



<b>DM.28 11/12</b>
<b>Development Management Committee</b>
<b>Date 2<sup>nd</sup> May 2012</b>

**Subject: Planning applications for determination**

Report by:	Director of Regeneration and Planning
Contact Officer:	Simon Sharp Development Management Team Leader 01427 676651
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 of the Scrutiny Procedure Rules apply?

Yes

No

**Key Decision:**

Yes

No

## Executive Summary

1. **Planning application for change of use of land to touring caravan park with 40 touring pitches, 20 tent pitches, storage for 62 touring caravans, a reed bed drainage system and associated facilities – including an amenity building containing shower and toilet facilities, reception area and small shop, laundry room and café-lounge with commercial kitchen**

**115 Brigg Road Caistor Market Rasen, Lincolnshire LN7 6RX**

**RECOMMENDED DECISION:** Grant Planning Permission subject to conditions.

2. **Planning application for the construction of 3 rural business units - Use Class B1-B8**

**Grices Yard, Lincoln Road, Fenton, Lincoln**

**RECOMMENDED DECISION:** That the decision to grant planning permission subject to the conditions detailed in this report be delegated to the Planning and Development Services Manager upon the expiration of the statutory publicity period subject to no representations being received raising issues not covered in this report.

3. **Planning application for change of use from storage yard to site for 8no. log cabins, proposed convenience shop and an increase in the number of touring caravans on site from 30 to 56.**

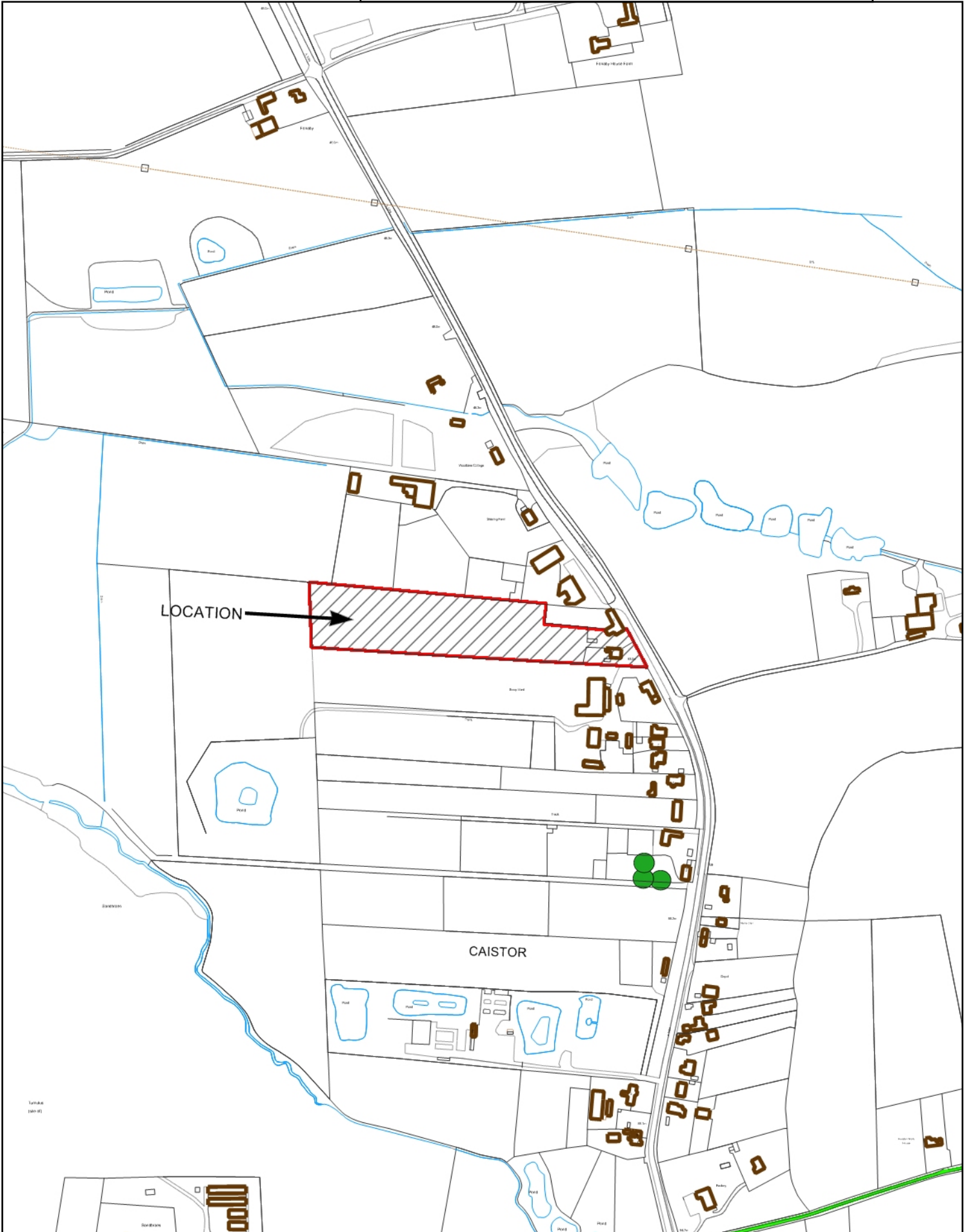
**"Watermill Farm Leisure Park", Station Road, Moortown, Market Rasen**

**RECOMMENDED DECISION:** That the decision to grant planning permission subject to the conditions detailed in this report be delegated to the Planning and Development Services Manager upon the expiration of the statutory publicity period subject to no representations being received raising issues not covered in this report.

4. **Planning application for removal of existing agricultural shed and replace with new proposed agricultural shed.**

**Manor Park Farm Rand Market Rasen**

**RECOMMENDED DECISION:** Grant Permission, subject to conditions



## **Planning Application No: 127804**

**PROPOSAL:** Planning application for change of use of land to touring caravan park with 40 touring pitches, 20 tent pitches, storage for 62 touring caravans, a reed bed drainage system and associated facilities – including an amenity building containing shower and toilet facilities, reception area and small shop, laundry room and café-lounge with commercial kitchen.

**LOCATION:** 115 Brigg Road Caistor Market Rasen, Lincolnshire LN7 6RX

**WARD:** Caistor

**WARD MEMBER(S):** Cllrs Alan Caine and Mrs Angela Lawrence

**APPLICANT NAME:** Mr and Mrs P Lodder-Manning

**TARGET DECISION DATE:** 19/01/2012

**DEVELOPMENT TYPE:** Large Major - Other

**CASE OFFICER:** Fran Bell

**RECOMMENDED DECISION:** Grant Planning Permission subject to conditions.

---

### **Description**

#### **Update**

This item was deferred from the Development Management Committee on 7<sup>th</sup> March 2012 so that a Committee Site Visit could take place on 22<sup>nd</sup> March 2012 and was further deferred following the 4<sup>th</sup> April meeting for the negotiation of further details regarding the boundaries, the screening of 117 Brigg Road and the caravans that had been removed from the plans.

A revised plan (Masterplan 11/1469/4J) has been received following negotiations. The changes are:

- Four caravans (three previously removed) moved from the boundary with 117 Brigg Road to the western end of Phase 1.
- Gaps in existing fence and hedge secured with sheep netting and stakes whilst hawthorn whips planted in two staggered rows establish.
- Planting areas B and C extended and planted with increased numbers of trees and shrubs (Area B increased from 31 trees to 45 trees and from 65 shrubs to 115 shrubs. Area C from 16 trees to 25 trees and from 28 shrubs to 75 shrubs.) Hawthorn hedge to be planted along the southern and eastern boundaries of 117 Brigg Road.
- Removal of 2.4m high fence from proposal around 117 Brigg Road following concerns expressed by neighbour and Members at the last meeting regarding the potential overshadowing effect of the 2.4m fence and the benefits it could provide.

The National Planning Policy Framework has come into force during the life of this application. The report has been amended to reflect this, except where others making representations have mentioned previous Planning Policy Statements and Guidance.

**Site** - The site comprises a chalet bungalow and detached garage, the garden for the dwelling and a long paddock to the rear. The entrance to the paddock is separate to that for the house and is via a gate to the north of the dwelling. The site is relatively flat being at the foot of the Wolds escarpment with various mature trees, hedges and fencing to the boundaries.

An Area of Great Landscape Value designation starts across the road to the east and covers the hillside. To the north is 117 Brigg Road, another dwelling, with the farmland from Shieling Farm abutting the northern boundary further to the west. To the south is a scrap yard, not in use currently and another dwelling. Fields extend beyond the western boundary. The site is on the fringe of Caistor, characterised by different styles of residential properties and various businesses, gradually thinning out towards the north.

**Proposal** - It is proposed to change the use of the paddock to a site for 40 touring caravans and 20 tents with storage for 62 caravans at the rear of the site. The storage area will be surrounded by a 2 metre tall bund with planting on it. Beyond this will be a reed bed drainage system. Waste from caravans will be dealt with via a separate closed system. An amenity building will contain shower and toilet facilities, reception area and small shop, laundry room and café/ lounge with commercial kitchen. It will be constructed of horizontal shiplap boarding in pale blue with a terracotta colour steel sheeting roof. A small car park area will be situated opposite the amenity building for caravans to wait while registration takes place. Revised plans and additional information, including a site management plan, were submitted during the application time.

### **Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011**

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

### **Relevant history**

Applications for the erection of the dwelling in the late 1960's and its further extension in 1988. Pre application discussions regarding this application.

## **Representations**

**Chairman/Ward member(s):** Cllr Alan Caine asked for the following to be considered:

- Extending deadline for neighbours
- Boundary treatment with sheep field to be secure
- Boundary treatment with neighbours generally
- TPO's on existing trees, particularly the mature ones
- Closeness of caravans to boundary in the application
- Drainage of site, particularly as it exits the Wolds edge and towards valley floor
- Access to / from Brigg Road
- Awareness of Brigg Road residents/ Town Council wanting to reduce speed limit
- Advantages/disadvantages of adjacent disused scrapyards (not with applicants/ vendors control)
- Lighting scheme – impinge on neighbours/ light pollution?
- If recommended for permission, suggests a strongly worded condition as to the months the site is open and a very definite closed/no visitor occupation period.

**Caistor Town Council:** Not opposed to 5\* caravan site but serious concerns over location and size of this application:-

- No supporting evidence for demand for the site
- Highways issues. Speed limit of 50mph regularly exceeded. Speed limit reduction refused by LCC Highways. Towing caravans take time to get up to speed – could cause accidents. No street lighting or footpath. Access to Viking Way via Hundon Walk – visitors will need to walk along road.
- Site is large strip of green belt between commercial properties
- Loss of privacy for residents of 117 Brigg Road
- Concern re nearby sheep farm
- Geology – high water table (clay under sand). Concern that treated water will go sideways rather than down and be left as standing water in fields – particularly of neighbouring sheep farm.
- Concerns re potential contamination from neighbouring scrap yard.
- Mature oak trees not included on plan
- No information on opening times daily and seasonally

If application proceeds ask that:

- Evidence of demand supplied
- Geology and contamination surveys conducted
- Discussion with Highways re points raised
- Trees assessed for TPOs.

If Caistor Town Council's view not upheld, ask for following conditions:-

- Restrictions on times of vehicle movement
- Seasonality eg 10 month opening within the year
- Lighting

**Local residents:** 25 objections, including from Brigg Road Residents Group, Caistor residents, the neighbours to the site, 2 from Normanby-by-Spital, 1 from Manby and from Leith Planning Ltd on behalf of Dr David McKinlay, 117 Brigg Road. Objections are on the following grounds (note that some of these comments relate to superseded plans):

- *Principle* - against Local Plan policies, not in a sustainable location. Development will tip acceptable balance between commercial and residential properties – could lead to more being allowed. Amenity building does not comply with PPS4 and sequential evaluation given out of centre location - Shop will negate need to shop in Caistor. Campers will also bring own food. No proven demand. Already two caravan sites in locality that are not full. No need for a third. No new jobs other than for applicant and family. Would be backland development.
- *Visual impact* - Appearance of approach to Caistor – proud of town centre. Caravan site not in keeping with attractive market town due to gates and signage. Ribbon development unsightly. More appropriate at coast or at Wolds Retreat. Site is in open countryside - development will detract from landscape character (Area of Great Landscape Value across road). Bunding around storage unnatural land form  
Will see caravan site from the Wold and Viking Way. This will spoil the views out across Lincolnshire.
- *Insufficient regard given to its ecology and biodiversity.*
- *Loss of agricultural land?*
- *Accessibility* - No access to Viking Way through farm on opposite side of Brigg Road.
- *Residential amenity* - Bins and chemical point close to neighbouring house as is car park, overbearing on neighbours. Lack of outdoor amenity space for caravan site. Hedges on north and south side have grown out and do not provide adequate screening. Fence on north side belongs to Shieling Farm, not 115 Brigg Road. Loss of privacy and enjoyment of garden/ summer house. Child will be seen by strangers. Noise will disturb child sleeping. Amenity building as hub of site less than 45metres from boundary. Loss of security – currently relies on garden being out of public site. Litter in garden. Dogs will disturb neighbours dogs. Smell from cooking. Noise report carried out during rush hour so ignores impact during quieter times – weekends and evenings.



