1 Nursery Close, 9 Watery lane, 6 Mainwaring Close (x2)

- Fully support the provision of a new co op store . The existing Spar shop is dirty and in need of capital investment
- More investment in the area
- Pub never been a local family attraction
- Thrilled at prospect of tidy new store
- The current building, now disused, will only fall into disrepair and become a magnet for vandals

- It may reduce the amount of traffic travelling down Ryland Road towards Welton past Dunholme St Chads primary school, and around the area of the junction of Lincoln Road and Ryland road.
- It may ease the traffic congestion around the Co-op retail store in Welton
- Local residents may be more inclined to walk or cycle to the store rather than drive to the store in Welton
- The current building has no real historical significance
- Brick colour, area of commercial display and planting should be a condition

Save Dunholme Amenities Action Group: Object to proposal:

- Community should have been consulted prior to submitting the planning application
- Loss of amenities – no attempt to retain existing facilities – contrary to policy CRT 3
- Contrary to policy CRT 4 – no alternative public house in Dunholme. Pub suffered from lack of investment , village could sustain a public house or other community venture
- Would lead to loss of Spar shop and post office
- Employment opportunities created but also lost
- Loss of heritage and visual amenity
- Essential building is maintained and any new buildings are of a sympathetic design
- Contrary to Policy RTC 6 – no need for any more convenience stores
- Rear of the building faces onto the village beck and has high fence and toilet block
- Ignores potential of adding a real asset to the village where more appropriate design could achieve with the use of glazing and external seating area.
- Potential for other solutions around the pub is the hub concept

LCC Highways:

Environment Agency: Application should be accompanied by a basic Flood Risk Assessment. We would therefore expect you to obtain an FRA from the applicant and assure the safety of the development before determining the application and ensure it complies with standing advice.

Archaeology: Results of an evaluation have identified that the archaeological potential of this site can be dealt with by condition requiring a written scheme of investigation.

Building Control: None received

English Heritage: The proposed scheme will cause substantial harm to the setting and significance of the church of St Chad through the demolition of the Lord Nelson Inn which is an important part of its setting. The demolition of the

inn would remove one of the surviving historical focal points of the centre of the village and the setting of the Church. We advise that the proposed development is reconsidered to retain the Lord Nelson and provide retail facilities either through the conversion of the existing building or development on the rest of the site. Any new development should sustain or enhance the significance of the Church of St Chad or make a positive contribution to local character and distinctiveness.

St Chads Church: objects to modern featureless design, it should blend in more easily with the historic heart of the Village, the building itself should be preserved.

Second round of consultation:

Save Dunholme Amenities Action Group: Objects –

Design of the building has been addressed but none of the other points raised by the group have been satisfactorily addressed

14 letters of objection from: 32 Lincoln Road, 9 Market Rasen Road, 6 Beech Close, 16 Market Rasen Road, St Chads Church, Fieldhouse Lincoln road, Wilmar Barlings Lane Langworth, Willow Farm Cottage, Greystones Holmes Lane (x2), 4 Anderson, 2 Lincoln Road, 28 Lincoln Road, The Granthams

- amended drawing is a vast improvement on the previous one. Object to late night trading as will cause noise nuisance.
- Most of original comments remain – loss of building, impact on setting of listed building and footpath to the beck, improvement to design but just a pastiche
- No other pub in walking distance, village well served by retail outlets, inappropriate in centre of village, loss of post office
- Reiterate previous concerns regarding the demolition and replacement of the building, loss of public house and potential loss of post office

Dunholme Parish Council – No objections but concerned about potential loss of post office

St Chads Church – primary objection to development remains unchanged.

English Heritage – continue to object to the development through the loss of the building. They acknowledge that the design has changed but do not consider that the impact on the setting of the surrounding historic buildings can be replicated. While there is some scope for the limited demolition of the buildings to the rear the main building to the front should be retained.

Edward Leigh MP – Objects to development through loss of historic building and loss of important community facility. Also concerned about potential impact on other services and loss of post office.

