



PL.05 13/14
Planning Committee
21 August 2013

Subject: Planning applications for determination

Report by:

Director of Regeneration and Planning

Contact Officer:

Zoë Raygen
Acting Area Team Manager
01427 676673

Purpose / Summary:

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

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

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

Risk Assessment : None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

1 – 128961 – Bardney

Planning application for change of use of pub to 2no.dwellings and erect 5no. new dwellings on car park at The Bards, 2 Wragby Road, Bardney.

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Director of Regeneration and Planning upon the receipt of an acceptable unilateral undertaking under s106 of the amended Town & Country Planning Act 1990 obligating a payment of £20,000 to be paid to West Lindsey District Council for the provision of affordable housing within the district.

2 – 129973 - Scothern

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

RECOMMENDED DECISION: Grant with Conditions

3 – 129990 and 130027 – Blyton

Planning application to remove condition 5 of planning permission 129624 granted 20 March 2013, regarding occupancy and

Planning application to remove condition 4 of planning permission 99P0794 granted 19 September 2001, regarding occupancy on Land at Grace Park Laughton Road Blyton

RECOMMENDED DECISION: Grant with conditions

4 – 130004 – Gainsborough

Planning Application for first floor extension over single storey section of dwelling-resubmission of 129712 at 11 Nelson Street Gainsborough Lincolnshire DN21 2SE

RECOMMENDED DECISION: Refuse planning permission

5 – 129323 – Newton on Trent

Planning application for the installation of a 500Kw wind turbine with maximum hub height of 50m, blade diameter of 54m and maximum height to tip of 77m. Transformer station at base of turbine and all ancillary work on land at Furrowland Ltd Newton-On-Trent.

RECOMMENDED DECISION: Grant planning permission subject to conditions.

6 – 130020 - Scotter

Outline planning application with all matters reserved for consideration in a subsequent application, to amend public open space to residential use, in order to finance the hand over of the play area on land between 20 and 22 The Rookery, Scotter.

RECOMMENDED DECISION: Grant with conditions subject to the signing of a legal agreement securing hand over of the play over to Scotter Parish Council together with a sum of £37,040 to secure the future maintenance of the area.

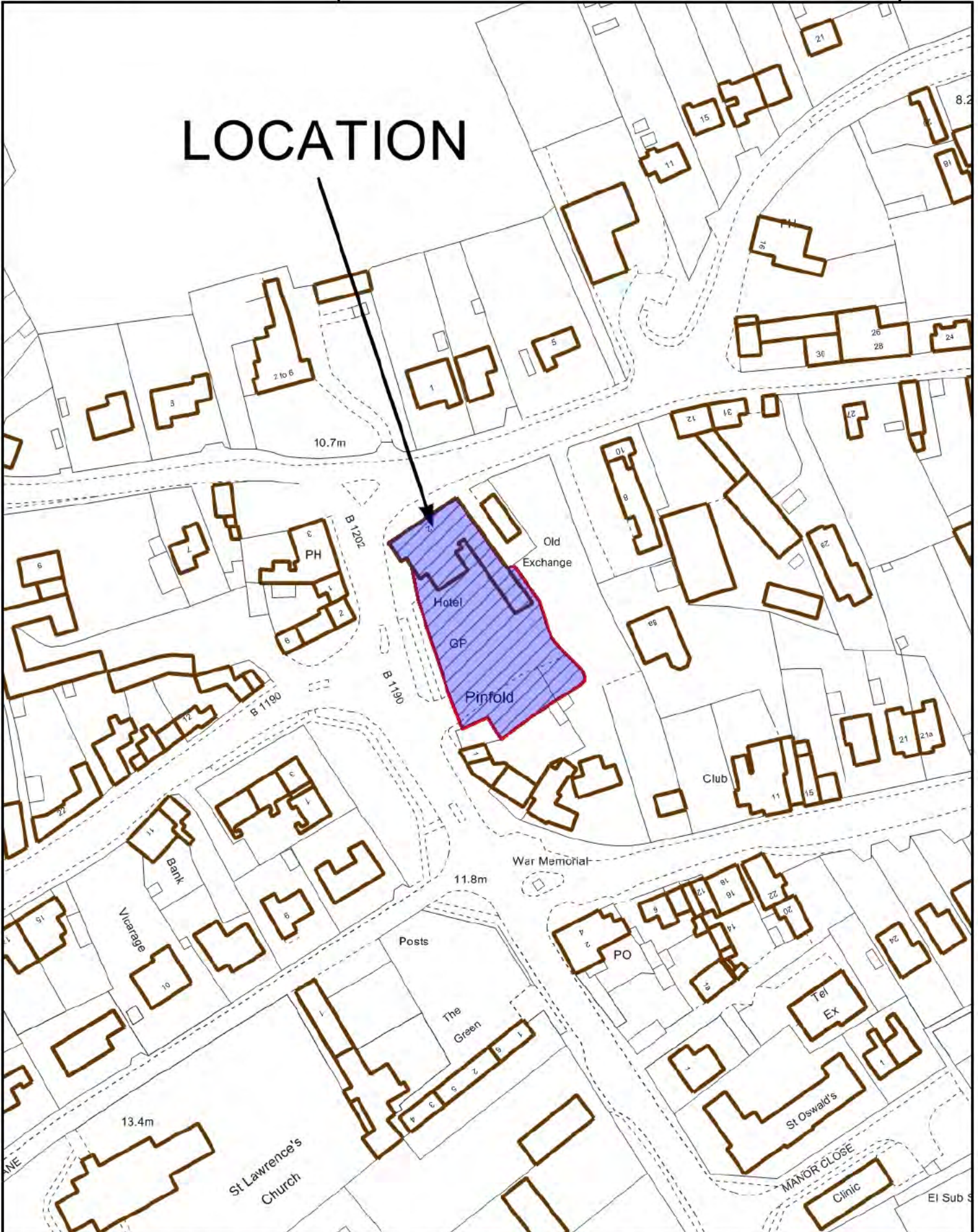
7 - 130066 - Fiskerton

Planning application for change of use of part of site to a driver training facility, together with erection of portakabin as office in connection with driver training facility at Fiskerton Airfield Reepham Road Fiskerton

RECOMMENDED DECISION: Grant consent subject to conditions.



LOCATION



Officer's Report

Planning Application No: 128961

PROPOSAL: Planning application for change of use of pub to 2no.dwellings and erect 5no. new dwellings on car park.

LOCATION: The Bards, 2 Wragby Road Bardney Lincoln, Lincolnshire LN3 5XE

WARD: Bardney

WARD MEMBER(S): Councillor Fleetwood

APPLICANT NAME: Mr S Davis

TARGET DECISION DATE: 21/09/2012

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Director of Regeneration and Planning upon the receipt of an acceptable unilateral undertaking under s106 of the amended Town & Country Planning Act 1990 obligating a payment of £20,000 to be paid to West Lindsey District Council for the provision of affordable housing within the district.

Introduction

Members resolved at the July meeting of the Planning Committee to defer further consideration of this application to enable a site visit to take place.

Site

The Bards is a licenced public house within the centre of Bardney. It is one of two surviving public houses within the village, the other being the Nags Head which is directly on the opposite side of the road.

The site includes a single building occupying the northern part of the site with the licenced premises on the ground floor including a function room and commercial kitchen and the ancillary living accommodation on the first floor. The majority of the rest of the site is laid out as an ancillary car park although there is a small area of beer garden directly adjoining the rear of the building.

To the east is housing, to the north a small public space of local historic interest called the "Pinfold" owned by Bardney Parish Council, to the west is the aforementioned Nags Head PH and a butcher's shop and to the north further housing.

Proposal

The proposal can be summarised as involving the following:-

- The change of use of the existing building to form two self-contained dwellings. The dwellings would use all of the building thereby resulting in the discontinuance of the public house use on this site. Both dwellings would include ground and first floor accommodation and two bedrooms. This element of the proposal involves the part demolition of the single storey rear wing of the building which currently houses the kitchen. The eastern elevation would remain to eaves level to form a boundary wall.
- The erection of five, two storey houses within the area currently occupied by the car park. They would be arranged as a terrace of three and a pair of semi-detached dwellings, all traditionally constructed with facing brickwork and gable roofs clad with clay pantiles.

Each dwelling would have two dedicated off-street parking spaces within the site all accessed via a shared private drive served by a single vehicular access adjoining the south-western corner of the site.

The applicant has stated that they will commit to a £20,000 contribution to the delivery of affordable housing within the district to be secured by a unilateral undertaking.

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

The proposal is neither Schedule 1 or 2 development as defined by the Regulations, nor is the site within a sensitive area. The development is not EIA development.

Relevant history:

The only history relates to alterations and extensions to the public house, all predating the year 2000.

Bardney historically had in excess of 6 public houses according to Lincolnshire archives, four survived until recently; the Gypsy Queen ceased trading in 2009, whilst the Black Horse is now a licenced restaurant and bed and breakfast.

Representations:

Ward member – No comments received.