- *Development will impact on human rights particularly right to privacy and family life and peaceful enjoyment of property.*
- *Trees* - Trees not shown on plan. Give tremendous landscape value. Should have Tree Preservation Orders (Willow at front now subject of TPO). No tree survey
- *Traffic* - Busy road with variety of vehicle types, including vulnerable horse riders and cyclists. Slow caravans will cause accidents. Accident would hit rear of car where small child sits. Speed limit regularly exceeded especially by motorcyclists. Only 270m into 50mph limit – tailgating a problem. Residents hoping to reduce speed limit. No street lighting or footpath. Cars at neighbouring property block visibility as does position between bends. Where will parking (other than as shown near amenity building) be on the site? No specific cycle parking proposed.
- *Waste* - No provision for recycling. More information needed re bin store and sewage plant
- *Animal welfare* - Sheep on neighbouring farm being affected by dog nuisance, rubbish, stray playing equipment and curious general public. Unfamiliar movements send sheep racing to other side of field – not conducive to flock welfare.
- *Could become travellers site.*
- *Pollution from adjoining scrap yard.*
- *Geology* – Site consists of fine sand overlying clay. Neighbours experience shows vehicles compact sand reducing drainage ability. Soon becomes waterlogged due to clay underneath. High water table evidenced by work in neighbours garden summer 2011.
- *Drainage / flood risk* - Fear that effluent from reed bed will not percolate downwards but will spread sideways polluting neighbouring properties and watercourses. Must not affect nearby fishing pond. Open land drainage ditch 125 metres down slope from reed bed and 75 metres, beyond this is chalk stream rising from a spring on the Wolds. Various other springs in locality. Testing done in very dry summer. Standing water is a problem on neighbouring site. Amenity building will generate large amount of waste water. Seek assurance that will not be surface water flooding due to increase in hard surfacing on site.

If granted consider mass tree planting, discreet tasteful signage, extend street lighting and footpath, control litter, move access road to other side of 115 Brigg Road (would need to remove garage), move facilities to behind rather than beside 117 Brigg Road,

**LCC Highways:** Requests the following to be achieved by condition

- Junction details with Brigg Road.
- Frontage footway required to link to existing footway on Brigg Road to provide safe pedestrian link into Caistor.
- A 2.4 by 160 metre visibility splay required and should be detailed on layout plan.

**Environment Agency:** No objection but points out that a permit will be needed (NB granted 22<sup>nd</sup> December 2011) from Environment Agency to discharge final effluent from reed bed. The waste from chemical toilets must be kept separate as the chemicals would kill off the bacteria in the plant.

NB. Applicant confirms it will go to holding tank to be tankered off site. Site operators must ensure visitors comply with this system.

**WLDC Regeneration:** Support application.

- The provision of tourist accommodation is an important element for future development within the district, particularly establishments with emphasis on quality which will add value to tourism product.
- There are limited quality caravan sites in District and particularly in Caistor area so development can only assist in bringing further tourists into West Lindsey.

**WLDC Environmental Protection:**

- Requests noise report to include noise impact assessment and details of proposed mitigation measures. Can be conditioned (Noise report subsequently submitted)
- Need confirmation that motor home station will have separate system for chemical waste. (Now received)
- Add a contaminated land condition due to the potential for contaminants from the scrap yard to the south to include action on any mitigation measures.
- Condition extraction details for kitchen.

**WLDC Environment Officer (Landscaping)** – No objection to the proposed landscaping planting and all supporting information relevant to the planting scheme has been provided. Tree species are all natives and will provide a range of sizes, shapes and crown densities. Shrubs are a mix of natives and ornamentals with some evergreen and will provide a good mix of sizes and densities. Proposed tree sizes small but this size establishes better especially on sandy soil and are less likely to die after planting. The landscaping scheme will take a year or two to become established and will have to grow and develop over further years before they will provide adequate screening.

**LCC Archaeology:** No further archaeological input required.

## **Relevant Planning Policies:**

### **Development Plan**

- **East Midlands Regional Plan 2009**

Policy 42 – Regional priorities for tourism

[http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

- **West Lindsey Local Plan First Review 2006 (saved policies)**

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>.

STRAT19 – Infrastructure Requirements

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

SUS1 – Development Proposals and Transport Choice

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm>

RTC9 – Restaurants and Cafes, Drinking Establishments and Hot Food Takeaways

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

NBE10 Protection of Landscape character and Areas of Great Landscape Value.

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

NBE14 – Waste water disposal

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

NBE18 – Light pollution

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

NBE19 – Landfill and Contaminated Land

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

NBE20 – Development on the Edge of Settlements

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

SPG to above – The West Lindsey Countryside Design Summary 2006

[http://www2.west-lindsey.gov.uk/upload/public/attachments/599/SPG\\_Adopted\\_Countryside\\_Design\\_Summary.pdf](http://www2.west-lindsey.gov.uk/upload/public/attachments/599/SPG_Adopted_Countryside_Design_Summary.pdf)

[NB Policies SUS8, SUS10, ECON3, CRT16 and RTC7 mentioned in the submission by Leith Planning Ltd were not saved and so do not form part of the Development Plan]

## Other policy and relevant considerations

- The National Planning Policy Framework (2012)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>
- Good Practice Guide on Planning for Tourism (2006)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/151753.pdf>
- United Kingdom Tourism Survey (UKTS) for the East Midlands (2007)  
[http://www.visitengland.org/Images/UKTS%202007%20-%20East%20Midlands\\_tcm30-19442.pdf](http://www.visitengland.org/Images/UKTS%202007%20-%20East%20Midlands_tcm30-19442.pdf)
- Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009)
- Circular 3/99 Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development.  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147582.pdf>

## Main issues

- Principle
- Traffic Impact
- Economic Impact
- Neighbouring amenity
- Landscape Impact
- Environmental Impact – noise, smell, contaminated land.
- Drainage / Flood Risk

## Assessment:

**Introduction** - The description of the application was amended to more fully describe the proposal. All those who had made representations were informed of this. Following receipt of additional information, officers consider that the Council have sufficient information to reach an informed decision.

For the avoidance of doubt, this assessment does not consider the area within the application site shown as phase 2. Any application in the future for Phase 2 will be considered on its merits at the time and a condition is considered necessary to define the areas under consideration.

**Principle** - The site is in the open countryside where development is restricted. However, it is considered that the character of the area is part of the northern edge of Caistor with a mix of commercial and residential properties and should be considered as part of the town.

Tourism is an important part of the economy of the District. However, camping is limited, as evidenced by The United Kingdom Tourism Survey (UKTS) for the East Midlands (2007) which shows overnight stays in this sector are a small fraction of the total. A County Council commissioned market research report on Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009) found that Lincolnshire is attracting the older independent minded leisure visitor who like their holidays at a more relaxed pace and don't enjoy really busy resorts. They do value the personal service they receive at smaller and more independent accommodation sites and tend to go for holidays in more rural locations. The report also found that one disadvantage Lincolnshire has is that scenery is important for rural holidays and the scenery is not seen as being impressive in Lincolnshire, so the product offer and the activities that are available need to be enhanced to give people a reason to visit.

The NPPF supports sustainable rural tourism which benefits businesses in rural areas, communities and visitors, and which respects the character of the countryside. This includes the provision of new facilities in appropriate locations where identified needs are not met by existing facilities (para 28). It also recognises the importance of statutorily designated landscapes such as the AONB (chapter 11). Whilst there are other caravan sites in the area, neither of them are 5\* or attracting the same market. This site will be screened from the road by existing buildings and the amenity building is small in scale and will not be seen from the road.

The Good Practice Guide on Planning for Tourism has not been superseded by the NPPF and recognises the economic benefits of tourism and the supporting role it provides in rural areas. Where the landscape is the attraction, it is considered that tourism can help sustain the local environment. Developments need to be located where they are accessible to visitors, where they will not have an adverse impact on sensitive environments, will be attractive to visitors and use natural resources in an efficient manner.

Given the location of the site opposite an Area of Great Landscape Value and within easy reach of The Lincolnshire Wolds AONB, the local landscape character is impressive and is an attraction in its own right for visitors along with the town of Caistor. The applicants are aiming the marketing of the site at the more mature visitor with a focus on local produce, excellent service and providing a quiet, relaxing site. This fits in with the demand from the current visitor profile.

This development is located on an A class road on the edge of a town. Whilst it will extend further back than the majority of the development in the immediate locality, it will be screened from the road and will be seen in context with other development when viewed from long distance paths such as The Viking Way. It is not backland development as it is on the paddock behind the house and not within the garden.

In terms of need, there are two other sites in the area, one at Caistor Fisheries for 10 touring caravans and 4 static caravans and a static caravan

site further out of town known as Wolds Retreat. However, neither of these caters for the same market and planning cannot control commercial competition and cannot refuse an application on grounds of other sites not being commercially successful. It is not considered that the addition of this caravan site will lead to an over concentration of this type of tourism accommodation in the locality.

Concern has been raised that the shop will prevent those staying at the site from shopping in Caistor and the wider area. However, this will only carry basic supplies such as bread and milk together with emergency spares for caravans and caravan toilet chemicals. It will be necessary for holiday makers to shop in the town and the applicants intend to promote the facilities available in Caistor. The site facilities will be limited to holiday makers at the site only to ensure that there is no adverse impact on the local economy and to ensure that the vitality and viability of the town centre is not affected in accordance with chapter 2 of the NPPF.

The amenity building is of an appropriate scale to the size of the site and its facilities can be restricted to use by holiday makers at the site only, making sure that the facilities remain ancillary to the main use.

The paddock has rough grass and bracken, is grade 3 and is not considered to be prime agricultural land.

**Sustainability and highways** - It is thought that the majority of users will first arrive at the site by car (many towing their caravan). Once at the site, it is acknowledged that the town centre is beyond the reasonable walking distance cited by DfT (300m-400m). However, there are few if any sites, which are considered appropriate and available, nearer to the centre and the site is near to the Viking Way . A pavement runs for much of the required length but a condition is considered necessary to ensure that the missing section is completed before the first use of the site.

A plan showing how two cars towing caravans can pass each other at the entrance without straying onto the opposite carriageway has been submitted. Visibility splays of 160metres by 2.4metres can be achieved in both directions and the gates will be 13 metres back from the edge of the carriageway, allowing a car with a caravan to be clear of the road. Whilst it is noted that the entrance is between two of these bends, given that all of the requirements of the Highways Officer can be met, it is not considered that caravans using the site will cause additional traffic hazard to the detriment of other road users.

There is a small car park proposed near the amenity building for parking during booking in and for any deliveries. Otherwise, cars will park next to the caravans on the site. There will be no parking on the highway verge.

The road way around the site will be made from 10mm grey granite chips, the same as used by the Highway Authority to top off public roads. They do not spread, are laid in a thinner layer than standard gravel and produce little or no

noise. As it is an unbound surface it allows natural drainage, slows the vehicular traffic and is softer in appearance than a hard surface.

**Neighbouring amenity** - It is noted that 117 Brigg Road is in close proximity to the site and that these neighbours have raised objections to the application. However, during the life of this application, further information has been submitted and plans revised. Four caravans have been moved from the rear of 117 Brigg Road and have been relocated at the other end of Phase 1. The planting areas have been increased and will include tree planting of ash, birch, field maple, holly and rowan which will further screen the caravan site from view. The landscaping has responded to comments from the Council's Environment Officer.

The bin store, motor home service point and sewage system have been moved further from the property. These measures will lessen the impact on the neighbour to an acceptable level.

The proposed management policy which has been submitted for the park proposes to limit the opening times in terms of facilities to 8 am to 10pm in the summer season and 9am to 8pm in the winter. Such hours could be the subject of a planning condition if deemed necessary, which given the residential dwellings in the vicinity is considered to be the case here. The same policy states that excessive noise from radios, televisions and stereos will not be tolerated and that there should be no noise between 11pm and 7am. Such restrictions could not be the subject of a planning condition due to the lack of enforceability.

A noise report was also submitted during the course of this application upon request of the case officer. It is noted that the readings were taken at 8.30am, when it would be reasonable to expect slightly more traffic noise from the road. The report also noted the noise from the nearby repair shop and MOT centre. The noise report notes that acoustic fencing along the boundary with 117 Brigg Road would not make a significant reduction in noise.

The kitchen filtration and extraction details are the subject of a condition and this will minimise the risk of smells from the commercial kitchen affecting neighbouring properties.