Relevant Planning Policies:

National guidance

National Planning Policy Framework

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

West Lindsey Local Plan First Review 2006

STRAT 1 – Development requiring planning permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

CRT 4 – Protection of community post offices, convenience stores and public houses

<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm>

RTC 6 – Neighbourhood retailing

<http://www2.west-lindsey.gov.uk/localplan/written/cpt10.htm>

Other Policy

The Core Strategy

- Draft Partial Central Lincolnshire Joint Core Strategy (2012)
<http://www.central-lincs.org.uk/>

This document has been approved and will now be the subject of a public consultation exercise from 29th July to the 9th September with an examination in public expected in early 2014. While the policies will therefore carry more weight than previously, the weight is still somewhat limited as they are still the subject of challenge.

Main issues

- Loss of the public house
- Demolition of the building
- Principle of a retail use
- Design of the new building
- Impact on highway safety
- Impact on residential amenity
- Impact on flooding

Assessment:

Loss of the public house

The proposal involves the demolition of the public house and this needs to be assessed with reference to saved policy CRT 4 – Protection of community

post offices, convenience stores and public houses. This policy states that planning permission will not be granted for new development which would lead to the loss of a public house unless:

- a suitable and convenient alternative is available nearby or in a neighbouring settlement
- it can be satisfactorily demonstrated that the public house is no longer economically viable and that reasonable efforts have been made to market the property as a public house
- the proposed use would have significant alternative benefits for the local community

The building has previously been used as a public house but is now vacant. The property was placed on the market in October 2011. The tenant prior to the pub being placed on the market had indicated a desire to terminate after 1.5 years of a 5 year agreement. The property was purchased by the Lincolnshire Co operative society in November 2012. There were three tenants during the period the property was on the market, although at times the pub was closed and boarded up.

The new owners of the land and building subsequently submitted this planning application for a convenience food store to be erected following the demolition of the existing building on site.

In terms of assessment against policy CRT 4 it can be demonstrated that there is a thriving public house in the neighbouring settlement of Welton approximately 1500 metres away. The policy makes no assessment of what could be considered to be a suitable and convenient alternative. Clearly in this instance the nearby public house would need to be accessed in the car.

As the application has been submitted by the new land owners rather than the company that ran the public house there have been no figures submitted to demonstrate the viability or otherwise of the public house. However the property had been on the open market for 13 months and while it is difficult to draw conclusions from the limited information the fact that an alternative public house operator could not be found has to hold some weight in the decision making process.

The proposed use as a convenience store would also provide benefits to the local community in terms of the facility provided and the economic benefit of new jobs to the local economy. While comments have been made regarding the impact of the proposal on existing stores and the post office in the village the planning system can not address the issue of competition but instead it is considered that market forces will prevail.

Considerable objection has been received from the local community including the Save Dunholme Amenities Action Group regarding the loss of what they consider to be an important local facility. The Group have a vision for the site

which would incorporate the public house and provide a retail facility and feel that they as a community would be able to take the public house forward as a community run pub which would also include other facilities.

Discussions with the applicant to secure some community facility on the site, including the relocation of the post office, as well as the convenience store, have not been successful given the operational requirements, the size of the site and new regulations regarding the provision of post offices.

The application to be determined is therefore the one that is in front of you and given the length of time that the property was on the market and from this it would appear that there would be a lack of demand to operate a public house in this location it seems difficult to insist that the facility remain.

Loss of the building

Objection has also been received to the loss of the building itself. The building is not listed or in a conservation area and therefore could be demolished without the need for any planning permission. An application for prior approval would be required to be submitted but the only two issues to be considered on this application would be how the building was to be demolished and what state the land would be left in following the demolition. The principal of demolition could not be addressed.

The building though does have some merit in that it is located in the historic area of the village and contributes positively to the street scene. The consultation response from English Heritage reiterates this view and also considers that this building together with the village green and surrounding historic buildings forms a key part of the setting of the nearby Church of St Chad a listed building grade I. They consider that this building is a heritage asset and its loss of the building would be harmful to that setting and significance and therefore object to the development. The loss of the building needs to be assessed against policy in the National Planning Policy Framework and in particular paragraphs 131:

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The fact that the building is not a designated heritage asset and could be demolished without permission is significant, however the contribution that the building makes to the street scene of the area, and the setting of the grade I listed building needs to be acknowledged and borne in mind when considering the design of new development on the land, and carries some weight in the assessment process.