Bardney Parish Council – Do not support application:-

- Parking/access
 - To approve this application would lead to a loss of valuable parking.
 - Access would be directly onto the main road with 10+ possible vehicles entering the road at the same time would cause dangerous congestion at the central part of the village.
 - The volume of traffic on Station Road, Horncastle Road and Wragby Road is increasing, particularly when there are problems in Lincoln.
 - Although there is no public access, the car park is used by visitors to other establishments including the village shops as car parking is extremely limited in the village.
 - Page 20.2.7 of the design statement states that the majority of households have more than one car and they also have visitors. There is no extra space for additional parking so visitors would have to park off site or block the access, particularly the access to the existing garage.
 - The refuse wagon will have to stop on a busy main road in an already constricted area.

- Flooding/drainage
 - Additional dwellings will put too much of a strain on our existing infrastructure. Two major developments in the village have already stretched these resources to their limit.

- General
 - No consultation with local groups and the parish council has been made.
 - The development would be a loss of a valuable community facility. In a growing village, facilities need to be developed, not removed.
 - The application states that the type of floor space is A3 - Restaurant and café. Surely this should be A4 – Drinking Establishments.
 - The Parish Council own a small area of land known as the “pinfold” directly adjacent to the site which is of significant historical interest to the parish. The development would make this area almost hidden from view preventing historians and tourists from looking at the site.
 - There is no clear demand for housing in Bardney. The village has more than its fair share of unsold properties and this will only add to the problem. A previous development was refused on the grounds that Bardney was overdeveloped.
 - It is felt that the application does not meet the 3rd criteria of policy CRT4 by not having significant alternative benefits to the community.
 - Any construction work (employment) would be temporary.

Sir Edward Leigh MP - I am concerned about the threat to The Bards public house in Bardney and the application to change its use to private property....I very much hope that this application will be carefully considered given that this appears to be against the wishes of the local community which the Bards currently serves.

Residents – A petition has been received with 243 signatures “against the closure and redevelopment of the Bards.”

Individual objections have been received from 52 and 123, Station Road; 2, Abbey Road, 10, Wragby Road and The Bards (current tenants) (includes multiple letters from some of the above):-

- The applicant does not meet the three criteria for the loss of the public and social facility that the Bards represents (policy CRT4 of the Local Plan)
- Bardney is an expanding village with major building developments on both Horncastle and Wragby Roads. Added to this there are many other residential properties currently for sale within the village. The village infrastructure is already stretched to cope with the current inhabitants. Therefore, one thing we do not need is more housing. However, we do need more amenities.
In the past few years we have lost the main employer (British Sugar), the library, the bank, the petrol station plus various shops. We have also lost three of the five pubs which previously served the village.
- Wish to emphasise the slow nature of the housing market in Bardney – there is no demand for extra houses.
- The interests of the applicant lie solely in profit. Is it their intention to purposely make the pub unviable to justify redevelopment.
- The pub is for sale but at an unrealistic price – a community consortium has tried to lease it but Punch Taverns would provide no stability due to intention to keep marketing the property for sale.
- The Bards offers facilities that no other venue within the village offers. The Nags Head is a much smaller venue. The Bards is used by 4 darts teams in the Lincoln league and 2 in the Coningsby league as well as 1 crib team, 3 pools teams and a dominoes team. It has satellite TV including various sports channels. The facilities include a pool table, 3 darts boards a function room and a large bar area. There is an outside bar and outside catering facilities, the bar is the official bar for the village hall. The pub is used for local bands to showcase their music and is used by the local shooters and gamekeepers for their functions. 120 people can be accommodated in the bar and a further 60 in the function room.
- People who use the Bards may not choose to use the Nags Head.

- The Bards has won Punch Taverns national award for 100% beer excellence and line cleaning.
- The car park is available and used by the people of the village to visit the butcher, the Church and other village functions.
- Bardney would not sustain just one public house with a very small car park which is not available for non-patrons.
- Loss of employment; local people are employed who would otherwise not have employment as they have no means of travel.
- No. 10, Wragby Road will be overlooked by the proposed houses.

LCC Highways – No objection subject to conditions requiring implementation of access to LCC standards and parking completed before first occupation of the dwellings.

LCC Historic Environment team (Archaeology) - The proposed development is within the medieval core of Bardney and there is high potential that historic assets will be disturbed on the development site. Therefore recommend a scheme of archaeological works to be undertaken to be secured by a condition of the planning permission.

WLDC Strategic Housing Team – There would be a requirement for 25% of the dwellings to be delivered as affordable housing. Due to an over supply of affordable housing in Bardney our preference would be for an off-site contribution in lieu of the dwellings which would equate to £93,234.75p based on the Lincoln policy area tariff within the West Lindsey Supplementary Planning Guidance (SPG) for Affordable Housing.

Relevant Planning Policies:

The Development Plan

- West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the development plan for the district although the weight afforded to it is dependant on whether the specific policies accord with the principles contained within the National Planning Policy Framework. In terms of the proposed development, the following policies are considered to still be relevant:-

STRAT 1 Development Requiring Planning Permission
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 3 Settlement hierarchy
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT6 – Windfall and infill housing developments in Primary Rural Settlements
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

STRAT 9 Phasing of Housing Development and Release of Land

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

SUS 7 Building materials and components

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

RES 1 Housing Layout and Design

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

RES 2 Range of housing provision in all housing schemes

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

RES 5 Provision of play space/recreational facilities in new residential development.

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

RES6 Affordable housing provision

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

NBE 14 Waste Water Disposal

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

National

- National Planning Policy Framework (2012)
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- CAMRA Public House viability test
<http://www.camra.org.uk/page.php?id=130>

Local

- Draft Central Lincolnshire Joint Core Strategy (2013)
<http://nkdc.moderngov.co.uk/documents/g5586/Public%20reports%20pack%2008th-Jul-2013%2010.00%20Central%20Lincolnshire%20Joint%20Strategic%20Planning%20Committee.pdf?T=10>

Bardney is defined as a Tertiary Attractor settlement reflecting the services and facilities it offers to residents of the village and a catchment of smaller settlements within the locality such as Southrey. The following policies are considered relevant:-

CL1 – Sustainable development in Central Lincolnshire
CL4 - Level and distribution of growth
CL5 – Managing the release of land for housing and employment
CL6 – Site selection in Central Lincolnshire
CL12 – Overall target for affordable housing

CL13 – Affordable housing thresholds
 CL22 – Strategy for the rural areas of Central Lincolnshire

The weight afforded to this Plan has increased following the approval of the Draft by the Central Lincolnshire Joint Strategic Planning Committee on 8th July. The Strategy will now go out to further consultation with an intention to submit it for an Examination in Public early in 2014.

Assessment:

Principle

There are two issues to be considered here; whether there is policy support for further housing in Bardney and, if so, is it appropriate for the development to result in the closure of one of Bardney's two remaining public houses.

The saved strategic (STRAT) policies of the Local Plan First Review are used as the basis for the assessment of the first issue. In this context it is noted that policy STRAT3 classifies Bardney as a Primary Rural Settlement and policy STRAT6, applicable to such settlements, supports limited and small scale housing developments of 5 to 20 dwellings on previously developed land subject to the provision of an acceptable level of affordable housing, that the development does not place an unacceptable strain on the village infrastructure, that it accords with a suite of amenity policy considerations and it does not prejudice the delivery of the Council's housing strategy.

The site constitutes previously developed land. In this regard it accords with one part of policy STRAT6 as well as the priority for land release in policy STRAT9 of the Review and the National Planning Policy Framework.

The amenity considerations will be considered separately later in this report. In terms of infrastructure, no consultee has come forward to state that the services serving Bardney cannot cope with the development proposed which is limited in its scale and will replace a public house which currently has its own demands on the same infrastructure.

With regards to affordable housing, the applicant has submitted an open book viability appraisal which has been verified by Council officers and evidences that the development would not be viable with the 25% affordable housing provision advised by policy RES6 of the Local Plan Review and policy CL13 of the Core Strategy. In this context and following the advice of the Council's Strategic Housing Officer that a contribution to off-site affordable housing is preferred, a sum of £20,000 has been provisionally agreed by officers to contribute towards the provision of affordable housing elsewhere in the district. This would be secured through a unilateral undertaking under the amended section 106 of the Planning Act 1990.

In terms of the Council's Housing Strategy it is noted that the National Planning Policy Framework requires local authorities to maintain a deliverable housing supply of 5 years provision (plus a buffer of 20%). This requirement is echoed in policy CL5 of the Core Strategy. The Local Plan Review provided for a provision of 350 dwellings per annum in the district, 145 of which were to be within the Lincoln Policy Area that includes Bardney. The district can currently demonstrate a deliverable supply against this provision as evidenced in its Annual Housing Supply Assessment - 2012. However, there have been three significant changes in policy context since this adoption of the Plan in 2006 which are material considerations:-

- The approval for use by West Lindsey District Council of the provision that was contained within the East Midlands Regional Plan 2009 of 480 dwellings per annum outside of the Principal Urban Area (PUA) of Lincoln and the award of Growth Point status to West Lindsey as a whole in 2010. This provision is echoed in the Draft Central Lincolnshire Core Strategy; the Strategy seeks to deliver 42,000 homes across Central Lincolnshire over the plan period to 2031, of which 9,500 are sought to be delivered within small towns and rural areas including locations such as Bardney (policy CL4 refers).
- The publication of the National Planning Policy Framework 2012 which is underpinned by a presumption in favour of sustainable development and growth.
- The use of Central Lincolnshire (North Kesteven, City of Lincoln and West Lindsey) rather than just West Lindsey as the area against which the deliverable five year supply is measured against.