The location of the bins has been moved away from 117 Brigg Road. The chemical toilet emptying point and sewage system are also on the other side of the park. These will not emit smells as they are sealed systems.

**Landscape Impact** - Concern has been raised about long distance views of the site from the AGLV, the AONB and The Viking Way, a long distance footpath that follows the hill opposite the site. However, the site is in an area which has a commercial character. The case officer has walked the relevant section of The Viking Way. Views of the site are limited from the path between Canada Lane and Hundon Manor where the site will be seen in context with other development. The view diminishes as the path drops down

to Hundon Manor opposite the site. Views looking back to the site from Fonaby House Farm are limited to the existing buildings and trees at the front.

The plan now shows the location of the mature trees. The Environment Officer has suggested that the boundary hedges be reinforced with additional planting and some further tree planting to soften the impact of caravans. This is now shown on the revised plan.

The masterplan shows a landscaping scheme including dividing hedges of hawthorn with hornbeam. At the entrance and around the boundaries more trees will be introduced. Further landscaping, including additional trees have been shown on the revised plan.

A condition requiring that there be no lighting other than as shown on the plan (low level and low wattage) is also considered reasonable given that the site location

**Contamination** - The adjacent site to the south has been used as a scrap yard. At the present time this is not in operation but could start up again. Concern has been expressed about the potential of contaminants both air and ground borne on the application site. To ensure that there is no risk, a contaminated land report will be required and any findings acted upon before the caravan site is brought into use. This will be conditioned as part of the consent.

### **Drainage / Flood Risk**

- *Fluvial flooding* – The site is within Flood Zone 1 as defined by the Environment Agency's Flood Zone Maps, the zone at least probability of flooding and therefore the sequentially most preferable (as detailed in PSS25).
- *Foul drainage* - There is no mains drainage to this part of Caistor and therefore it is not practicable to connect to a system as preferred by Circular 3/99. The preferred alternative is a package treatment plant rather than septic tank. It is proposed that foul water from the amenity building will be routed to a package treatment plant and then onto a reed bed at the rear of the site. The discharge to the reed bed is already high quality, clear and odourless. The reed bed is required to remove the Phosphate before discharging back into the watercourse. The Environment Agency has issued a permit for this to take place. The reed bed has a 24 hour retention time.

The chemical toilets are to be emptied into a dedicated emptying point. This system is sealed and kept totally separate from the reed bed system as the chemicals would destroy the bacteria necessary to filter the water.

- *Surface water drainage* – Best practice, echoed in the sustainability principles enshrined in PPS25, advises that surface water should be



dealt with on site through open attenuation and percolation. It is proposed that surface water will be discharged into soakaways with some rainwater harvesting from the ancillary building. It is noted that concerns have been raised about the underlying geology and that the area is known to have underground springs. However, it is also known that there are pockets of sand in the area, this site being one of them. When the percolation tests were carried out as part of the Environment Agency Permit application for the foul drainage, it was discovered that the land has a very low retention factor. The Environment Agency has therefore required the inclusion of retention material in the reed bed to allow it to filter properly. Given these findings, it is considered that surface water should drain away adequately, even in heavy rain. The implementation of the proposed method can be secured by condition.

### **Conclusion and reasons for decision**

The application has been considered against the Development Plan particularly Policy 42 – Regional priorities for tourism of the East Midlands Regional Plan 2009 and saved policies STRAT1 – Development requiring planning permission, STRAT12 – Development in the open countryside, STRAT19 – Infrastructure Requirements, SUS1 – Development Proposals and Transport Choice, RTC9 – Restaurants and Cafes, Drinking Establishments and Hot Food Takeaways, NBE10 – Protection of Landscape Character and Areas of Great Landscape Value, NBE14 – Waster water disposal, NBE18 – Light pollution, NBE19 – Landfill and Contaminated Land and NBE20 – Development on the Edge of Settlements of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These considerations include the National Planning Policy Framework (2012), the Good Practice Guide on Planning for Tourism (2006), the United Kingdom Tourism Survey (UKTS) for the East Midlands (2007), Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009) and Circular 3/99 Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development. In light of the above assessment the proposals are considered acceptable for the following reasons.

The site is on Brigg Road, characterised by a mix of housing styles and commercial development. The caravans will be set back from the road behind the existing residential property. With suitable conditions, it is considered that the amenity building provides facilities commensurate with the size of caravan park but ancillary to it. It is not prime agricultural land. The foul drainage is considered acceptable with the final filtration through a reed bed and the Environment Agency has issued the permit for this to take place. Percolation tests have shown that ground conditions will accept surface water via soakaways.

**Recommendation** Grant planning permission subject to 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 take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environment Agency and the Environmental Health Manager in accordance with West Lindsey Local Plan First Review policy STRAT1 and the National Planning Policy Framework (2012).

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

3. The development shall not be carried out otherwise than in accordance with the amended masterplan 4J received 10<sup>th</sup> April 2012 and this permission excludes the land annotated as phase 2 on the same said plan.

Reason: To define the terms of the planning permission for the avoidance of doubt and to ensure an acceptable quality of design/avoid the development having an adverse impact on the living conditions of the neighbouring dwellings in accordance with West Lindsey Local Plan First Review policy STRAT1 and the National Planning Policy Framework (2012).

4 Before the commercial kitchen is brought into use the extraction and filtration system detailed in the agents email of 14<sup>th</sup> February shall be installed and shall include an active charcoal filter. This shall be maintained in accordance with the manufacturers instructions and retained thereafter.

Reason: To safeguard the residential amenities of nearby residents in accordance with West Lindsey Local Plan First Review policy STRAT1 and the National Planning Policy Framework (2012).

5 The fencing around the rear garden of 117 Brigg Road shall be installed before works commence on site and thereafter retained

Reason: To safeguard the residential amenities of this property in accordance with West Lindsey Local Plan First Review Policy STRAT1 and the National Planning Policy Framework (2012).

6 The revised access shown on drawing no. 7 Entrance Details received 19<sup>th</sup> January 2012 shall be implemented before the first use of the development hereby approved and thereafter retained.

Reason: In the interests of highway safety in accordance with West Lindsey Local Plan First Review June 2006 policy STRAT1 and the National Planning Policy Framework (2012).

7. The footpath across the frontage of the property as detailed on drawing no. 7 Entrance Details received 19<sup>th</sup> January 2012 shall be implemented before the caravan site is first used.

Reason: In the interests of sustainability and highway safety in accordance with West Lindsey Local Plan First Review June 2006 Policy STRAT1 and the National Planning Policy Framework (2012).

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

8. The caravans and tents within the area marked cross hatched on the approved plan Masterplan 4J received 10<sup>th</sup> April 2012 shall be occupied for holiday purposes only

Reason: To ensure that the holiday accommodation is not used for permanent residential occupation which would be inappropriate in this unsustainable location where residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit for the rural economy in accordance with policy STRAT1 of the West Lindsey Local Plan First Review June 2006, The Good Practice Guide on Planning for Tourism and the National Planning Policy Framework (2012).

9. The caravans and tents within the area marked cross hatched on the approved plan Masterplan 4J received 10<sup>th</sup> April 2012 shall not be occupied as a person's sole, or main place of residence.

Reason: To ensure that the holiday accommodation is not used for permanent residential occupation which would be inappropriate in this unsustainable location where residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit for the rural economy in accordance with policy STRAT1 of the West Lindsey Local Plan First Review June 2006, The Good Practice Guide on Planning for Tourism and the National Planning Policy Framework (2012).

10. The operators shall maintain an up to date register of the names of all occupiers of the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the holiday accommodation is not used for unauthorised permanent residential occupation in accordance with policy STRAT1 of the West Lindsey Local Plan First Review June 2006, The Good Practice Guide on Planning for Tourism and the National Planning Policy Framework (2012).

11. The amenity buildings marked "X" (which exclude the toilet and shower facilities) on the approved Masterplan 4J received 10<sup>th</sup> April 2012 shall not be used outside of the following times:-

08:00 to 22:00 Mondays to Sundays

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with West Lindsey Local Plan First Review Policy STRAT1 and the National Planning Policy Framework (2012).

12. The shop on site shall be restricted to users of the caravan park only.

Reason: To ensure that the facility remains ancillary to the main use as a caravan park and does not have an adverse impact on the economic viability of Caistor in accordance with policy STRAT1 of the West Lindsey Local Plan First Review June 2006 and the National Planning Policy Framework (2012).

13. The café on site shall be restricted to users of the caravan park only.

Reason: To ensure that the facility remains ancillary to the main use as a caravan park and does not have an adverse impact on the economic viability of Caistor in accordance with policy STRAT1 of the West Lindsey Local Plan First Review June 2006 and the National Planning Policy Framework (2012).

14. The tents and caravans shall be restricted to the space known as Phase 1 as shown on the Masterplan 4J received 10<sup>th</sup> April 2012.

Reason: To define the terms of the planning permission for the avoidance of doubt and the National Planning Policy Framework (2012).

15. The landscaping scheme detailed on Masterplan 4J dated 10<sup>th</sup> April 2012 together with the additional planting details in the agents email dated 14<sup>th</sup> February 2012, shall be carried out in the first planting and seeding season following the occupation of the caravan park 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 occupiers of adjacent buildings and land and in accordance with West Lindsey Local Plan First Review policy STRAT 1 and the National Planning Policy Framework (2012).

16. There shall be no additional external lighting other than in the positions shown on Masterplan 4J received 10<sup>th</sup> April 2012.

Reason: To prevent the obtrusive spread of light over a large area in the interest of visual amenity in accordance with West Lindsey Local Plan First Review Policies STRAT1 and NBE18 and the National Planning Policy Framework (2012).

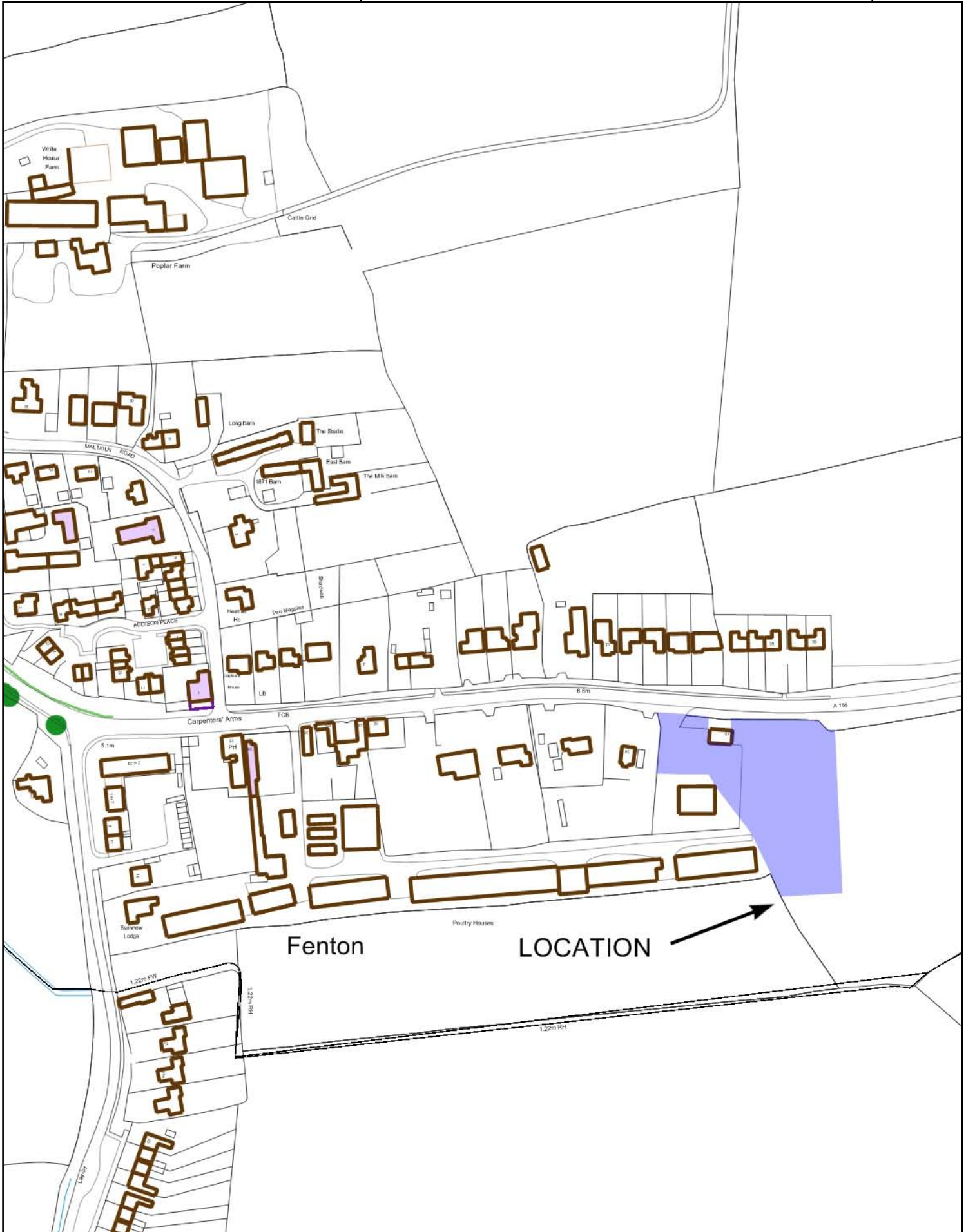
17. Any caravans stored within the caravan storage area marked hatched on the approved plan Masterplan 4J received 10<sup>th</sup> April 2012 shall not be used for residential occupation whilst located within the site.