Principle of a retail use

Policy RTC 6 regarding neighbourhood retailing states that planning permission will be granted for new retail stores in towns and villages where:

- They are small scale and serve a local need only
- There are no unacceptable implications for nearby residential amenities by way of traffic, noise or odours
- Car parking spaces are provided where appropriate
- They are of a design and character which is reflective of local tradition and sympathetic to the local streetscape

The proposed convenience store has a proposed gross floor space of 422 square metres, this is considered to be of a sufficient size to meet a local need only. 21 car parking spaces have also been provided which is one further than already provided on site.

Comments have been made regarding the potential for the shop to meet a wider than local need only through the opening hours being until 11pm thereby attracting people who do not have such a local facility or passing trade from the A46. In reality though the facility will not be signposted from the A46 and while there may be a small amount of trade later at night, the nearest settlement of Welton does have its own Co-op facility.

The new building will also allow the opportunity to create 2 full time and 12 part time jobs. The National Planning Policy Framework supports the sustainable growth and expansion of all types of businesses in rural areas through the redevelopment of existing buildings and through the provision of well designed new buildings.

Criteria 2 and 4 will be considered below.

Design of the new building

The original design of the building proposed was a modern one, very similar to other new co op stores that had been erected in other villages. A number of objections were received to the design of the building and officers considered that the new building did not reflect the historic nature of the setting of the existing building and the design was not acceptable in the context of the site and the surrounding area.

Following discussions between the Case Officer and Conservation Officer and the applicant and their agent revised plans were submitted which propose a building that reflects the historic context. The building is located to the front of the site but has a larger foot print than the existing building. The front part of the building reflects the scale, gable width and plan form of the existing building on the site. It responds to the established built context and enables

the building to sit harmoniously in the street scene, maintaining the group value of the historic buildings in the area and mitigating the visual impact of the setting of the listed building. The rear part of the building is subordinate to the main front part with gables facing the beck to the rear.

The revised plans have been the subject of a further consultation and there have been two further responses. These are generally supportive of the revisions but continue to object on other grounds outlined above.

It is considered that the revised proposals are a considerable improvement over the original plans and if the principle of the loss of the public house and building are accepted then this new building will contribute positively to the character of the area and would not be detrimental to the setting of the listed building particularly given the substantial tree cover between the buildings.

Further comment has not yet been received from English Heritage.

Impact on highway safety

The proposed convenience store will replace an existing public house and provide an additional car parking space over and above the 20 available for the public house. It is considered therefore that the proposal would not have a significant impact on highway safety.

The highway authority made some comments regarding the original plans, requiring further detail on the access visibility and details of the turning provision for cars and exit radius for service vehicles. These details have now been submitted and the highway authority confirm they have no objections

Impact on residential amenity

The nearest residential properties that may be affected by this proposal are those at 3 and 5 Market Rasen Road. No 3 fronts Market Rasen Road and presents a blank gable elevation to the application site. No 5 is located to the rear of number 3 and has a side elevation facing the application site. Although this has windows it does not form a principal elevation. There is an access road to the houses between the houses and the public house forming a separation distance of 5.7 metres between the properties. The new building shares a similar foot print to the existing building to the front. While the new building does extend further within the plot this is staggered and set in 5 metres from the boundary and reducing in height to 2.7 metres to the eaves. The area between the building and the boundary would be planted to provide some relief to the brick wall.

It is considered therefore that the proposed building would not have an unduly harmful impact on the occupiers of the two properties 3 and 5 Market Rasen Road.

The operation as a convenience store would be proposed to 11pm. This is similar to the operating hours of a public house and therefore it would be

unreasonable to object on these grounds. It may be prudent though to secure a condition regarding the hours that service vehicles may visit the property given the proximity to residential properties.

In addition a condition could be added to ensure that noise levels are no more than 5Dba above the existing background noise levels to ensure that any refrigeration plant installed does not cause harm to the amenity of the residents

Impact on flooding

Although part of the site is within Flood zone 3 the proposed use is classed as being less vulnerable. The Environment Agency has therefore commented that as long as the development meets the standing advice then they have no objections.

The applicants have submitted a Flood Risk Assessment in support of their application that demonstrates that floor levels can be slightly increased to above that of the 1 in 100 year flood event plus climate change to avoid the potential for flooding. The FRA also includes adequate flood risk management measures.