In this context, the provision of seven dwellings within a settlement of Bardney's size, on previously developed land is considered to be acceptable in principle because it is needed to contribute to Central Lincolnshire's housing provision and it meets the presumption in favour of sustainable development and growth in the National Planning Policy Framework. The location within the centre of Bardney is also considered to accord with the site selection criteria detailed in policy CL6 of the Core Strategy insofar as it is within a settlement with a good range of facilities including convenience stores (Coop for example), employment (Silverspoon for example) and a bus service to Lincoln and Horncastle (The No. 10 service has six buses each day in both directions).

With regards to the specific issue of the loss of the public house, policy CRT4 of the Local Plan Review provides three criteria against which such proposals should be assessed. It states that the application should only be granted if:-

- A suitable and convenient alternative facility is available nearby either within the same settlement or a neighbouring settlement;
- It can be satisfactorily demonstrated that the facility is no longer economically viable in the long term for retail or public house purposes and that reasonable efforts have been made to market the property for a class A1 or public house use;

- The proposed use would have significant alternative benefits for the local community.

This policy is afforded weight here as the services and facilities that premises such as public houses typically provide do contribute to the sustainability of settlements. In the absence of such services and facilities, a new development may not be sustainable and benefit from the presumption in favour of sustainable development in the National Planning Policy Framework. Indeed, paragraph 70 of the Framework states that local planning authorities should guard against the unnecessary loss of valued facilities where they would reduce the community's ability to meet its day-to-day needs and should ensure that established shops, facilities and services are retained for the benefit of the community. The definition of community facilities includes public houses.

In terms of suitable and alternative facilities, Bardney has two public houses, including the Bards. The other public house, the Nags Head, is a significantly smaller facility. Of the other buildings in the village that offer some of the facilities that the Bards offers, it is noted that the Black Horse restaurant and B & B is licensed, as is the Village Hall. Inspection of the licenses and web-sites for all of these premises as well as site visits results in the following comparison:-

	Bards PH	Nags Head PH	Black Horse Rest/B&B	Village Hall	Heritage Centre
Licensed (alcohol)	✓	✓	✓ *	✓ *	X
Licensed music/dance/entertainment	✓	✓	X	✓	X
Private function room	✓ *	X	✓	✓	✓
Restaurant/food	✓ *	✓	✓	X	✓
Accommodation	X	X	✓	X	✓
Car parking *	✓	✓	✓	✓	✓
Pool table	✓	X	X	X	X
Darts	✓	✓	X	X	X

*The Black Horse is a restaurant with rooms rather than a public house. It does not have a public bar area. The village hall has benefitted from a series of alcohol licences (the service being provided by the Bards) although a current indefinite licence is not held by the hall. All the venues have private car parking for patrons but the Bards is the only car park centrally located that is used informally by members of the public. It was noted by the case officer that it was being used by customers of the butcher on the opposite side of the road at the time of one of his site visits.

The Bards appears to be the only premises with a dedicated private function room that could potentially be used without having to temporarily cease the use of a restaurant/bar/main hall area. However, it is noted that, due to problems with the fabric of the building, this function room and the commercial kitchen are not currently in use.

It is clear that the no one premises is able to offer a full range of public house functions and facilities at the moment but that the Bards with some investment could reopen its kitchen and function room/restaurant and offer everything with the exception of accommodation. It is also noted that it is centrally located and the site size provides the ability for a limited expansion of the facilities. It is also reiterated that it is the larger of the two public houses and is host to a number of games/sports clubs some of whom may not be able to readily relocate to other venues should the Bards cease trading. Nevertheless, it is considered that the Nags Head complimented by the other premises within the village could offer the range of facilities to serve the village in the absence of the Bards, although it is acknowledged that this is a finely balanced issue.

Turning to viability, as already noted above, investment into the disused function room and kitchen to bring them back into use would assist in the viability of the use and there are no apparent constraints which would prohibit viability in terms of the layout of the building and size of the site; the car park is relatively large as is the bar area, there is room for bar games, a small beer garden and the site levels provide the potential for level access. However, it is noted that the investment required to attract potential customers seeking to have a meal or book a private function would not be insignificant and not without significant risk; there is little certainty in a competitive market with declining patronage as to whether such investment would result in increased revenue and profit and over what period the investment would be reclaimed.

There is no standard as to what population is required to sustain a public house. The Campaign for Real Ale (CAMRA) has published a viability test that has been recognised by other local planning authorities and the Planning Inspectorate. A link is included in the policy section of this report. The test assesses the existing population, daytime workers, potential to attract custom including tourists, competition, connectivity to the site by bus and potential for multiples use etc.

The population of Bardney was recorded as 2,057 at the 2011 Census. There are daytime workers at many small employers as well as Silverspoon (ABF). There is some potential to attract tourists although cyclists and river users are more likely to use the heritage centre near Bardney Bridge. Nevertheless, it is accepted that the Bards is within the historic core of the village near to the church although tourist trade is relatively limited in comparison to other centres such as Horncastle (antiques), Woodhall Spa (golf) or Lincoln. There is also competition in the form of the Nags Head which has an established food offering, albeit with a smaller car park and no dedicated function room. The No. 10 bus service serves Bardney and passes the site but does not offer an evening service.

There is some potential for other uses to share the site including accommodation and a shop but such uses would be directly in competition with uses in the immediate locality and would not therefore contribute to the overall viability and vitality of the village centre.

Without such diversification and in the absence of the disused function room and food offer, it is noted that there is disagreement between the licence

holders/current tenants and the owners as to what level of return currently constitutes a viable proposition. The applicant commissioned Everard Cole to assess the viability of the business and they concluded that profit of less than £20,000 per annum was not reasonable. They also suggested that the revenues were in decline with the total annual barrellage falling year by year. The tenants dispute this and note that barrellage has increased this year, the business is profitable and this could be sustained and increased with some investment either by the current owners or by a new owner.

The defining case law relating to what is a living wage derived from a public house is *Brooker v Unique Pub Properties (2001)*. This is quoted in the Everard Cole submission on behalf of the applicant but the case officer has also read and assessed the case reports. Specifically, in 2001 Judge Weeks ruled in this case that £20,000 was a reasonable minimum living wage. Taking inflation into account this would equate to around £24,000 to £25,000 per annum which the business is not currently achieving.

It is acknowledged that investment to reinstate the food offer and improve the fabric of the building could result in this living wage being exceeded and the business prospering again. However, the lack of interest by buyers suggests that there is no prospect of such investment despite the length of time the premises has been on the market. Between 2010 and Feb 2011 it was offered for lease and since Feb 2011 for freehold, the scope of the marketing including local and specialist publication such as the Lincolnshire Echo and The Publican's Morning Advertiser respectively at an asking price that is considered to reflect the offer and location (£225,000). As a comparison the Carpenter's Arms at Fiskerton is for sale at offers over £449,000 (albeit with a higher standard of fabric and an established food offer) and the Ship at Billingham for £200,000 (both freehold).

The loss of employment must be also acknowledged as a material consideration and at least three people would be affected. However, there are other employers within the village and the bus service times do make a commute into Lincoln to a job with normal daytime office hours possible. Furthermore, the loss of the Bards provides the potential for the remaining services and facilities to consolidate their viability.

Finally, the case officer concurs with the Parish Council insofar as it is not considered that the proposed use would have significant alternative benefits; the proposal does not include any community facilities and it does not rid the area of an eyesore. Nevertheless, it does provide much needed housing to contribute to the Council's growth objectives and will provide an increased population to assist in the viability of the remaining premises such as the Nags Head.

In conclusion, on balance, the principle can be supported.

Design, character and appearance

These are considerations detailed in policies STRAT1, STRAT6 and RES1 of the Local Plan Review and is considered to be a material consideration, the importance of which is reflected in the National Planning Policy Statement

with regards to design. It is also a consideration within policy CL6 of the Core Strategy.

Lincolnshire archive records show that this site has been occupied by a public house for many centuries and until 1995 it was under the sign The Angel Inn. The current building occupies a prominent site in the centre of the village and the rear elevation and car park are as prominent if not more so than the front elevation given that they abut one of the two main road junctions in the village. The front elevation is attractive with two first floor gabled bays jettied out over the pavement and a substantial chimney. This elevation will be retained in its entirety as would be the west facing gable end that is directly opposite the Nags Head. The alterations to the rear wing are not significant and the reduced rear wing will not be as prominent given the juxtaposition with the proposed new dwellings.