Reason: To ensure that the stored caravans are not used for permanent residential occupation which would be inappropriate in this unsustainable location where residential occupation can only be

supported in this instance in conjunction with a tourism use for the benefit for the rural economy in accordance with policy STRAT1 of the West Lindsey Local Plan First Review June 2006, The Good Practice Guide on Planning for Tourism and the National Planning Policy Framework (2012).

**Notes to the Applicant**

The applicants are advised to contact the Area Network Office (01552 553084) prior to commencing work for permission to carry out work on the adopted highway and for advice and assistance in carrying out the works.



## **Planning Application No: 128151**

**PROPOSAL:** Planning application for construction of 3 rural business units

**LOCATION:** Grices Yard Lincoln Road Fenton, Lincoln, Lincolnshire LN1 2EP

**WARD:** Torksey

**WARD MEMBER(S):** Councillor Stuart Kinch

**APPLICANT NAME:** Mr Stuart Kinch Kinvena Homes

**TARGET DECISION DATE:** 23/03/2012

**DEVELOPMENT TYPE:** Small Major - all others

**CASE OFFICER:** Kirsty Catlow

**RECOMMENDED DECISION:** That the decision to grant planning permission subject to the conditions detailed in this report be delegated to the Planning and Development Services Manager upon the expiration of the statutory publicity period subject to no representations being received raising issues not covered in this report.

---

### **Introduction:**

This application is presented to the Development Management Committee for determination as the applicant is an elected Member of West Lindsey District Council.

### **Application Description:**

The application seeks full planning permission for 3 two storey business units (B1 - Business / B8 – Storage and distribution) together with associated car parking and servicing areas and a 10m wide landscape planting strip along the eastern boundary. Units 1 and 3 will measure 396 sq m and unit 2 will measure 323 sq m. All 3 units will measure 5.3m to the eaves and 8.3m to the pitch.

A revised application site boundary (reducing the extent of the application site to the south), a revised Planning Statement and Flood Risk Assessment were submitted on 16<sup>th</sup> April 2012.

### **Site Description:**

The application site is located on the eastern edge of the settlement of Fenton. Fenton is located on the A156, the main route between Gainsborough and Lincoln. To the north and west of the site are residential properties and to the south west are a number of intensive livestock units.



The wider area is characterised by flat open fenland which contains large modern agricultural sheds and established caravan parks at Torksey Lock.

An existing access to the site off the A156 would serve the proposed development. This access currently serves a storage/workshop building and office/workshop building immediately adjacent to the application site and within the applicant's control.

The northern boundary of the site with the A156 comprises of a tall unmaintained hedgerow, the southern and eastern boundaries are open and the western boundary with the adjacent residential property comprises of a low hedge and fence.

The initial part of the site is hard surfaced and the remainder of the site is rough grassland. The site is between 0.5 and 1m lower than the A156.

### **Site Constraints:**

The site is located on the edge of Fenton and is unallocated on the Local Plan. Officers are of the view that despite part of the site having authorised use for outdoor storage, it appears separate from the main built up area of the village to the north and west and is therefore considered to be located within the open countryside.

In terms of flood risk the site is located within Flood Zones 2 and 3a on the Environment Agency's Flood Risk Maps.

On the West Lindsey Landscape Character Assessment, the site is located within the Trent Valley. In terms of landscape sensitivity the assessment states that views are generally contained by tall hedgerows, woodlands and tree groups, giving the landscape some capacity to accommodate change. One of the most sensitive parts of the landscape identified is the village entrances which are frequently marred by linear development along adjacent main roads.

### **Relevant history:**

127037 – Pre-Application enquiry for the erection of three 2 storey office buildings. A site meeting was undertaken and advice provided on the principle of the development, flood risk and visual impact.

M01/P/1053 – Planning permission to allow 3 metre high open storage on the site (associated with the business of the adjacent land) on the northern half of the site was granted in April 2002.

98/P/0305 – Planning permission for an office building was granted in June 1998.

**Representations:**

**Chairman/Ward member:** No comments received to date.

**Fenton and Torksey Parish Council:** Raised the following concerns;

- Support the residents objections
- Site is Greenfield land
- Industrial units are not appropriate in this village location and will harm visual amenities
- Information on future users is vague

**Local residents:** A petition and two letters of representation have been received from local residents, objecting to the application on the following grounds;

- Associated traffic will be unacceptable in rural village in terms of noise and highway safety
- Proposed buildings, vehicles and outdoor storage will harm views from residential properties opposite
- Height of buildings are excessive and their design does not reflect the character of the area
- Drainage and flood risk
- Presence of power lines
- Extends development onto Greenfield land
- Unsustainable location, access by private car not public transport
- Proposed end users are not appropriate in a rural area
- Construction
- Security

**LCC Highways:** No objections, subject to a condition requiring the parking, turning and vehicles manoeuvring areas to be provided and kept free from obstruction.

**Tree Officer:** A 10m wide landscaping strip will provide very good screening and is wide enough to incorporate a selection of native trees and shrubs of varying sizes, details of which should be provided together with a maintenance plan. Subject to the soil quality in the area, faster growing species such as Silver Birch, Common Alder, Wild Cherry and Scots Pine and Common Lime should reach 8m in about 10-12 years.

**Environment Agency:** Confirm that the Flood Risk Assessment is in accordance with the national technical guidance on flooding. They raise no objections to the proposal providing it meets the sequential test and a condition is attached relating to finished floor levels.

**LCC Archaeology:** No objections.

**WLDC Economic Development:** No objections.

**WLDC Environmental Protection:** The site is located within 250m of an area of potential contamination and a note should be attached to any approval.

**Upper Witham IDB:** No response to date.

### **Relevant Planning Policies:**

#### **The Development Plan**

##### **East Midlands Regional Plan**

Policy 3 Distribution of New Development

[http://www.leics.gov.uk/east\\_midlands\\_regional\\_plan2.pdf](http://www.leics.gov.uk/east_midlands_regional_plan2.pdf)

Policy 18 Regional Priorities for the Economy

[http://www.leics.gov.uk/east\\_midlands\\_regional\\_plan2.pdf](http://www.leics.gov.uk/east_midlands_regional_plan2.pdf)

Policy 24 Regional Priorities for Rural Diversification

[http://www.leics.gov.uk/east\\_midlands\\_regional\\_plan2.pdf](http://www.leics.gov.uk/east_midlands_regional_plan2.pdf)

##### **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 Open Countryside

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

CORE 10 Open Space and Landscaping within Developments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm>

NBE 10 Protection of Landscape Character in Development Proposals

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

NBE 14 Waste Water Disposal

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

NBE 17 Control of Potentially Polluting Uses

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

#### **Other relevant policy, guidance and material planning considerations**

**National Planning Policy Framework 2012**

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

**Technical Guidance to the National Planning Policy Framework**

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2115548.pdf>

### **Main issues**

- Principle of Development
- Impact on Character, Appearance and Visual Amenities of Area
- Impact on Flood Risk and Drainage
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Issues

### **Assessment:**

#### **Principle of Development**

Fenton is classed in the settlement hierarchy of the Local Plan as a small rural settlement; a village with only a very small number of facilities, however the site is located on the A156 which links Gainsborough to Lincoln.

The site is located on the edge of Fenton and is unallocated on the Local Plan. Officers are of the view that despite part of the site having authorised use for outdoor storage, it appears separate from the main built up area of the village to the north and west and is therefore considered to be located within the open countryside.

Policy STRAT 12 of the Local Plan, which is a prohibitive policy controlling development in the open countryside, allows development which meets objectives supported by other plan policies.

Guidance contained within the National Planning Policy Framework (NPPF), which is a material consideration in determining planning applications, introduces a presumption in favour of sustainable development through seeking to build a strong economy, support vibrant communities and protect the environment.

Paragraph 19 states; 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'

Paragraph 25 relates to the sequential approach which is applied to main town centre uses, it states; 'This sequential approach should not be applied to applications for small scale rural offices or other small scale rural developments.' Although there is no definition in the NPPF of what is classed as 'small scale'.

Paragraph 28 supports a prosperous rural economy, it states that economic growth in rural areas in order to create jobs and prosperity should be supported, including the sustained growth and expansion of all types of businesses in rural areas including well designed new buildings.

Additional information has been provided detailing the existing local businesses who are intending to occupy the units once they are completed. One unit will be occupied by the sites existing tenant and The John Kinch Group (and/or their suppliers) who are currently based at Torksey will occupy the other two units. The proposal will allow two existing local business to expand whilst remaining in the local area. The application forms states that the development will create a minimum of 12 jobs.

Given both the national and local policy support for economic growth and job creation, this carries significant weight in the determination of this application. Whilst the site is not located in a highly sustainable location it is on the main trunk route linking Gainsborough and Lincoln, and guidance contained within the NPPF supports small scale development in rural areas which may not necessarily be readily accessible by public transport. Furthermore the applicant has provided information relating to two existing businesses located in Fenton and nearby Torksey who are expanding and in need of premises in the local area.

Given the strong policy support for economic development in rural areas, and that a local business need has been demonstrated, this justifies allowing industrial development in this particular open countryside location.

#### *Impact on Character, Appearance and Visual Amenities of Area*

The settlement of Fenton is characterised by residential properties and small scale agricultural buildings, with the wider area comprising of open agricultural land.

Given the open nature of the surrounding area the two storey industrial buildings measuring 8.3m in height have the potential to appear prominent in relation to their surroundings, particularly when travelling from the east along the A156.

Paragraph 187 states; 'Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'

In order to mitigate any impact on the surrounding open countryside, the plan includes the provision of a 10 metre landscaping strip along the eastern boundary. Conditions could be attached to any approval requiring the details of this planting strip to be submitted for approval and planted in the first planting season following the occupation of the development. Subject to

securing the correct type, size and mix of trees together with a maintenance scheme, this landscaping strip would provide adequate screening of the 8.3m high units after approximately 10-12 years.

In terms of materials, the walls would be part constructed of brick and part stained timber boarding, with colour coated profiled metal sheeting to the roofs. A condition could be attached to any approval requiring the final colour finishes of the stained timber walls and the coated metal sheeted roofs to be submitted for approval to ensure that the final colour finishes help to assimilate the buildings into their open countryside surroundings whilst the landscaping is becoming established.

The agents have submitted additional information explaining the design concept for the units. Whilst they are being constructed with a particular end user in mind, they have been designed to be flexible and suitable for a wide range of end users, and this will secure their use in the long term.

As a result, whilst the size, scale and design of the units do not necessarily reflect existing development within the immediate area, weight is attached to the flexibility of their design in terms of maximising potential end users. Subject to materials and landscaping conditions it is not considered that the units will be significantly harmful to the character or visual amenities of the area.

In order to ensure a high quality environment is created and the visual amenities of the surrounding area are protected it is also considered necessary to prevent by condition materials and equipment from being stored outside the units.

### **Impact on Flood Risk and Drainage**

The site is located within Flood Zones 2 and 3a. The proposed business units are classed as 'less vulnerable' in Table 2 of the Technical Guidance to the National Planning Policy Framework. Table 3 of this technical guidance confirms that such uses are appropriate development in Flood Zones 2 and 3a. It is not therefore necessary to apply the sequential or exceptions tests.

Following consultation with the Environment Agency, they raise no objections to the proposal, subject to a condition requiring the finished floor levels of the buildings to be 6.9m AOD to reduce any risks to the buildings from flooding.

In terms of drainage, foul water will be disposed of to the mains sewer which is the preferred option. The agent has stated that surface water will be disposed of to soakaways, however given that this is an area at risk of flooding, soakaways may not be feasible. However a condition can be attached to any approval requiring details of the method for disposing of surface water to be submitted for approval, to ensure there are no increase risks of flooding in the area.

### **Impact on Residential Amenity**

In terms of visual impacts it should be noted that the planning system cannot protect views over third party land. Unit 1 to the north of the site will be located 55m from the front elevations of 35 and 37 Lincoln Road which are elevated slightly above road level. 38 Lincoln Road to the immediate west of the application site would be located 70 metres from Unit 1. Given these separation distances and the changes in levels, it is not considered that the proposed units would appear overly dominant or oppressive in relation to surrounding residential properties.