Conclusion and reason for decision

This decision is very finely balanced. The NPPF argues both for the sustainable economic growth of rural economies but also seeks to promote the retention and development of community facilities such as public houses. In terms of the heritage asset and the impact on the historic area it is considered that the good positive design of the new building ensures that harm will not be caused to the streetscene and the setting of the listed building through the loss of the building itself. It also needs to be borne in mind that the building could be demolished at any stage without needing consent.

The weight that is given to the retention of the public house against the economic growth secured through the new use needs careful consideration. However it is considered that on balance, given the fact that the public house is not operational and a new user for such a use could not be found over the extensive marketing period and is no longer in the ownership of the brewery then the economic growth associated with the new retail facility outweighs the loss of the public house.

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission and STRAT 1 – Development requiring planning permission, CRT 4 – Protection of community post offices, convenience stores and public houses and RTC 6 – Neighbourhood retailing of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework. In light of the

above assessment, it is considered that on balance the proposal is acceptable subject to certain conditions. With the conditions in place, it is considered that the proposal will allow sustainable economic growth within the rural economy and the design of the building will maintain the historic character of the streetscene, residential amenity can be preserved, highway safety would not be endangered and potential for flooding would be mitigated against.

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, CORE 10 and RES 1

3. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following
 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the work.
 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework (2012).

4. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 3 of this permission at least 14 days before the said commencement. No variation shall take place.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

5. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 3 of this permission.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

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

6. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 1241-10a, 1241-12c, 1241-13a and 1241-14a 02 August 2013. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 Submitted with the application

7. The development shall be constructed in accordance with the requirements in the Flood Risk Assessment dated August 2013 submitted with the application

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006

8. Following the archaeological site work referred to in condition 3 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

9. The report referred to in condition 8 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site

work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

Conditions which apply or relate to matters which are to be observed following completion of the development:

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, STRAT 12 and CORE 10.

10. Service vehicles shall only access the property between the hours of 6.30 am and 8pm at any time

Reason: To protect the amenity of surrounding residential properties and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan (First Review 2006)

11. Noise levels from the operation of the retail unit shall be no greater than 5 DbA above the levels of background noise recorded in the noise report by Acoustic Associates dated March 2013.

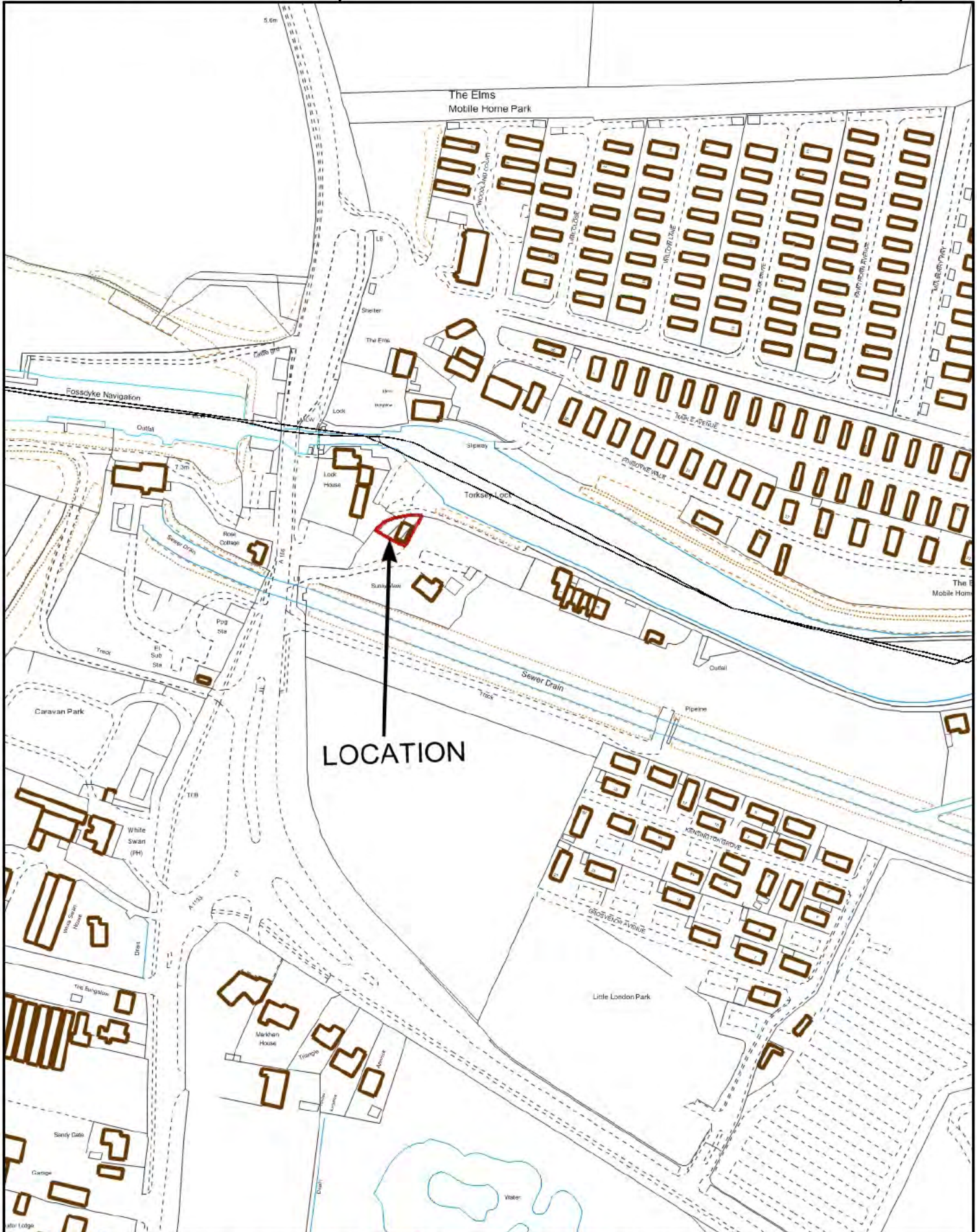
Reason: To protect the amenity of surrounding residential properties and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan (First Review 2006)