The architectural detailing and the overall form of these proposed dwellings is simple but such simplicity is a characteristic of the local vernacular and the elevations have been amended at the advice of the case officer to reflect more of the traditional domestic detailing found within the vicinity. This includes segmental arched headers to the windows and clay pantiles for the roofs. The detailing is important as the dwellings will act as a view stop when looking eastwards along Station Road. In this context it is advised that a condition is necessary to control the specific colour palette and texture of the materials for the brickwork, windows and tiles as the variations, even for a clay pantile, can be quite marked. Nevertheless, there is sufficient detail to not need to withhold the grant of planning permission.

There is also a need for a similar condition to be applied for the detailing of the front boundary wall; the proposed plans show that, for much of its length, the existing boundary wall is proposed to be utilised. However, this wall is in a poor state of repair with some brick capping missing or heavily spalled. It is of no particular architectural or historical significance and therefore it is advised that it should be replaced by a wall of a more aesthetic quality, traditionally detailed and of a height that provides a clear division between the public highway and the site (the existing wall is of variable height and less than 500mm high in places) providing a delineated and legible hierarchy of place. The details of this wall can be controlled by condition.

Policy RES5 of the Local Plan Review stipulates that sites of this size should include public open space equating to 3% of the total site area. This would be around 50 sq m in this instance. This is nearly identical to the area of land owned by the Parish Council adjoining the site; the Pinfold. Such an area is too small for informal or formal recreation, even if it abutted and was combined with the Pinfold. Members may wish that such an area is incorporated within the site but this would significantly preclude the delivery of the on-site car parking. An alternative would be to seek a payment for the delivery or enhancement of space elsewhere within the village but the viability assessment prepared for the affordable housing evidences the lack of money available for such a contribution. In this context it is proposed that there is no contribution to either on or off-site public open space.

The Parish Council raises concerns about the setting of the Pinfold adjacent to the site. In response to their concerns it is noted that the proposed dwellings are to be set back within the site behind a private drive and this open aspect will be little different in terms of the ability to view the Pinfold than the current context of the car park.

Finally, it is considered that although not listed or within a conservation area, given that the existing building is of some architectural and historical merit and sits within the historic core of the village, it is important that its conversion and retention are secured as part of the development. Specifically, it would not be acceptable for the new dwellings to be erected and occupied and the existing building to remain unconverted and vacant; it could not continue to operate as a public house with the reduced curtilage and being left empty would result in it being liable to physical decay and it could be ultimately demolished. In this context it is advised that any permission is subject to a phasing condition.

Highways

This is a material consideration detailed in policy STRAT1 of the Local Plan Review.

A number of the representations received, including those from the Parish Council, make reference to highway safety and parking concerns.

The current car park is rather informal in nature with no clear delineated layout. However, it extends to around 670sq m so it is reasonable to assume that it could accommodate around 16 cars allowing for manoeuvring areas, a clear access and the vehicular right of way to the back of a neighbouring house. Given that the existing and proposed accesses are in the same location and given the comparative comings and goings associated with the public house and the proposed seven dwellings, it is not considered that a refusal of the application could be sustained on highway safety grounds; the houses are not likely to generate a significant increase in the number of trips than the level associated with the current public house use. It is also considered that the two off-site parking spaces proposed for each of the proposed dwellings, including the two to be created from the existing building, is sufficient for the modest size of dwellings proposed. It is acknowledged that there is no visitor parking proposed but there is free, unrestricted on-street parking available within a short distance and sufficient space to ensure visitors would not compete for space with customers to the shops in the area. Photographs of the surrounding streets will be made available to members at Committee.

Finally, it is not considered that vehicular movements from seven additional dwellings would place undue strain on the existing highways infrastructure, including Bardney Bridge especially given that the road is a "B" classified road with relatively high traffic flows. It is also considered that the central position

and proximity to a bus stop provides the potential for future occupiers to access services and facilities without relying on trips by car. The County Highways Authority raises no objection.

Archaeology

This is a material consideration detailed in policy STRAT1 of the Local Plan Review and latterly in the National Planning Policy Statement which details the assessment of “significance” of historic assets including archaeology carried forward from the superseded Planning Policy Statement (PPS) 5.

The site is within the medieval core of the village with the existing public house fronting onto a small triangle of land next to the road leading to Bardney Abbey (Abbey Road). This location provides the potential that historic assets would be disturbed by the development. However, the County Historic Environment Officer has advised that they are not of a level that requires pre-determination investigation and the matter can be dealt with by conditions.

Flooding and drainage

This is a material consideration detailed in the National Planning Policy Framework, the accompanying Technical Guidance and policy NBE14 of the Local Plan Review.

With regards to fluvial flooding, the site is within zone 1 as defined by the Environment Agency. Such areas are those at least risk of flooding and sequentially are the preferred location for more vulnerable uses such as dwellings.

The application form states that surface water will be disposed of via the mains sewer. This is not acceptable if other, more sustainable methods of surface water drainage have not been explored first (the National Planning Policy Framework refers).

The site is currently covered by large areas of impermeable surfaces (the building and car park) and therefore there is estimated to be little or no increase in the coverage of impermeable surfaces should the proposed development be implemented. Nevertheless, it needs to be demonstrated that a surface water drainage system, employing the most sustainable drainage solution possible (soakaways/sustainable urban drainage system) can cope with a 1 in 100 year storm water event (plus 30% allowance for climate change) without increasing the risk of flooding on and off the site. There is clearly potential for such a system to be devised given the garden areas proposed and that driveways could be constructed of permeable paving. In this context a condition is considered sufficient rather than needing to withhold planning permission.

Foul water is proposed to drain to the foul sewer and this accords with policy NBE14 of the Local Plan Review.

Other

Examination of the plans and elevations reveals that there are significant distances between the modest two storey dwellings proposed and existing dwellings. This will ensure no significant loss of **residential amenity** in terms of overlooking, overshadowing or overbearing (policy RES1 of the Local Plan Review refers). There is also considered to be adequate private garden space for each dwelling for household recreation and the drying of clothes etc.

With regards to the other comments received from the Parish Council and residents, there is reference to **no consultation with local groups and the parish council** having been made. It is assumed that this refers to a lack of consultation by the applicant prior to submitting the formal planning application. Whilst such consultation is advised and encouraged and the primary legislation has been put in place via the Localism Act to require it, there are no subsequent regulations to stipulate that it is necessary for developments of this type at this time.

The Parish Council submission also makes reference to the fact that section 18 of the **application form contains inaccuracies**, it stating that the current floorspace is class A3 - Restaurant and café as defined by the amended Use Classes Order 1987 when it should be class A4 – Drinking Establishments. The Parish Council are correct. However, section 3 “description of the proposal” accurately describes the proposed development and this is reflected in the Council’s consultations. Indeed, it is clear from the representations received that there is a clear understanding by consultees as to what is proposed and the error in section 18 should not preclude the fair and proper assessment by all.

Conclusion

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy, STRAT 9 Phasing of Housing Development and Release of Land, SUS 7 Building materials and components, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5 Provision of play space/recreational facilities in new residential development, RES6 Affordable housing provision, CORE 10 Open Space and Landscaping and NBE 14 Waste Water Disposal of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other material considerations include the provisions of the National Planning Policy Framework which has been afforded significant weight especially the presumption in favour of sustainable development and growth and policies CL1 – Sustainable development in Central Lincolnshire, CL4 - Level and distribution of growth, CL5 – Managing the release of land for housing and employment, CL6 – Site selection in Central Lincolnshire, CL12 – Overall target for affordable housing, CL13 – Affordable housing thresholds and CL22

– Strategy for the rural areas of the Draft Central Lincolnshire Joint Core Strategy (2013). The CAMRA public house viability test was also referred to as a consideration.

In light of this assessment it is considered that the development is acceptable subject to the imposition of conditions and the completion and signing of the unilateral undertaking under the amended section 106 of the Planning Act 1990.

This is a finely balanced issue. However, the objective of meeting the Council's growth ambitions detailed in the Core Strategy, previously agreed by the Council when the Regional Plan was in force and reflected in the Growth Point status for West Lindsey are afforded significant weight. The presumption in favour of sustainable development and objective of growth contained within the National Planning Policy Framework are also afforded weight. The impact of the loss of the public house would be mitigated by the remaining level of similar facilities on offer in the village. The public house is not a viable proposition currently in terms of offering a living wage and, given the population of Bardney, the competition, lack of evening bus services, limited potential for tourism and the investment required, it is by no means certain that the public house would be any more viable in the future. The lack of interest despite extensive marketing at a reasonable price reflects this uncertainty.

The proposed development is within an area at low risk of flooding and visual and residential amenity will be preserved subject to the imposition of conditions.

RECOMMENDED DECISION: That the decision to grant planning permission subject to the following conditions be delegated to the Director of Regeneration and Planning upon the receipt of an acceptable unilateral undertaking under s106 of the amended Town & Country Planning Act 1990 obligating a payment of £20,000 to be paid to West Lindsey District Council for the provision of affordable housing within the district.

Time commencement condition

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).