The proposed use of the site for business, storage and distribution does have the potential to cause harm to residential amenity, particularly to those to the immediate west of the entrance, from noise and disturbance from vehicles entering and exiting the site and general on site activities. It is therefore considered necessary to restrict the hours of operation (including deliveries) by condition to between 08:00 and 18:00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays, to protect the residential amenities of surrounding residents.

### **Impact on Highway Safety**

Following consultation with LCC highways, they raise no objections to the proposed development on highway safety issues, subject to a condition requiring the vehicular parking, manoeuvring and loading areas to be provided and kept free from obstruction.

### **Other Issues**

*Use of greenfield land* – it is acknowledged that part of the site to the south is not part of the curtilage of the existing commercial use on the site and does not therefore meet with the definition of previously developed land contained within the NPPF. However in this instance significant weight has been attached to the creation of 3 additional business units which will provide jobs and support the local rural economy which is considered to outweigh the development of greenfield land.

*Power Lines* – whilst this is a safety issue, particularly during construction, it is not a material planning consideration.

*Construction* – any nuisance caused during site construction can be dealt with under the Environmental Protection Act 1990.

*Security* – site security, theft and vandalism are Police matters and carry little weight.

*Contamination* – A note can be attached to any approval advising the applicant of possible contamination.

### **Conclusion:**

Having regard to the policies contained within the West Lindsey Local Plan First Review June 2006 and the East Midlands Regional Plan, and the guidance contained within the National Planning Policy Framework; it is considered that the site is located in the open countryside where new development is normally restricted. However, the National Planning Policy Framework provides strong policy support for economic development which supports existing businesses and creates jobs, particularly in rural areas. The proposal would allow two existing businesses to remain in the local area, expand their businesses and create additional jobs and this provides the justification for allowing industrial development in this particular open countryside location. Subject to conditions relating to construction materials, landscape planting and no outdoor storage, the proposed units would not significantly harm the character or visual amenities of the area. Subject to a condition limiting the hours of operation and deliveries, the proposal would not harm residential amenities. The proposed use is appropriate in an area at risk from flooding and subject to conditions relating to the finished floor levels and details of surface water drainage, the proposal would not increase the risks of flooding. Finally a condition requiring the surfacing of the vehicular parking and circulation areas will prevent any harm to highway safety on the A156.

**Recommendation: That the Head of Development and Neighbourhoods be delegated powers to grant planning permission, subject to the following conditions, subject to there being no new issues raised during the consultation period which are not covered in this report.**

### **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 planting for the site (including the landscaping strip along the eastern boundary of the site) which shall include details of the size, species and position or density of all plants and trees to be planted as well as a maintenance plan, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that an appropriate landscaping scheme is secured in order to screen the development from the surrounding open countryside and enhance the quality of the development in accordance with West Lindsey Local Plan First Review Policy STRAT 1 and CORE 10.



3. Notwithstanding the material finish details on the application form and block plan 2624-10 both received on 23<sup>rd</sup> December 2012, no development shall take place until details of the stain finish of the wooden boarding to the walls and the colour coated finish of the aluminium roof panels have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the buildings are finished in materials which will help to assimilate them into their surroundings, in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

4. No development shall take place until details for the disposal of surface water drainage from the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent increased risks from flooding in accordance with West Lindsey Local Plan First Review Policies STRAT1 and NBE14.

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

5. The finished floor levels of the three units shall be at 6.9m above Ordnance Datum.

Reason: To reduce the risk and impact of flooding to the development and future occupiers in accordance with the technical guidance to the National Planning Policy Framework.

6. The development shall only be carried out using the materials detailed on the application form and block plan 2624-10 both received on 23<sup>rd</sup> December 2012 and as otherwise amended and approved under condition 3.

Reason: To ensure that the buildings are finished in materials which will help to assimilate them into their surroundings, in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

7. The development shall not be brought into use until the scheme for the disposal of surface water approved under condition 4 has been completed. It shall thereafter be retained.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent increased risks from flooding in accordance with West Lindsey Local Plan First Review Policies STRAT1 and NBE14.

8. The development shall not be brought into use until the areas for parking, turning, manoeuvring, loading and unloading of vehicles as shown on the block plan 2624-10 received on 23<sup>rd</sup> December 2012 have been provided.

Such areas shall thereafter be retained and kept free from obstruction whilst the premises are in use.

Reason: To enable calling vehicles to wait clear of the public highway and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety in accordance with West Lindsey Local Plan Review Policy STRAT1.

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

9. No operations, including deliveries to and from the site, shall take place on the site outside the hours of 08:00 and 18:00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with West Lindsey Local Plan Review Policy STRAT1.

10. There shall be no storage of materials, equipment, vehicles, goods, waste or any other articles on the site, except inside the buildings, unless first approved in writing by the Local Planning Authority.

Reason: To ensure that the site does not become proliferated with outdoor storage which could harm the visual amenities of the site and the surrounding area in accordance with West Lindsey Local Plan First Review Policy STRAT1.

11. All planting comprised in the details of landscaping approved under condition 2 shall be carried out in the first planting season following the occupation of the first building or the completion of the development, whichever is the sooner. During the following five years the planting shall be maintained in accordance with the maintenance plan approved under condition 2 and any trees or plants which are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that an appropriate landscaping scheme is secured in order to screen the development from the surrounding open countryside and enhance the quality of the development in accordance with West Lindsey Local Plan First Review Policy STRAT 1 and CORE 10.

**Notes:**

The applicant is advised that the site is located within 250m of an area of filled ground which may have led to localised ground contamination.

**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

**Representors to be notified -**  
*(highlight requirements):*

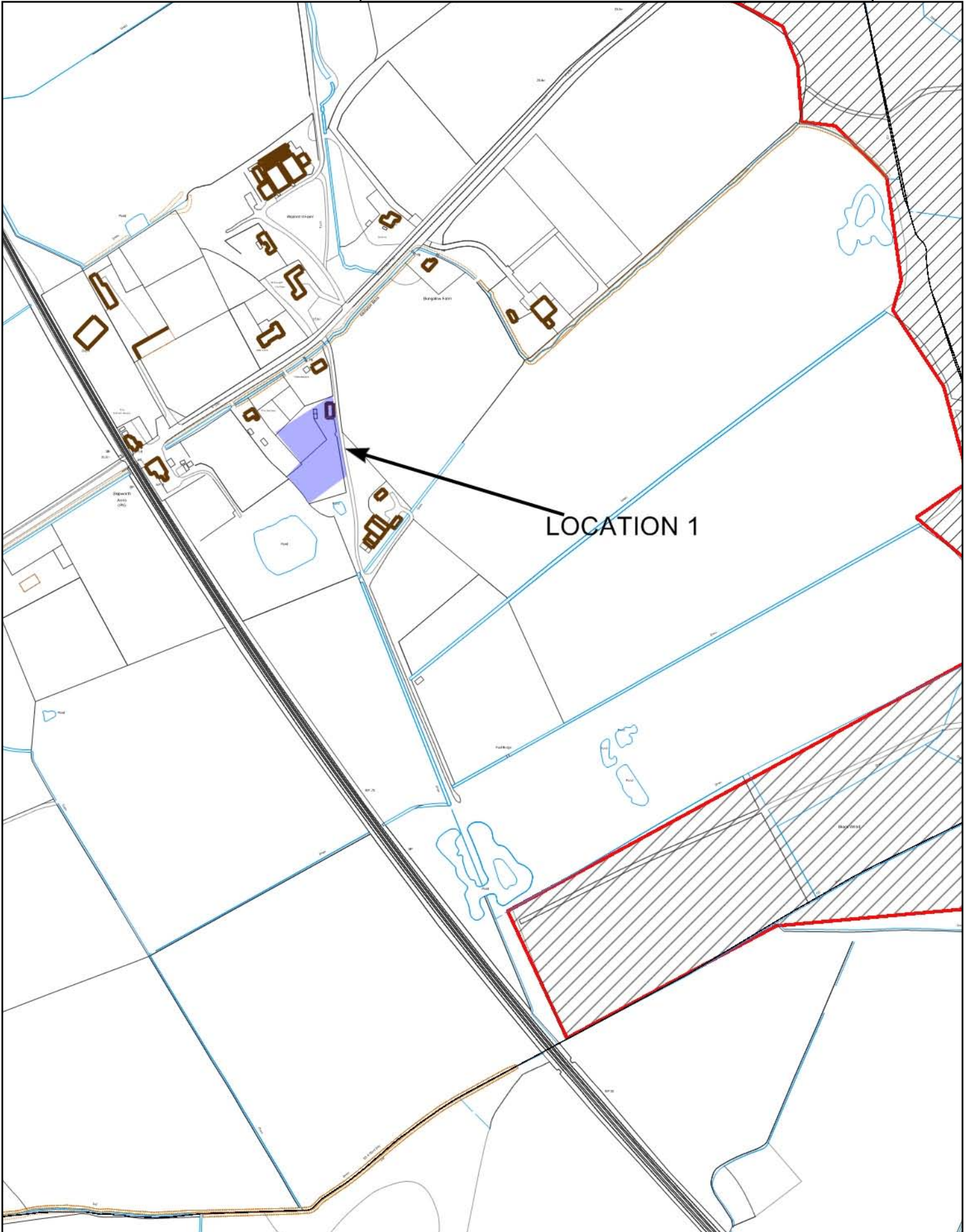
**Standard Letter**       **Special Letter**       **Draft enclosed**