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report



Officers Report

Planning Application No: 130117

PROPOSAL: Planning application for change of use of former public convenience to photo studio/gallery including raising the existing eaves height and replacing the roof structure

LOCATION: Former Public Toilets Torksey Lock Torksey

WARD: Torksey

WARD MEMBER(S): Cllr J. Kinch

APPLICANT NAME: Mr C. Brownett

TARGET DECISION DATE: 12/08/2013

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Ian Trowsdale

RECOMMENDED DECISION: Grant planning permission

Description:

The planning application seeks to change the use of the former public toilets to a photo studio/gallery with alterations to the external appearance of the building. Internally the proposal is to make the ground floor into a photo studio/gallery with a small area for a kitchenette and seating and toilet. It is proposed to install a staircase to make use of part of the first floor as a small office/gallery area.

The external appearance will be altered to partly clad the existing walls with cedar boarding, create a screen and door and insert roof lights to light the mezzanine gallery/office.

The building measures 8.3m by 4.7m. It is derelict and has a simple utilitarian finish. The land around the building is fenced off and is overgrown. The building is constructed using buff bricks. The roof will be removed and replaced lifting the eaves level by 555mms giving a height to ridge to 5.9m

The site is located south of the Fosdyke Canal, east of the A156 and close to other buildings comprising the Lock House, Heritage Centre and Tearooms, and Torksey Lock and Footbridge (Grade II Listed Buildings). Close by is the Torksey Lock visitor public car park.

Access to the site is from the visitor car park.

The accompanying details with the application states that the applicant is a photographer living in Torksey village and wishes to locate and expand his current business. His business is photography commissions and art work production. The details go on to say that he has been searching for suitable affordable and available premises in the area for over a year.

Relevant history:

None relevant for this proposal

Representations:

Chairman/Ward member(s): No comments received

Parish/Town Council/Meeting: There are concerns that a photo/gallery will not be sustainable for the area. It is considered that a service for the boat owners would be more suitable for the locality – e.g. - Chandlery

Local residents: No comments received

LCC Highways: No comments received

Environment Agency: No objections subject to condition on any permission that the development is carried out in accordance with the Flood Risk Assessment.