Pre-commencement conditions

2. No development of the dwellings annotated as plots 3 to 7 on the approved plans and hereby approved shall take place until details of the external facing materials to be used for them have been submitted to and approved in writing by the local planning authority

Reason: The approved plans and forms provide sufficient evidence in principle that the materials to be used will ensure that the visual amenity of the area will be preserved. However, the specification of colours and

finishes to be agreed leaves some degree of uncertainty and this condition is required to ensure those specific details to be agreed to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012 given the prominent setting of the site in the historic core of the village.

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

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

4. Notwithstanding the details annotated within the submitted application form no development shall take place until details have been submitted to and approved in writing by the local planning authority of a scheme for the disposal of surface water from the site based upon the principles of sustainable drainage.

Reason: It is reasonable to require details in accordance with the National Planning Policy Framework (2012) to reduce the risk of flooding as a result of the development to future occupants of the site and existing residents in the locality by means of a sustainable drainage system rather than discharge to a sewer.

5. Notwithstanding the details shown on the approved plans, no development shall take place until further details relating to the vehicular access to the public highway, including materials, specification of works and construction method have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

6. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 3 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

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

7. No development shall take place until a detailed plan of the phasing of the development hereby approved have been submitted to and approved in writing by the local planning authority.

Reason: The existing building is of some architectural and historical merit as a non-designated heritage asset and, in the interests of preserving the character and appearance of this historic core of the village, it is important that the conversion of the building is delivered before occupation of all of the new dwellings. This will ensure that the development accords with policy RES1 of the West Lindsey Local Plan First Review 2006 (saved policy) and the provisions of the National Planning Policy Framework 2012.

Other conditions

8. None of the dwellings hereby approved shall be first occupied until the access, parking and maneuvering areas for the said dwelling have been completed in accordance with the approved plans. The said areas shall be thereafter retained.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

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

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

10. Following the archaeological site work referred to in condition 9 a written report of the findings of the work shall be submitted to and approved in

writing by the local planning authority within 3 months of the said site work being completed.

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

- 11.** The report referred to in condition 10 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

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

- 12.** The dwellings annotated on the approved plans as plots 3 to 7 and hereby approved shall be externally faced using materials the details of which shall have been previously approved in writing by the local planning authority as required by condition 2.

Reason: In the interests of the visual amenity of the area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

- 13.** The approved surface water drainage system referred to in condition 4 shall have been completed before the first occupation of any of the dwellings hereby approved and shall thereafter be retained.

Reason: It is reasonable to require details in accordance with the National Planning Policy Framework (2012) to reduce the risk of flooding as a result of the development to future occupants of the site and existing residents in the locality by means of a sustainable drainage system rather than discharge to a sewer.

- 14.** The approved access details referred to in condition 5 shall be implemented on site before any of the dwellings hereby approved are first occupied and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

- 15.** Notwithstanding the details shown on the approved plans, none of the dwellings hereby approved shall be first occupied until a wall has been completed on the west boundary of the site to replace the existing

boundary wall, the details of the new wall having been previously submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity given the prominent location within the historic core of the village and to define a legible hierarchy of spaces within the development to accord with policy RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

- 16.** The development shall be carried out in complete accordance with the approved plans as amended by the revised plans received on 20th June 2013.

Reason: The plans were amended during the course of the application and the development is only considered to be acceptable as amended by the revised details.

- 17.** The development shall be carried out in complete accordance with the approved phasing plan as required by condition 7.

Reason: The existing building is of some architectural and historical merit as a non-designated heritage asset and, in the interests of preserving the character and appearance of this historic core of the village, it is important that the conversion of the building is delivered before occupation of all of the new dwellings. This will ensure that the development accords with policy RES1 of the West Lindsey Local Plan First Review 2006 (saved policy) and the provisions of the National Planning Policy Framework 2012.

Informatives

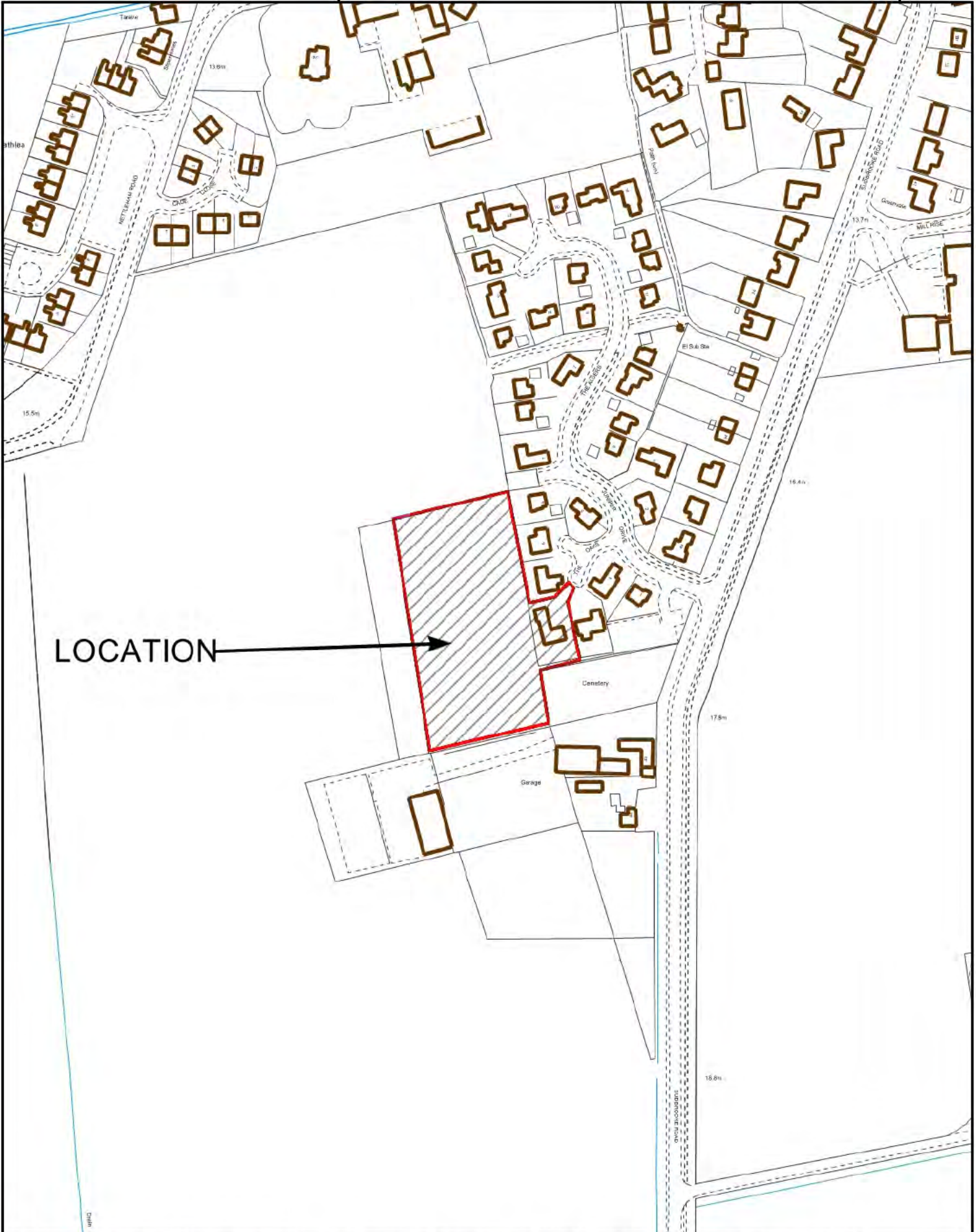
1. The written scheme required by condition 3 shall be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor (tel 01522 550382)
2. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information
3. This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

Human Rights Implications:

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

Legal Implications:

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



Officers Report

Planning Application No: 129973

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

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

WARD: Sudbrooke

WARD MEMBER(S): Councillor S Curtis

APPLICANT NAME: Mr Mark Harris

TARGET DECISION DATE: 11/07/2013

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Zoe Raygen

RECOMMENDED DECISION: Grant with Conditions

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

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

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

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

Relevant history:

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

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

Representations:

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

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

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

It does not meet the sequential release of land policy.

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

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

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

1. The Parish Council believes that development would not satisfy the requirements of Policy RES 13 - Family Annexes. The development site is not within the current curtilage of the host property at 3 The Oaks. Furthermore, it is neither integral to, nor incidental to, the host property and therefore it is our view that it should be considered as a separate development.
2. The development would be outside of the existing settlement boundary and may therefore conflict with Policy NBE 20 - development on the edge of settlements.
3. The development may conflict with Policy RES 3 - Backland and Tandem

development as it would represent an increase in the density of residential development in the area.

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

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

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

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

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

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

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

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

7. A public footpath runs adjacent to the area of land for which a change of use to 'residential' is sought - it is not clear if this would represent an issue to be considered as part of this application.