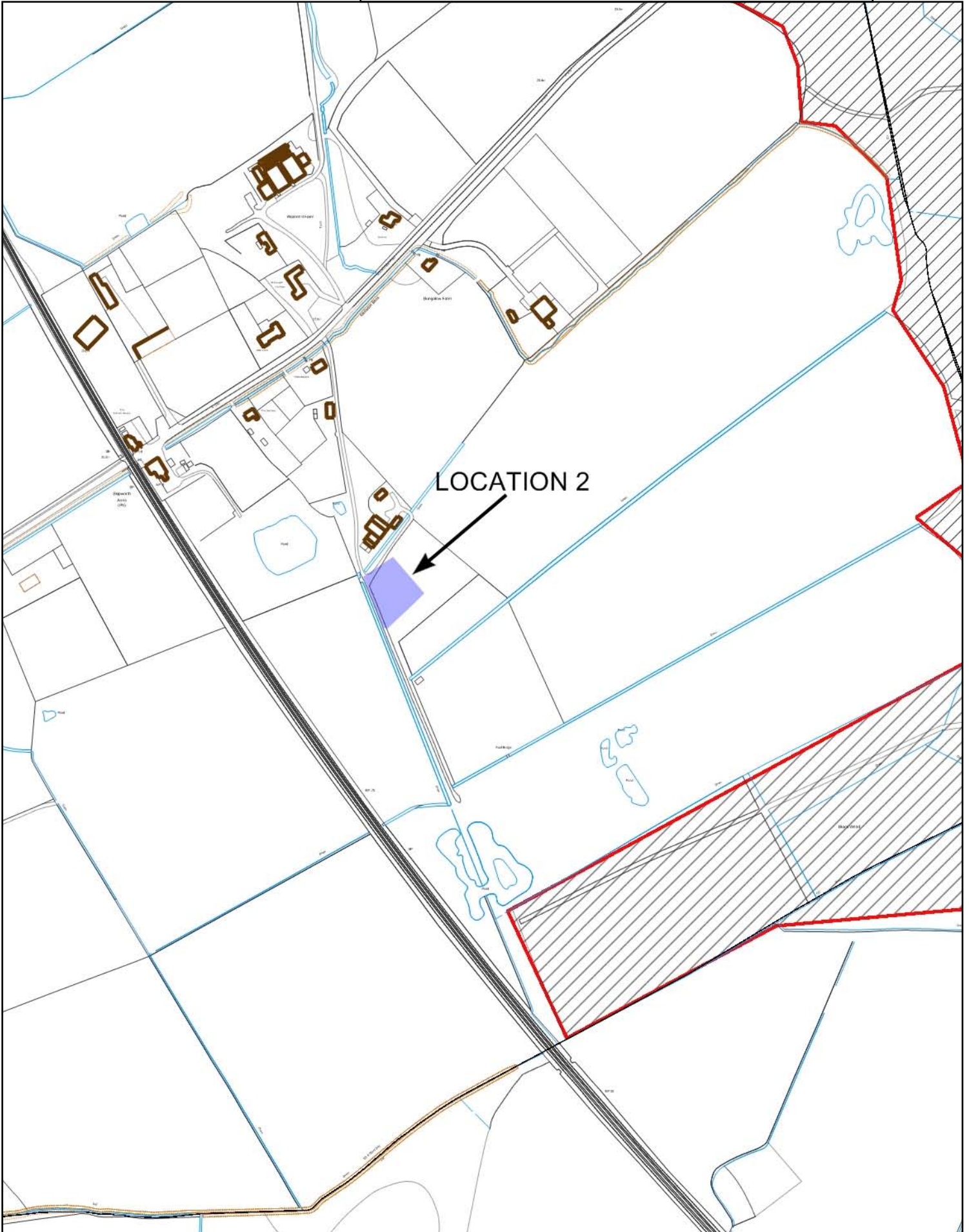
**Prepared by :** Kirsty Catlow

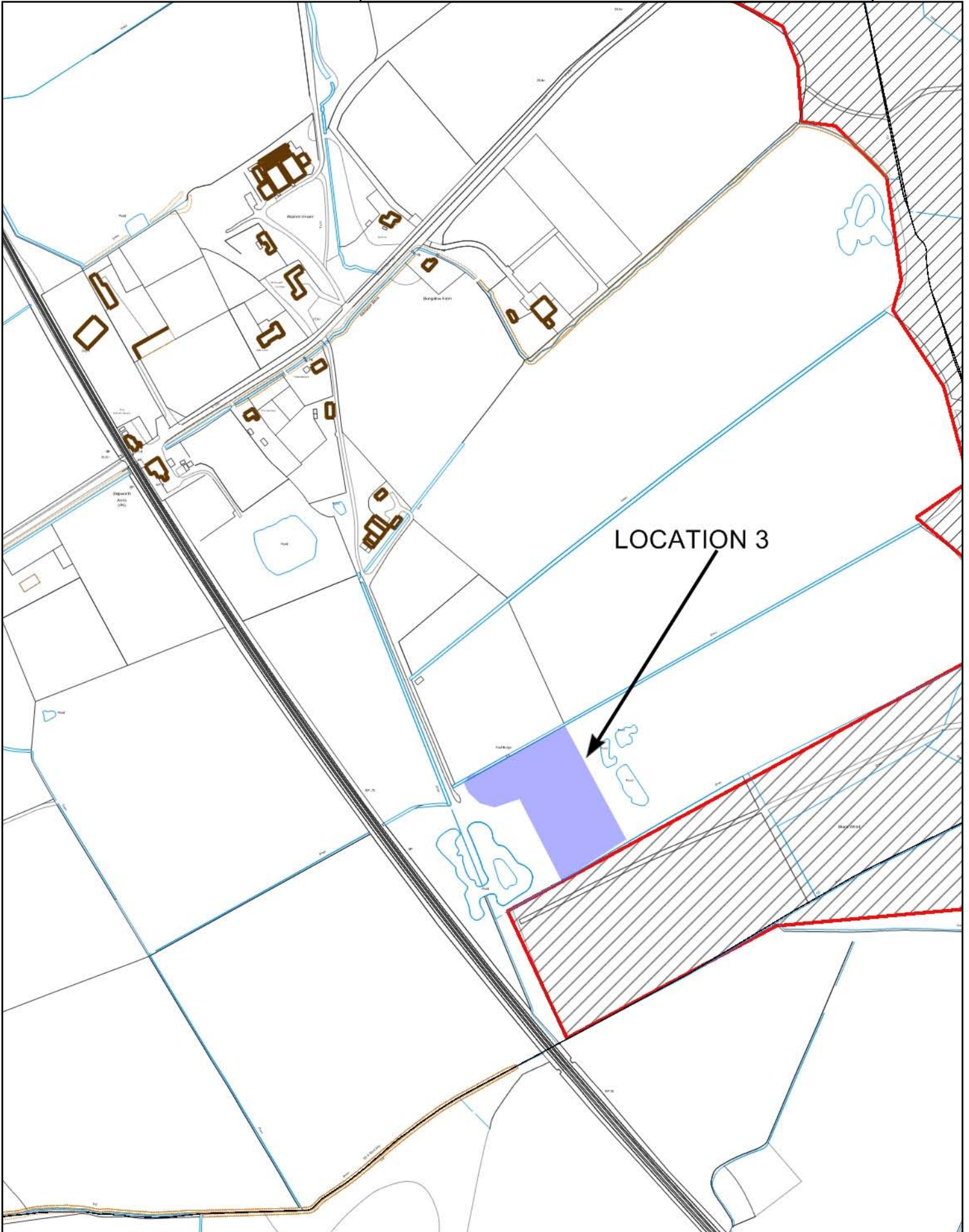
**Date :** 11 January 2012

**Signed:** .....

**Authorising Office** ..... **Date:** .....







## **Officers Report**

### **Planning Application No: 128363**

**PROPOSAL:** Planning application for change of use from storage yard to site for 8no. log cabins, proposed convenience shop and an increase in the number of touring caravans on site from 30 to 56.

**LOCATION:** Watermill Farm Leisure Park Station Road Moortown Market Rasen LN7 6HZ

**WARD:** Kelsey

**WARD MEMBER(S):** Cllr. L. Strange

**APPLICANT NAME:** Mr and Mrs J Oliver

**TARGET DECISION DATE:** 03/05/2012

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** That the decision to grant planning permission subject to the conditions detailed in this report be delegated to the Planning and Development Services Manager upon the expiration of the statutory publicity period subject to no representations being received raising issues not covered in this report.

---

#### **Description:**

The application site is known as Watermill Farm Leisure Park and is an existing camping and caravan site located in the open countryside to the north west of the village of Moortown. The site comprises of areas for camping, touring caravans, static caravans including late arrivals area and caravan storage with a play area, café, reception building and workshop. The nearest dwellings to the site are "Rivermeade" and the "The Gables" which are located north and North West of the site. The site is accessed off Station Road.

The application comprises 3 distinct elements across 3 sections of the site:

- Change of use of an area used for storage to a site accommodating 8 log cabins. This is an area of land to the south of the access running in to the wider site and its northern boundary runs along the rear garden area of "Rivermeade" and continues along an existing paddock. The western boundary runs along the side and rear of the garden of "The Gables". The log cabins are 12 metres in width, 6.5 metres in length with two metre wide decking to one side. They are to be clad in timber with a pitched roof covered in felt. Access is proposed to be one way with the entrance at the north eastern corner and the exit to the south. An electricity sub station is proposed to the north of the entrance to the site.

- A small prefabricated building located close to the existing cafeteria with a proposed floor area of 16.74 square metres to be used as convenience shop serving users of the site.
- An increase in the permissible number of touring caravans to 56 on the site. These are to be located at the southern end of the site close to the existing fishing pond and next to the belt of woodland that runs along the southern limit of the site.

### **Relevant history:**

This is a long established caravan park with permission originally granted in 1992. The most recent relevant applications are -

126399 - Planning application to vary conditions 2 and 5 of planning permission 121138 granted 08 January 2009 - to allow for the addition of a further 9 static caravans. This increased the number of static caravans on the site to a total of 33 and allowed the relocation of the existing late arrivals area to part of the caravan storage area. Granted subject to conditions

125461 – Planning application for extension to cafeteria, veranda and roof extension over veranda. Granted subject to conditions

121138 – Planning application to continue to operate existing caravan site with revised layout incorporating existing static caravan area, late arrivals area and caravan storage area together with revised touring caravan area and associated hard standing, layout of play area and cafeteria and retention of reception building. Granted subject to conditions

### **Representations:**

**Chairman/Ward member(s):** No comments received

**Parish/Town Council/Meeting:** No comments received

**Local residents:** Representations have been received from: Fieldsend Farm, Cotswold Lodge, The Gables and Rivermeade. The first three representations **object** to the application on the following grounds:

- Increase in traffic
- Increased noise
- Light pollution
- Litter
- Overlooking of garden areas through gaps in trees
- Previous conditions in relation to phase 3 electricity installation and planting not adhered to
- No requirement for a shop
- No need as there are adequate caravan sites in the vicinity
- Possible impact on lizards
- Too close to main road and other housing



- Dogs from the site could kill chickens kept in rear garden and cause nuisance
- Users of the log cabins could use the paddocks as an unofficial play area further impacting on privacy
- Second hand account of smell from sewerage in summer

The letter from “Rivermeade” refers to concerns about a reduction in the available paddock area they use and to a meeting with the applicants in relation to revising the application boundary and the agreement to convey title on a piece of the plot (Officers Note: These matters are **not** afforded **any** weight as a material planning consideration in the assessment of this application later on in this report). The representation also states speed limiters on the approach lane would reduce vehicle noise and that there will be an increase in the number of pedestrians’ walking to the Skipworth Arms public house and this will be on a grass verge. This has collapsed in a number of places and should be made good.

**LCC Highways:** No objections

**Environment Agency:** No comments

**Conservation (WLDC):** This is a well established site with mature screening which prevents any visual intrusion onto the Site of Nature Conservation Interest and the distance is such that it is considered there will be no adverse impact.

**Archaeology:** No further archaeological input required

**Environmental Protection:** Note there is a history of contamination within 250 metres of the site and recommend a condition. The electricity sub station located to the rear of “Rivermeade” should be moved further away as it has the potential to create low frequency noise.

**Ancholme Internal Drainage Board:** It is noted that the surface water run off is to be directed to soakaways. The council will need to be satisfied this system will operate at this site throughout the year and the future. It is noted disposal of foul water is by means of a package treatment plant with discharge to a soakaway. The council will need to be satisfied that all appropriate tests show this system will be effective throughout the whole year and to the specification of the Environment Agency. Developer should be made aware of watercourse maintained by Drainage Board and requirements arising.

**Natural England:** The proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils nor is the proposal EIA development.

### **Relevant Planning Policies:**

#### **Development Plan**

- **East Midlands Regional Plan 2009**

Policy 42 – Regional priorities for tourism

[http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

- **West Lindsey Local Plan First Review 2006 (saved policies)**

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>.

NBE10 Protection of Landscape character and Areas of Great Landscape Value.

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

NBE14 – Waste water disposal

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

NBE18 – Light pollution

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

NBE19 – Landfill and Contaminated Land

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

#### **Other policy and relevant considerations**

- \_Good Practice Guide on Planning for Tourism (2006)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/151753.pdf>
- United Kingdom Tourism Survey (UKTS) for the East Midlands (2007)  
[http://www.visitengland.org/Images/UKTS%202007%20-%20East%20Midlands\\_tcm30-19442.pdf](http://www.visitengland.org/Images/UKTS%202007%20-%20East%20Midlands_tcm30-19442.pdf)
- Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009)
- Circular 3/99 Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development.  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147582.pdf>
- National Planning Policy Framework 2012  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

#### **Main issues**

- The principle of the proposal including its impact on the character and appearance of the open countryside (STRAT 1 and STRAT 12 and the National Planning Policy Framework)
- Impact on Residential Amenity (STRAT 1)
- Highway Safety (STRAT 1)

- Drainage (National Planning Policy Framework)
- Occupancy restrictions
- Impact on Protected Species (National Planning Policy Framework)
- Economic Impact (National Planning Policy Framework)

### **Assessment:**

#### **Principle and impact on the character and appearance of the countryside**

Policy STRAT 12 is a restrictive policy controlling development in the open countryside but it allows for land uses which necessarily require a countryside location or otherwise meet an objective supported by other Plan policies. The application site is an existing long established caravan and camping operation located within the open countryside, and as a consequence it is accepted that the proposals do require a countryside location. The explanatory text to Policy 42 “Regional Priorities for Tourism” within the East Midlands Regional Plan confirms that tourism is a key driver for the regions economy and that increasing the proportion of visitors who stay overnight is a regional priority. The “Visit Lincolnshire” commissioned report “Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009)” found that Lincolnshire is attracting the older independent minded leisure visitor who like their holidays at a more relaxed pace. They do value the personal service they receive at smaller and more independent accommodation sites and tend to go for holidays in more rural locations. In this regard, it is considered that the proposal has the potential to contribute to the rural economy and respond to the market identified in the 2009 report. Information submitted with the application states that six people are employed on the site, three full time and three part time. The proposals will create one additional full time post and one additional part time post. The central theme of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development with section 3 addressing development in rural areas. There is a strong emphasis on assisting economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development. This includes supporting sustainable rural tourism and leisure developments. The application site is a long established camping and caravan operation and is considered a sustainable form of development. It is pertinent to note that the Good Practice Guide on Planning for Tourism acknowledges that planners need to recognise that the wide variety of developments that are inherent in the tourism industry means that there are some developments (e.g. touring sites for caravans) that are car dependent.

It is considered that the principle of the proposal is accepted and supported; however, its acceptability rests in part on detailed considerations in particular the impact on the character and appearance of the existing countryside and surrounding area. The additional tourers are to be located at the end of this established site which benefits from mature planting and is screened by woodland to the south on an area already in authorised use by touring caravans. Consequently the additional caravan storage is not considered to give rise to any unacceptable impacts on the character and appearance of the

countryside in this location. The convenience store due to its small scale, size and location in the centre of the site alongside existing planting will not be readily noticeable within the wider landscape and is considered acceptable subject to agreeing the external finish and treatment.