Archaeology: No objections/comments to the proposal

Building Control: No comments received

Relevant Planning Policies:National guidance

The National Planning Policy Framework (NPPF) provides the national overview for planning policy and gives a presumption in favour of sustainable development. One of the key principles of the NPPF is that the planning system supports sustainable economic growth. In rural areas, the NPPF advises that planning decisions should aim to support prosperous rural communities in order to create jobs both through the conversion of existing buildings as well as well designed new buildings, by supporting such opportunities to expand tourism and visitor facilities.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

The Good Practice Guide on Planning for Tourism provides national advice on tourism recognising the value that tourism brings to local communities.

<https://www.gov.uk/government/publications/planning-for-tourism>

West Lindsey Local Plan First Review 2006

STRAT1 – Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT3 – Settlement Hierarchy

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT12- Development in the Open Countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

Main issues

- Planning Policy
- Impact of the development on the area
- Flood Risk

Assessment:**1. Planning Policy**

The NPPF and the Good Practice Guide for Tourism both give support in principle to development that can provide benefits to the local economy and expand small businesses. The building the subject of this application is vacant and an eyesore. The proposal to create a small business will not conflict with the presumption in favour of sustainable rural development.

The site is located outside the village of Torksey within an area defined as open countryside in the Local Plan. Local planning policies seek to restrict the development in the countryside unless there is an essential requirement to the needs of agriculture, horticulture, forestry, mineral extraction or other land uses which necessarily requires a countryside location or otherwise meets an objective supported by other policies contained in the Local Plan. In this case, the development is considered acceptable as it provides a facility to diversify the rural economy and allow employment and tourism opportunity.

2. Impact of the development on the area.

The proposal will make use of the vacant building. The alterations proposed will enhance the appearance and character of the area that has a number of tourism related uses and facilities. The small scale of the building is unlikely to generate significant numbers of additional car borne visits to conflict with the existing use of the public car park.

3. Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's indicative flood maps. This means that the site is at the highest risk of flooding. In this area, the Tidal Trent Flood Risk Management Strategy indicates typical flood levels of 6.9m AOD and 7.1 AOD for the 1% (or one in 100 years) and 0.5% (one in 200 years) annual probability breach in this location.

The refurbishment of the building for the proposed use will involve replacing the existing floor with a finished floor level of 7.2m AOD which is above the 1 in 200yr flood probability level. The Environment Agency has no objection to the development providing that the development is carried out in accordance with the Flood Risk Assessment including that the finished floor level is set no lower than 7.2m AOD, flood resilience techniques are utilised and a mezzanine floor is retained as a safe haven in case on an extreme flood event.

The use of the building is unlikely to result in any changes to surface water disposal from the site that would result in any additional risk to adjoining buildings and land.

Conclusion and reason for decision

The comments from the Parish Council are noted; nevertheless the proposed development would comply with national planning policy to use buildings to support economic growth in rural areas. Although other uses may well support users of the canal in this location, such a planning application is not being considered by the local planning authority. Each planning application has to be determined on its merits, not potential alternatives.

The proposal will make an acceptable use of the building that will enhance the tourism offer in the area and provide an opportunity for a local business to establish and expand. The alterations to the external appearance of the building will not result in any adverse impacts of the character and appearance of the area. As such the proposed development complies with the National Planning Policy Framework, the Good Practice Guide for Tourism and Policies STRAT1 – Development Requiring Planning Permission; STRAT3 – Settlements Hierarchy and STRAT12 – Development in the Open Countryside.

Recommended Decision

Planning Permission is granted subject to the following conditions:

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Reason: To conform to Section 91(1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None

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

2. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment compiled by TMArchitectural, particularly the following mitigation measures:
 - Finished floor levels are set no lower than 7.2m above Ordnance Datum (AOD),

- Flood resilience techniques utilised 0.5m above finished floor levels,
- A mezzanine floor provide for safe haven

The mitigation measures shall be fully implemented prior to occupation.

Reason: To reduce both the risk and impact of flooding to the proposed development and future occupants in accordance with Policy STRAT1 of the West Lindsey Local Plan First Review 2006 (saved policies) and the National Planning Policy Framework 2012 and the Technical Guidance to it.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:
 TMA/1041/01 – Existing and proposed Layouts
 TMA/1041/03 – Heritage Impact Assessment Plan
 And unreferenced detailed block 1 plan dated 01Mar13

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

Conditions which apply or relate to matters which are to be observed following completion of the development;

None

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report