Parish Council further comments on amended application:

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

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

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

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

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

Relevant Planning Policies:

National guidance

National Planning Policy Guidance

West Lindsey Local Plan First Review 2006

STRAT 1 – Development requiring planning permission
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 12 – Development in the open countryside

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

NBE 10 – Protection of Landscape Character in Development Proposals

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

NBE 20 – Development on the edge of settlements

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

RES 13 – Residential Annexes

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

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

Other Policy

The Core Strategy

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

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

Main issues

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

Assessment:

Principle of development

Policy RES 13 regarding the provision of residential annexes states that planning permission will be granted for the creation of additional self contained living accommodation either by extending an existing dwelling or converting existing outbuildings which are incidental to the dwelling and within the curtilage of the original dwelling. While the policy states that the creation of a separate dwelling unit will not be permitted, it is considered that this statement is not in accordance with the contents of the national Planning Policy Framework which seeks to provide sustainable development without distinguishing whether new building is attached or not to host dwellings. This part of the policy is therefore given very limited weight.

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

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

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

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

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

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

It is considered therefore given the location of the building on the site of a previously approved structure and the use of the building as an annexe to

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

Impact on visual amenity

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

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

Impact on residential amenity

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

Conclusion and reason for decision

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies STRAT 1 – Development Requiring Planning Permission, STRAT 12 – Development in the Open Countryside, NBE 10 – Protection of Landscape Character in Development Proposals, NBE 20 – Development on the edge of settlements RES 13 – Residential Annexes of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework and planning permission reference 121453. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions. With the conditions in place, it is considered that the proposal is acceptable, while the development is beyond the settlement limit the principle of a structure in this location is given through application 121453. The provision of an annexe here would be a sustainable addition to the property, the siting ensures that the visual intrusion would not be significant and residential amenity can be preserved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

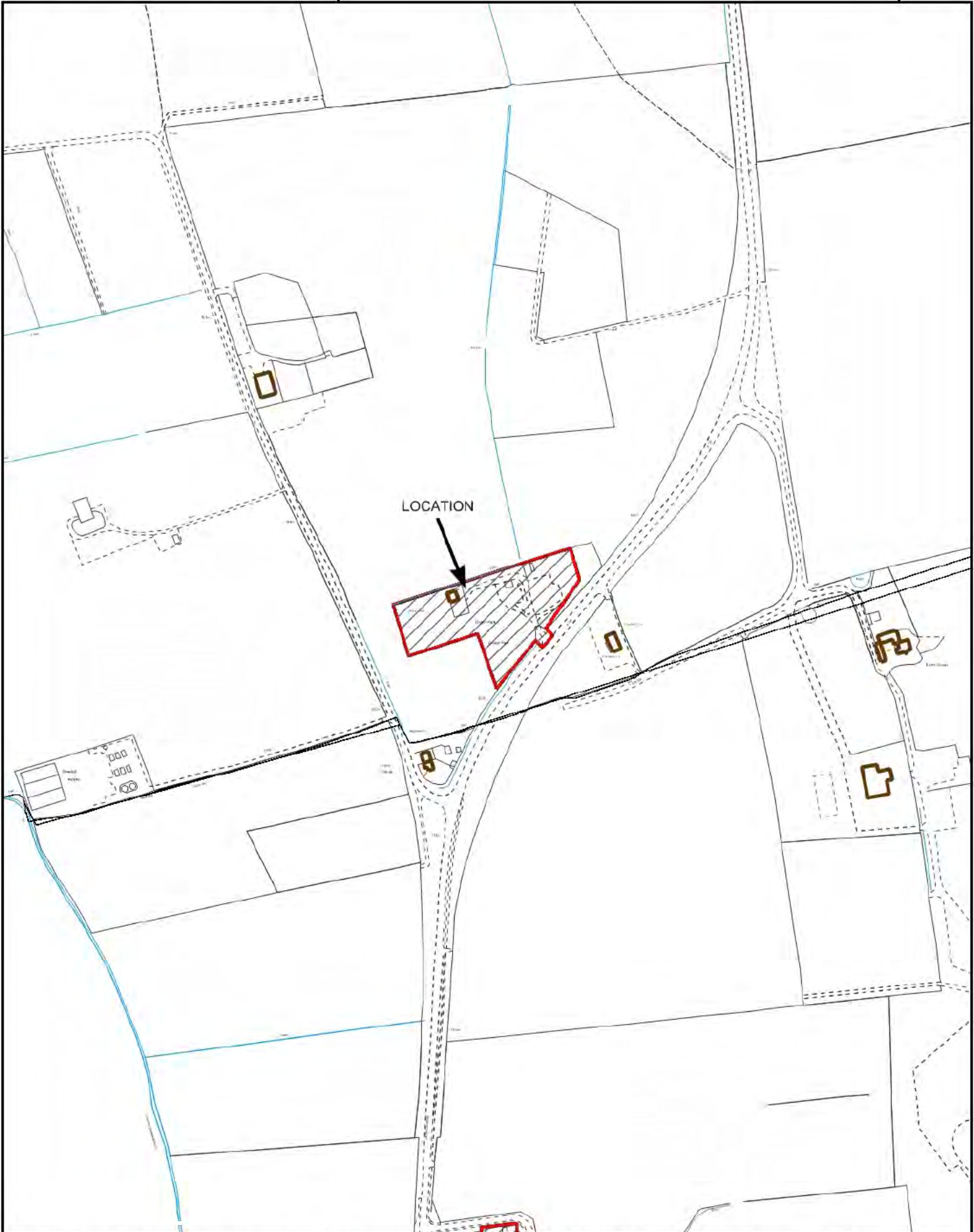
Human Rights Implications:

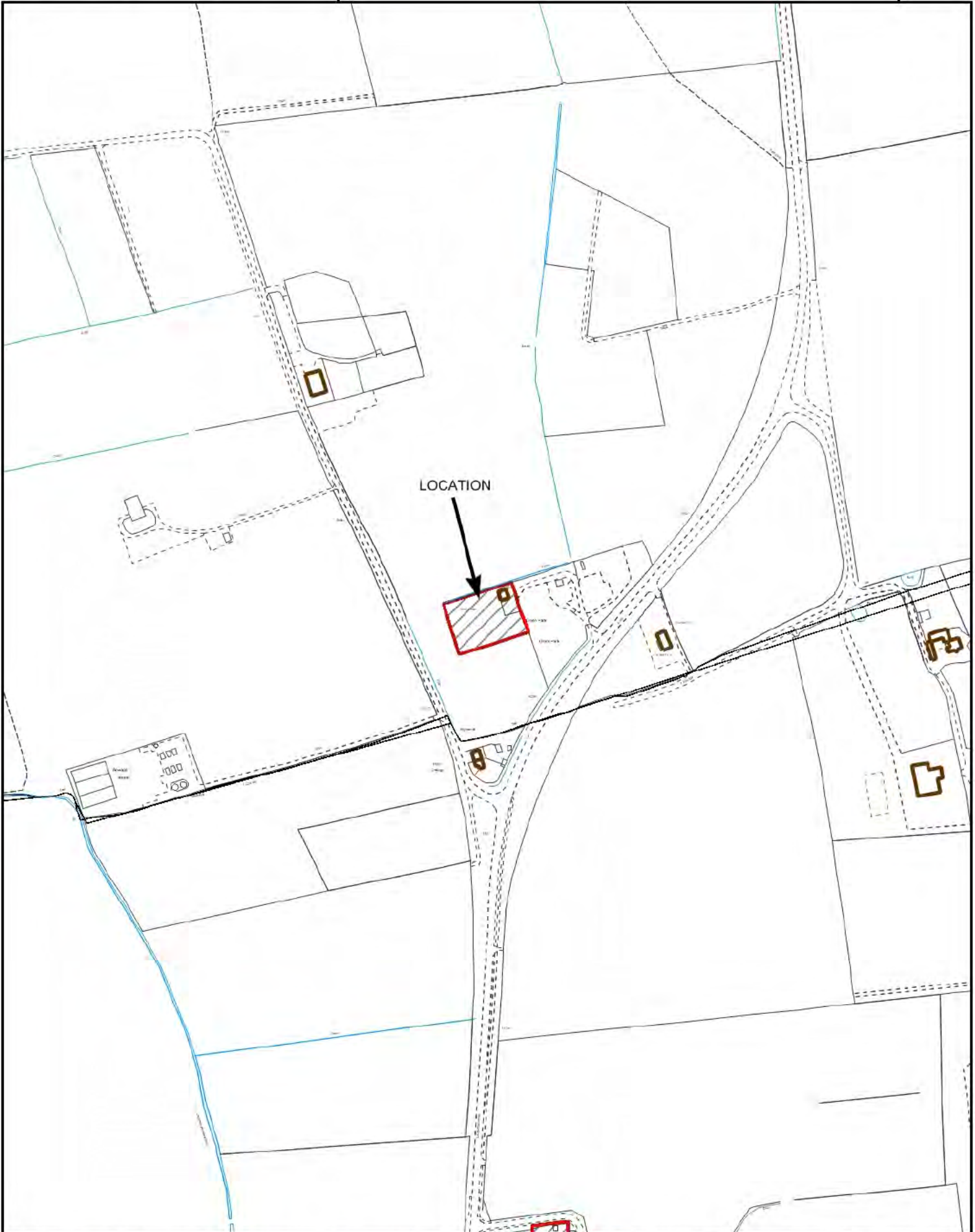
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not

interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

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





Officers Report

Planning Application No: 129990 and 130027

129990

PROPOSAL: Planning application to remove condition 5 of planning permission 129624 granted 20 March 2013, regarding occupancy