The north eastern corner of the intended log cabin location forms part of a larger paddock in the ownership of the applicant. The majority of the site consists of rough grass land with evidence of tipping and refuse. It contains the remains of a number of prefabricated buildings and the brick shell of a former milking shed. The clearest view of the current site can be obtained from within the paddocks to the north. The remainder of the northern boundary is with Rivermeade which has a line of mature leylandii hedging in excess of 4 metres in height preventing views beyond its curtilage. The site is screened from views to the east by a hawthorn hedge and wooden fence that runs along the roadway that serves the wider caravan park and a hedge also acts as the southern boundary with the existing park. The western boundary contains a line of trees although there are open views available between the trees. These are proposed to be infilled with planting which over time will create a natural boundary helping to enclose the site visually. The northern boundary with the paddock is to be planted with a small gap to allow discharge to a soakaway. It is not considered that the proposals will have a damaging effect on the character and appearance of the countryside and it could be argued that it represents an improvement over the current state of the site.

The materials and finish of the log cabins, details of the proposed landscaping and boundary treatments, the surface of the roadway through the log cabins all need to be conditioned and approved in writing to protect the character and appearance of the site and wider setting.

### **Impact on residential amenity**

With regards to the amenities of surrounding occupiers, the nearest residential property to the site Rivermeade is located next to the access of the site on Station Road. It is accepted that there will be an increase of the use of the existing access however balanced against this is the property's existing roadside frontage and officers consider that it is unlikely to experience a significant increase in noise and disturbance from traffic. The touring caravan area which is located at the end of the site is a sufficient distance from neighbouring properties so as not to result in a loss to residential amenity.

The log cabin part of this proposal had the most potential to impact on adjoining residential amenity as it extended the activities of the existing caravan park closer to existing residential boundaries. The rear garden of Rivermeade is at its minimum length approximately 26 metres and is enclosed by mature leylandii hedging in excess of 4 metres in height. The rear garden area of The Gables is approximately 60 metres long and has a line of irregular spaced trees. The plans as originally submitted were not considered acceptable due to the proximity of the log cabins to the boundary with this dwelling which would have resulted in overlooking. Amended plans have been

submitted which propose temporary fencing between the gaps in the existing trees which will be removed once infill planting in the form of hedging has become established over time. The rear elevations of the cabins have also been amended to omit windows and the line of log cabins has also been moved further in to the site to reduce their impact. The electricity sub station has been moved to a point within the site the greatest distance from the residential curtilages nearby. A buffer planting strip of three metres is now proposed along the northern boundary and the log cabin on this side has also been moved further into the site. The one way access through the site is to be illuminated. No details have been submitted but it will be necessary to ensure that any lighting is of a low intensity. This is capable of being controlled by condition. It is accepted that there will be activity and noise generated from this site where none was previously however this in itself does not make the proposals unacceptable. The amendments to the scheme discussed above have overcome the initial concerns of officers and it is considered, on balance, that there are no reasons to withhold consent on the grounds of adverse impacts on residential amenity. It will be necessary to advertise the amended plans to allow further comments to be made and this is reflected in the recommendation of the report.

As this application is for a change of use of land it would be possible to increase the numbers of units on the site without requiring planning permission if approval was granted. This is not considered appropriate as the application is being assessed on the basis of the submitted drawings and information which propose 8 log cabins and it is this which is considered acceptable. Any change beyond this could result in adverse impacts on both residential amenity and on the character and appearance of the site and wider countryside. In order to avoid this it will be necessary to impose a condition prohibiting the use of the site other than in complete accordance with the submitted plans.

### **Highway Safety**

Following consultation with County Highways, they raise no objections to the proposal on highway safety grounds. It was noted however during a site visit that the access to the site off Station Road was in a poor state of repair. The original application required the applicant to provide surface details for this driveway. The agent has previously confirmed that the applicants intend to surface the length of the access in tarmac and this will be conditioned in the interests of highway safety.

### **Drainage**

*Foul drainage* - Given the location of the site it is not possible to connect into a mains sewer to dispose of foul sewerage in accordance with circular 3/99. A new package treatment plant will be required.

*Fluvial flooding* – The National Planning Policy Framework (Section 10) supports the application of a sequential approach, so that sites for new

development are directed to areas at the lowest probability of flooding (Zone 1). The application site falls within Zone 1.

*Surface water drainage* - Surface water is intended to be dealt with by means of a soakaway.

Subject to the imposition of conditions requiring the details of foul and surface water drainage to be submitted, approved and implemented before the log cabins are brought into use, this does not constitute a matter on which to withhold permission.

### **Occupancy Restrictions**

It is necessary to impose conditions restricting occupancy for holiday purposes only to avoid the creation of permanent dwellings. This is due to a number of reasons. The first is the situation in relation to the housing supply across the district. The Central Lincolnshire Housing Market Area Supply Assessment 2012 shows that West Lindsey has a supply of 6.6 years. This is in excess of the 5 years and 3 months (5 years plus 5%) deliverable supply required by The National Planning Policy Framework (Section 6). Permanent residential occupation would undermine achievement of the Local Planning Authority's policy objectives on the management of housing supply contrary to Policies STRAT 1 and STRAT 9. Permanent dwellings in this location are also not considered sustainable due to the different demands and pattern of movement compared to that of a holiday user. Permanent residents would need daily access to employment opportunities which in all likelihood would be by car. Access to education facilities could also be required on a daily basis and this would most likely to be by car. Health and other services will also need to be accessed by residents. Accordingly this would not be considered to be in the interests of sustainability. Residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit of the rural economy.

### **Protected Species**

The owners of The Gables have made representations stating that rear of their garden is a habitat for lizards most probably the common lizard which they say "have been seen to live here for over 40 years". They state the application site is also most likely inhabited by them and would be adversely affected. There are 6 native species of reptiles in the United Kingdom and all receive protection under UK law. Smooth snakes and sand lizards have a highly restricted distribution in the UK and receive full protection under The Conservation of Habitats and Species Regulations 2010 and The Wildlife and Countryside Act (1981) (as amended). These species are only found in the South of England. Grass snake, slow worm, adder and common lizards are more common throughout the UK and receive partial protection under the Wildlife and Countryside Act. It is illegal to kill or injure these species. The case officer did not observe any reptiles on his site visit however it is considered prudent to adopt a precautionary approach to this issue. A condition will be imposed requiring a protected species survey of the site to take place and a

report to be submitted outlining the results of the survey and setting out any mitigation measures necessary and their timetable for implementation. This would accord with the National Planning Policy Framework (Section 11) which seeks to minimise impacts on biodiversity.

### **Economic Impacts**

It is not considered that the provision of a small convenience store of less than 17 square metres of floor space will have any meaningful impact on shops within Caistor and it will provide an additional facility for users of the site. It would also reduce the need to travel to access basic provisions

### **Other Matters**

*Litter* - It is debatable as to whether litter is a proper planning consideration. The Environmental Protection Act, enforced by Environmental Protection, allows local authorities to serve a street litter control notice on land in private ownership where the public has access.

*Dogs* – The issue of dogs from the caravan site is not a material planning consideration

*Use of paddock area by holiday makers* – This does not form part of the planning application

*Non compliance with conditions* – There was no requirement for phase 3 electricity installation imposed by previous permissions. The issue of planting not being carried out will be investigated outside the determination of this application (and enforced against if appropriate) but it does not represent a reason to withhold consent. Landscape conditions are also necessary to make the current proposals acceptable and in the event of non compliance a number of options are available to the Council to remedy this including the serving of a Breach of Condition Notice if appropriate.

### **Conclusion and reasons for decision**

The expansion of this caravan and camping site including the introduction of new accommodation in the form of log cabins has the potential to significantly contribute to the rural economy and respond to the market identified in the “Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009)” report, and it will support the growth of an established rural business. Subject to the imposition of safeguarding conditions discussed above, no unacceptable adverse impacts are considered to arise in respect of the character and appearance of the countryside, drainage, highway safety, impacts on protected species, light pollution or noise and disturbance to neighbours. Therefore having considered the proposal against the provisions of the development plan and specifically policy 42 of the East Midlands Regional Plan 2009 and saved policies STRAT1, STRAT 12, NBE14 and NBE 18 of the West Lindsey Local Plan First Review 2006 , as well as against all other material considerations including the National Planning Policy Framework (2012) The Good Practice Guide on Planning for Tourism (2006) inc annexes A and B, United Kingdom Tourism Survey (UKTS) for the East

Midlands (2007) and Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009) it is considered that the proposal is acceptable and a grant of planning approval is considered appropriate.

**Recommendation: That the decision to grant planning permission subject to the conditions below be delegated to the Planning and Development Services Manager upon the expiration of the statutory publicity period subject to no representations being received raising issues not covered in this report.**

**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 be commenced until details of: the finish to the roadway through the log cabin area (Drawing no. 2257/8/1 dated 08 Mar 2012), the external facing materials for the log cabins including the external roofing material and the external finish to the shop (Drawing No. 2257/9 dated 08 Mar 2012) have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that the materials selected preserve the character and appearance of this countryside setting in accordance with policy STRAT 1 of the adopted West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

3. No development shall take place until details of the proposed treatment to all the boundaries of the site including fences, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority

**Reason:** To ensure the provision of appropriate boundary treatment in the interests of visual and residential amenity and to accord with policy STRAT 1 of the adopted West Lindsey Local Plan First Review 2006 (Saved Policies).

4. 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, have been submitted to and approved in writing by the Local Planning Authority.



**Reason:** To ensure that a landscaping scheme to enhance the development and help to integrate it within its countryside setting is provided and to help safeguard the amenity of nearby residents in accordance with policies STRAT 1, CORE 10, and NBE 10 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

5. No development shall commence on site until further details relating to the improvements to the vehicular access to Station Road, including materials, specification of works and construction method and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety of users of the public highway and of the site and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) .

6. No development shall commence until details of a scheme for the disposal of surface water, has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure satisfactory drainage of the site to reduce the risks of flooding in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012

7. No development shall commence until details of a scheme for the disposal of foul sewerage, has been submitted to and approved in writing by the Local Planning Authority.

**Reason;** To prevent pollution of the water environment and to accord with policies STRAT1 and NBE 14 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012

8. No development shall commence until a full protected species survey has been carried out on the area of land edged in red on Drawing No 2257/8/1 date stamped 08 Mar 2012 (log cabin area) and a report detailing the survey results together with recommendations for mitigation measures and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority

**Reason:** To safeguard the interests of bio diversity and nature conservation in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review (Saved Policies) and the National Planning Policy Framework 2012.

9. No development shall take place until a scheme for lighting the roadway serving the log cabin area has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To minimise light pollution and potential glare in order to safeguard the amenity of residents opposite the site, to reduce the prominence of the site which is located in the open countryside and to accord with policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

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

**10.** The development shall be carried out using the external walling and roofing materials and details as agreed by the Local Planning Authority and referred to in condition 2.

**Reason:** To ensure that the materials selected preserve the character and appearance of this countryside setting in accordance with policy STRAT 1 of the adopted West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

**11.** The development shall be carried out in strict accordance with the mitigation measures set out in the approved Protected Species Report referred to in condition 8 above.

**Reason:** To safeguard the interests of bio diversity and nature conservation in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review (Saved Policies) and the National Planning Policy Framework 2012.

**12.** The lighting scheme shall be carried out in complete accordance with the details approved and referred to in condition 9 and retained thereafter.

**Reason:** To minimise light pollution and potential glare in order to safeguard the amenity of residents opposite the site, to reduce the prominence of the site which is located in the open countryside and to accord with policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

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

**13.** The hereby approved development shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.

**Reason:** To ensure that the development continues to be used as holiday accommodation only as the creation of permanent residential accommodation in this unsustainable location, would not normally be permitted and could also undermine achievement of the Local Planning Authority's policy objectives on the management of housing supply in accordance with STRAT 1 and STRAT 9 of the West Lindsey Local Plan First Review 2006 (Saved Policies). Residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit of the rural economy in accordance with policy STRAT1 of

the West Lindsey Local Plan First Review June 2006, The Good Practice Guide on Planning for Tourism and the National Planning Policy Framework 2012.

**14.** The operators shall maintain an up to date register of the names of all occupiers of the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

**Reason:** To ensure that the development continues to be used as holiday accommodation only as the creation of permanent residential accommodation in this unsustainable location, would not normally be permitted and could also undermine achievement of the Local Planning Authority's policy objectives on the management of housing supply in accordance with STRAT 1 and STRAT 9 of the West Lindsey Local Plan First Review 2006 (Saved Policies). Residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit of the rural economy in accordance with policy STRAT1 of the West Lindsey Local Plan First Review June 2006, The Good Practice Guide on Planning for Tourism and the National Planning Policy Framework 2012.

**15.** The development hereby approved shall not be brought into use until the improvements to the vehicular access to Station Road as referred to in condition 5 above have been implemented in full and shall be maintained thereafter in perpetuity.