130027

PROPOSAL: Planning application to remove condition 4 of planning permission 99P0794 granted 19 September 2001, regarding occupancy

LOCATION: Land at Grace Park Laughton Road Blyton Gainsborough DN21 3LQ

WARD: Scotter

WARD MEMBER(S): Councillor Underwood Frost
Councillor Parry

APPLICANT NAME: Arnolds Parks Ltd

TARGET DECISION DATE: 05/07/2013

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Zoe Raygen

RECOMMENDED DECISION: Grant with conditions

Description: The application site forms an existing touring caravan park on the north west side of the A159 640 metres north of the settlement limit of Blyton. The site is therefore in the open countryside. The entrance to the site has a stone wall boundary with the gated entrance set back from the main road to allow access. Otherwise the boundary to Laughton Road consists of thick hedgerow and trees. The site is surrounded by open countryside and the boundary is formed by a mix of hedge and mature trees. The site has permission for an area which contained, at the time, 13 touring caravans on the south part of the site. On a small area to the north planning permission has been granted for the storage of touring caravans. This permission was granted conditionally on appeal in September 200. Condition no 4 states that

No caravan on the site, including any caravan or mobile home occupied by a site warden shall be occupied between 1 November in any one year and 28 February in the succeeding year.

This condition was attached in the light of the strict control of residential development in the open countryside exercised by national and local policy to impose a condition limiting the site to seasonal occupation only.

A subsequent application to use the remainder of the site for the siting of a further 22 caravans, of which 17 would be on land which does not already have planning permission was granted in March of this year with the same condition for the same reason

The applicant has now submitted an application to remove the condition on both permissions and replace them with more up to date conditions.

The application was deferred at your meeting on the 24th July 2013 to enable a site visit to take place. The site visit occurred on the 7th August 2013.

Relevant history: 99/P/0794 – Change of use of part of site from agricultural to administered site for touring caravans Refused, granted on appeal 2001

M03/P/0242 – Erection of barn, polytunnels and timber shed – Grant Conditionally 2003

M05/P/0917 – Change of use of land for storage of touring caravans Grant Conditionally 2005

129624 – Planning Application for change of use of land to extend an existing touring caravan park. Grant Conditionally March 2013

Representations:

Chairman/Ward member(s): Please make sure planning applications 129990 and 130027 are sent to the Planning Committee.

This site area was granted planning permission with conditions at the time when conditions were used to restrict usage, before S106s were used in more formal ways. If S106 was in place I am sure we would have greater security to restrict usage today.

Therefore to make sure these applications have the democratic hearing needed I request they go to Planning Committee. The reasons are that conditions were placed on to this site to protect against residential and long term usage all year round and protect the open countryside against formal residential usage also to protect against developers and dwellers building property in the open countryside in accordance with policies STRAT 12 and STRAT 1. Plus conditions were placed to control movement on and off the site and local people were not happy that the site was to be used in the manner that it has been. Other concerns would be that even if you have policies to restrict long stay who will formally police it!

Therefore whilst I have not formally predetermined this application I was a member of WLDC when the development of this site history started. I request these applications go to Planning Committee for determination.

Parish/Town Council/Meeting: Laughton Parish Council – Objects:

1. The agent acts heavily on advice by GPGPT, but we stress this is advice not policy.
2. The alternative conditions suggested would be extremely difficult for WLDC officers to enforce. It is quite simple to monitor whether a site is occupied during the winter months; it would be time-consuming and almost impossible to ascertain all year round whether or not caravans are occupied for holiday purposes only, and whether or not they might constitute the occupants' sole or main residence.
3. The proposals conflict with Strat 1 and 12 which exist for very good

reasons, and remain paramount.

Would suggest following reasoning of Swale BC in Kent.

At a planning meeting on 29/3/12, it was agreed to alter planning conditions for several ventures similar to this, to allow 10 months occupancy per year, from 1 March-3rd Jan. This would seem an excellent compromise in that it precludes permanent residency on an unsuitable site and yet allows the owner greater flexibility and allows for xmas occupancy.

Blyton Parish Council – strongly oppose application

If this condition is removed it will be very easily abused with permanent residency, it effectively could become another Sunnyside problem which we have within our village and there is the addition of the gypsy caravan site just down the road, sites are popping up within our Parish left right and centre. Members do not understand why it cannot continue to operate as a normal holiday park with a closed season

Local residents: None received

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

Environment Agency: None received

Archaeology: None received

Building Control: None received

Relevant Planning Policies:

National guidance

National Planning Policy Framework Part 3 Supporting a prosperous rural economy
(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

Good Practise Guide on Planning for Tourism May 2006
<https://www.gov.uk/government/publications/planning-for-tourism>

West Lindsey Local Plan First Review 2006

STRAT 1 – Development requiring planning permission
(<http://www2.west-lindsey.gov.uk/localplan/written/cpt1.htm>)

STRAT 12 – Development in the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

Other policy

Draft Central Lincolnshire Joint Core Strategy (2013)
<http://nkdc.moderngov.co.uk/documents/g5586/Public%20reports%20pack%2008th-Jul->

[2013%2010.00%20Central%20Lincolnshire%20Joint%20Strategic%20Planning%20Committee.pdf?T=10](#)

The weight afforded to this Plan has increased following the approval of the Draft by the Central Lincolnshire Joint Strategic Planning Committee on 8th July. The Strategy will now go out to further consultation with an intention to submit it for an Examination in Public early in 2014. As the policies are still subject to challenge the weight given is very limited

Main issues

- Principle

Assessment:

Principle

The site is outside the settlement limit of Blyton and therefore is in the open countryside. Policy STRAT 12 therefore would only allow development that necessarily required a location in the countryside. When the first planning application for the use was considered, the use was accepted given the economic benefits of siting a touring park in this location. However concern was raised regarding the impact of the proposal on highway safety and the application was refused on these grounds.

The applicant submitted an appeal against the refusal of the application. The Inspector considered that a driver leaving the site would be able to see a considerable distance in both directions and considered that the proposal would not be harmful to highway safety. He did however consider that the proposal should be restricted by way of a condition so that the site could not be occupied as permanent residential occupation in the open countryside.

When the subsequent application was considered, policy had not changed in respect of the siting of permanent residential accommodation in the open countryside. While the NPPF had been published, this reiterated that new permanent residential accommodation should be located in sustainable locations and only exceptionally in the open countryside. Therefore a similar condition was applied to this planning permission so that caravans on the Park operated in a consistent manner.

The legislation and guidance available both in the NPPF and local policy STRAT 12 makes it clear that this would not be a suitable location for permanent residential accommodation, but what needs to be assessed is, what is the best way to achieve this, through the addition of conditions.

Circular 11/95 regarding the addition of conditions to planning permissions states the six tests that a planning condition should pass. The Circular states that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other requests.

Leisure demands have changed markedly in recent years with many people take several holidays a year, some of which may be short breaks, no longer just in the summer months. Much of this demand is for self-catering accommodation which may be constructed to a standard that would equally support permanent residence in some comfort. But this accommodation may also be located in areas in which the provision of permanent residential occupation would be contrary to national policies on development in the countryside or not in accordance with development plan policies, or both. The planning system can respond to these changes in the holiday market without compromising policies to safeguard the countryside by imposing holiday occupancy conditions.

The Good Practice Guide on Planning for Tourism produced in 2006 by DCLG is guidance, to be read alongside national planning policies, and is designed to ensure that planners understand the importance of tourism and take this fully into account when preparing development plans and taking planning decisions and ensure that planners and the tourism industry work together effectively to facilitate, promote and deliver new tourism development in a sustainable way.

This guidance states that Local Planning Authorities may attach conditions to planning permissions for holiday parks to ensure that they are used for holiday purposes only. However, with better caravan standards and the trend towards tourism as a year round activity, authorities should give sympathetic consideration to applications to extend the opening period allowed under existing permissions. It makes a distinction between seasonal and holiday occupancy conditions.

The spread of demand improves the use that is made of this accommodation and so is advantageous to the businesses which provide it and to those host communities which are supported by the spending that it generates. It can help to reduce the disadvantages of seasonal employment, including the difficulties of retaining trained and experienced staff.

Whilst extension of the season has these advantages, the demand for this accommodation may occur in areas in which the provision of permanent housing would be contrary to national or local policies which seek to restrict development, for example in order to safeguard the countryside. These two objectives can be reconciled through the use of occupancy conditions designed to ensure that holiday accommodation is used for its intended purpose.

One type of condition frequently used for holiday accommodation, particularly in holiday areas, is known generically as a 'holiday occupancy condition'. The aim of such conditions is generally to ensure that the premises are only used by visitors and do not become part of the local housing stock.