**Reason:** In the interests of highway safety of users of the public highway and of the site and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) .

**16.** The development hereby approved shall not be brought into use until the access road from Station Road to the security barrier (shown on Drawing No 2257 Rev C dated 08 Mar 2012) has been laid out with a hardened, sealed and drained surface and maintained thereafter.

**Reason:** In the interests of highway safety of users of the public highway and of the site and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) .

**17.** The development hereby approved shall not be brought into use until the surface water drainage scheme agreed in writing by the Local Planning Authority as referred to in condition 6 has been fully completed and it shall thereafter be retained in perpetuity.

**Reason:** To ensure satisfactory drainage of the site to reduce the risks of flooding in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012

**18.** The development hereby approved shall not be brought into use until the foul water drainage scheme agreed in writing by the Local Planning Authority as referred to in condition 7 has been fully completed and it shall thereafter be retained in perpetuity.

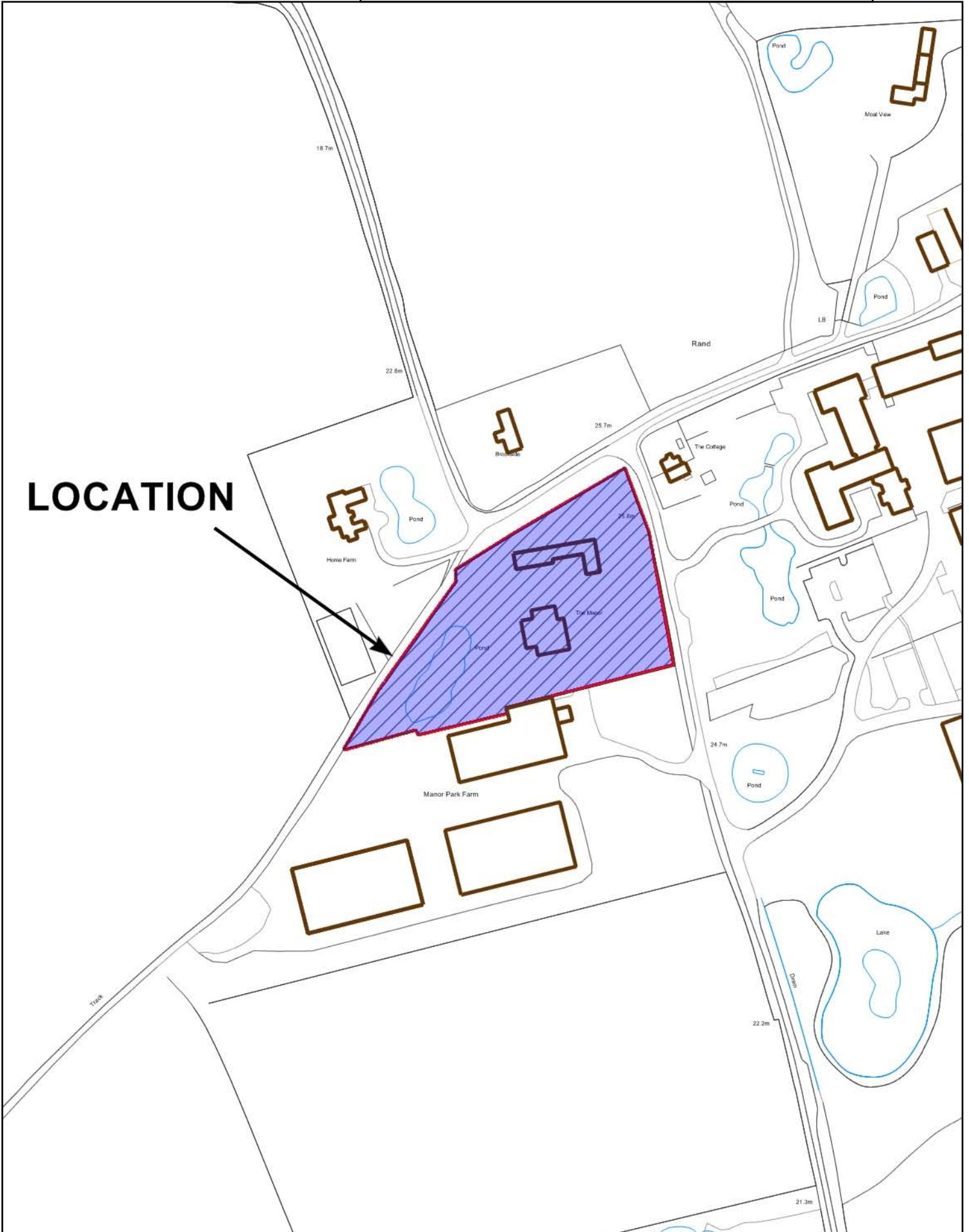
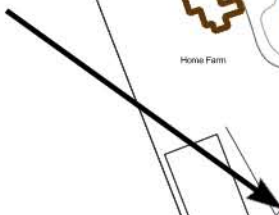
**Reason;** To prevent pollution of the water environment and to accord with policies STRAT1 and NBE 14 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012

**19.** The use of the land labelled "Proposed Log Cabin Area" on the submitted site plan Drawing No. 2257 C date stamped 08 Mar 2012 shall be limited to 8 log cabins, with the siting and scale in complete accordance with Drawing No. 2257/8/1 A date stamped 24 April 2012 and Drawing No. 2257/8/2 A date stamped 24 April 2012 and the external materials as per those agreed by condition 2.

**Reason;** The application has been assessed against the information submitted in support of the application which has been found to be acceptable. Any additional accommodation could have an adverse impact on the character and appearance of the countryside and on the amenities of nearby residents.



**LOCATION**



## **Planning Application No: 128134**

**PROPOSAL:** Planning application for removal of existing agricultural shed and replace with new proposed agricultural shed

**LOCATION:** Manor Park Farm Rand Market Rasen, Lincolnshire LN8 5JN

**WARD:** Fiskerton

**WARD MEMBER(S):**

**APPLICANT NAME:** Mr David Ingall

**TARGET DECISION DATE:** 10/02/2012

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** Grant Permission, subject to conditions.

---

### **Description:**

The application site is in the small hamlet of Rand to the north of The Manor and adjacent the north boundary of the farm unit. The site currently has agricultural storage buildings that are in poor condition. To the north and west are residential dwellings. To the east are residential dwellings and Beehive Business Park. To the south is Manor Farm Farmhouse and existing agricultural buildings.

The application seeks permission for removal of an existing agricultural shed and replacement with a new agricultural shed.

The proposal has been re-advertised on two occasions, firstly due to incorrect information provided on the application form which implied a B1 use for the building and. Secondly, amended drawings PW051-05 revision D and PW051-04 revision E were submitted on the 27<sup>th</sup> February to supersede PW051-05 revision B and PW051-04 revision B which amend the position of the agricultural building.

### **Relevant history:**

None relevant

### **Representations:**

#### **Chairman/Ward members:**

Representations received from Councillor Chris Darcell:

“The proposed building will have a significant impact when viewed from the highway and requests the application is determined at planning committee.

**Rand Parish Meeting:** State that, with regard to the amended plans, their previous concerns still apply.

NB. The Council have no record of the original comments having been received. Officers have tried to contact the Meeting, but to no avail. Further clarity will be provided verbally by officers at the Committee meeting.

**Local residents:** (IDOX checked)

Representations received from Home Farm and Brookside, Rand:-

- Proposal will be overbearing and intrusive to the street-scene by virtue of its scale, siting and massing.
- Harmful visual impact on the immediate locality.
- The additional screening will be alien to the general open and understated landscape context for the roads through the village.
- Existing farm buildings are set further back from the adopted highway.

**LCC Highways:** Does not wish to restrict the grant of permission

**Environment Agency:** No representations received to date

**LCC Archaeology:** No comments/objections

**WLDC Environmental Protection Officer:** The proposed development might be located within 250 metres of an area of potential contamination

### Relevant Planning Policies:

#### Development Plan

- **West Lindsey Local Plan First Review 2006 (Saved Policies)**

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>.

CORE 10 – Open Space and Landscaping within Developments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm>

- **National Policy**

National Planning Policy Framework (2012)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

### Main issues

- Principle

- Impact on the open countryside
- Design
- Neighbouring Amenity
- Vehicle use and access

## **Assessment:**

### **Principle**

The proposal is located in the small hamlet of Rand characterised by the presence of agricultural buildings. It has no settlement boundary identified in the West Lindsey Local Plan Review 2006. Therefore, the site is considered to be in the open countryside. Saved Policy STRAT 12 of the Local Plan restricts development in the open countryside unless the development is essential to, amongst other things, agriculture.

The building is for the storage for farm vehicles, plant and machinery and enable better security of valuable farm assets. The principle of the development is therefore acceptable in this open countryside location.

### **Impact on the open countryside**

The agricultural building will be in an area of mature trees and hedging that provides screening to the surrounding area and nearby dwellings. The proposal will include additional planting to the northern boundary to further increase the density of the screening between the site and dwellings to the north (Home Farm and Brookside). A condition will be attached to any approval to ensure a suitable planting scheme is approved before development commences and is implemented during the first planting season.

The proposed building will be 6.6 metres high with variable boundary screening of approximately 3-5 metres in height. Whilst the building is set back from the north boundary, it will project slightly above the boundary screening. Therefore the top section of the building will be visible from the north. However, given the agricultural character of the area, it is not considered that the proposed agricultural shed will harm the character or visual amenities of the area.

### **Design**

The building will be a traditionally designed farm style building with a gabled roof. The top two thirds of the building will be grey in colour with a green roller shutter door and black timber lower third. The design and materials of the building are therefore considered acceptable.

### **Neighbouring Amenity**



The amended siting has moved the proposed building further away from Home Farm to the north west. The building will now be separated from surrounding dwellings by 38 metres (1 & 2 The Cottages), 41 metres (Brookside) and 91 metres (Home Farm).

These separation distances together with the improved screen planting will significantly reduce the impact of the larger agricultural building on these nearby dwellings. The impact on Brookside and Home Farm is further reduced as they are set down below the level of the proposed site. A condition will be attached to any approval to ensure that the development is carried out in accordance with the revised siting.

The current use of the farm creates the normal noise to be expected from an active working farm business. The farm holding already includes some smaller agricultural buildings used for storage purposes and activities associated with moving goods and vehicles in and out of these buildings already occurs at varying times. The entrance to the proposed building will be on the southern elevation. The proposed building will act as a natural barrier between the properties to the north and activates within the farm yard to the south. As the use is for general agricultural use, any noise will be for short periods and not continual.

### **Vehicle access**

The proposal includes the construction of a small access road to the building that extends off the existing site road. Therefore the proposal will not impact on the movement of vehicles to, from or around the farm unit.

### **Security**

Retaining the location of the farm building close to the Farm House will maintain and provide natural surveillance for the farm equipment stored within it, which have been subject to recent thefts.

### **Other Considerations:**

*Public Footpath* - There are two Public Footpaths near to the proposal site. Public footpath Rand/73/1 is to the north east of the proposal and Public footpath Rand/75/1 is to the north west of the proposal. Neither of the footpaths or their use will be affected by the proposal.

*Contamination* -The notes suggested by Environmental Protection relating to contamination is an issue covered by the Environmental Protection Act 1990 and is it not considered appropriate in this instance to repeat such controls under Planning.

### **Conclusions and reasons for decision:**

The decision has been considered against policies STRAT 1: Development Requiring Planning Permission, STRAT 12: Development in the Open Countryside and CORE 10: Open Space and Landscaping within Developments of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework. In light of this assessment it is considered that the proposal will not harm the character and appearance of the open countryside or the surrounding area, nor the living conditions of neighbouring occupiers.

**Recommendation: Grant planning permission 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 take place until, a scheme of landscaping for the northern boundary of the site including details of the size, species and position or density of all trees to be planted have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that additional trees are provided within the site to screen the development from the residential properties to the north and the open countryside in accordance with West Lindsey Local Plan First Review policies STRAT 1 and CORE 10 and the National Planning Policy Framework 2012.

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

3. The development shall not be carried out otherwise than in accordance with the amended application drawing number PW051-05 revision D and PW051-04 revision E Dated 27<sup>th</sup> February 2012.

Reason: To define the terms of the planning permission for the avoidance of doubt and to ensure an acceptable quality of design to avoid the development having an adverse impact on the living conditions of the neighbouring dwellings and the open countryside in accordance with West Lindsey Local Plan First Review policies STRAT1 and STRAT 12 . and the National Planning Policy Framework 2012.

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

4. All planting comprised in the details of landscaping approved under condition 2 of this approval shall be carried out in the first planting season following the occupation of the building 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. The landscaping shall thereafter be retained.

Reason: To ensure that additional trees are provided within the site to screen the development from the residential properties to the north and the open countryside in accordance with West Lindsey Local Plan First Review policies STRAT 1 and CORE 10 and the National Planning Policy Framework 2012.