These conditions can be framed according to local circumstances, and in accordance with general Government advice that conditions should be reasonable and fair. They will also need to frame them so that they can be readily enforced by the authority but in a way that is not unduly intrusive for owners or occupants.

Another type of condition that may be appropriate for tourist areas is known as a 'seasonal occupancy' condition which is currently in force on the site. The guidance states that this type of condition would seek to restrict use of holiday accommodation

during particular times of year, perhaps to protect the local environment. This could be used if, for example, use of the premises or the site might affect an important species of bird during its breeding season or when it is winter feeding. Local planning authorities will need to balance the need to impose seasonal occupancy conditions with the wish to avoid exacerbating the seasonal nature of tourism in the locality and its possible adverse effects upon local businesses and jobs.

In this instance there would appear to be no particular circumstance which would require the site to only be occupied on a seasonal basis. It would seem more appropriate to apply holiday occupancy conditions to ensure that the caravans are occupied for holiday purposes only, and the authority has access to adequate information to ensure that the conditions are enforceable.

In *Chichester D.C. v SoS & Holdens Farm Caravan Park Ltd* 18/3/92 the court held that an inspector was right to alter a “seasonal” restriction condition by substituting it for one which allowed all year round occupation but only for holiday purposes. The judge stated that it was not the court’s task to consider whether a condition was enforceable, but whether it was void and invalid. If enforcement is impossible then the holiday use only condition could well fail as absurd, but the situation was well short of impossibility. On a prosecution for failure to comply with an enforcement notice, the magistrates would have little difficulty on the facts as they emerge in deciding whether a chalet was being used for holiday accommodation or for occupation as a permanent residence.

Update report

Following further discussion with the applicants agent after concerns raised at the previous planning committee regarding the problems in enforcing the proposed conditions the applicant has amended the proposal. He would be happy to accept a condition for the caravans worded to allow an 11 month occupation with no occupation between January 14th and February 14th of any year. He would however like an exception made for the warden’s caravan so that could be occupied all year round. This would seem to make sense and is an approach that has been agreed on other sites across the district. The occupation of the warden’s caravan could also be secured by condition.

Conclusion and reason for decision

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission and STRAT 12 – Development in the Open Countryside of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework and the Good Practise Guide on Planning for Tourism May 2006. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions. The new conditions will ensure that the caravans will not be used as permanent residential accommodation and that the local authority will be able to monitor the residence of the caravans for enforcement purposes.

Recommendation:

129990 – 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 including details of the size, species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

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

3. No development shall take place until full details of the extension to the washroom and the bin storage area are submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the caravans being first occupied

Reason: In the interests of visual amenity and to accord with the West Lindsey Local Plan First Review 2006 Policy STRAT 1

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Ref GP1 dated 07 February 2013. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application, unless otherwise agreed in writing by West Lindsey District Council as Local Planning Authority.

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

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

5. No caravan on the site, shall be occupied between 14th January in any one year and 14th February in the succeeding year.

Reason: The proposed site would not be a sustainable location for permanent residential accommodation and therefore the condition restricts the occupation of the caravans to ensure that they are only occupied on a seasonal basis to accord with the West Lindsey Local Plan First Review Policies STRAT 1 and STRAT 12

6. The warden's caravan shall only be occupied by the warden of Grace Park, Laughton Road, Blyton and their resident dependants.

Reason: 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 and the National Planning Policy Framework 2012

7. The caravans shall be occupied for holiday purposes only at any time and not occupied as a persons sole or main place of residence at any time.

Reason: The proposed site would not be a sustainable location for permanent residential accommodation and therefore the condition restricts the occupation of the caravans to ensure that they are only occupied on a seasonal basis to accord with the West Lindsey Local Plan First Review Policies STRAT 1 and STRAT 12

8. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the caravans or the completion of the development whichever is sooner and any trees or plants which within a period of five 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 a similar size and species.

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

Recommendation:

130027 – 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 including details of the size, species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

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

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

None

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

3. No caravan on the site, shall be occupied between 14th January in any one year and 14th February in the succeeding year.

Reason: The proposed site would not be a sustainable location for permanent residential accommodation and therefore the condition restricts the occupation of the caravans to ensure that they are only occupied on a seasonal basis to accord with the West Lindsey Local Plan First Review Policies STRAT 1 and STRAT 12

4. The warden's caravan shall only be occupied by the warden of Grace Park, Laughton Road, Blyton and their resident dependants.

Reason: 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 and the National Planning Policy Framework 2012

6. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the caravans or the completion of the development whichever is sooner and any trees or plants which within a period of five 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 a similar size and species.

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

7. The caravans shall be occupied for holiday purposes only at any time and not occupied as a persons sole or main place of residence at any time.

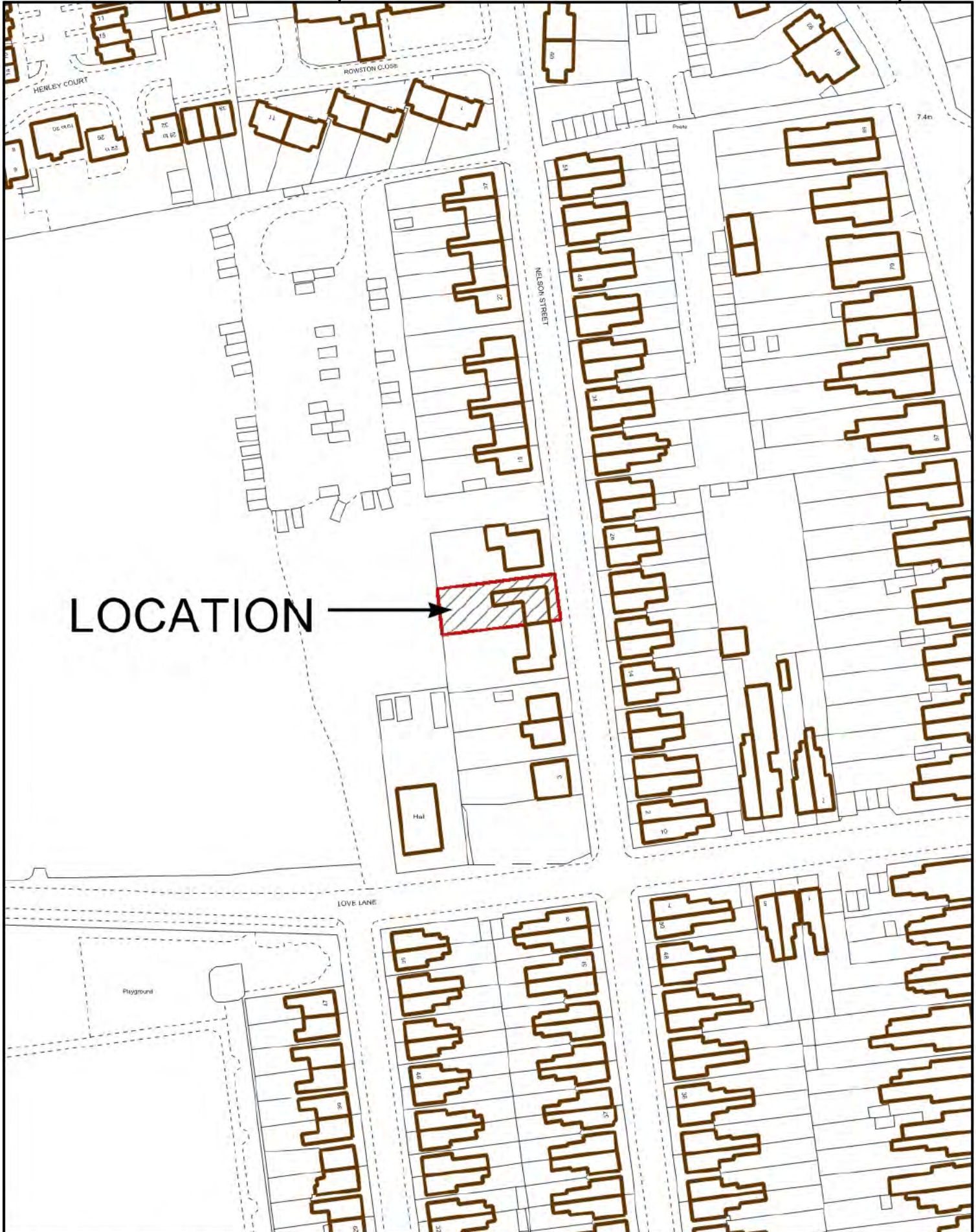
Reason: The proposed site would not be a sustainable location for permanent residential accommodation and therefore the condition restricts the occupation of the caravans to ensure that they are only occupied on a seasonal basis to accord with the West Lindsey Local Plan First Review Policies STRAT 1 and STRAT 12

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



LOCATION



Officers Report

Planning Application No: 130004

PROPOSAL: Planning Application for first floor extension over single storey section of dwelling-resubmission of 129712

LOCATION: 11 Nelson Street Gainsborough Lincolnshire DN21 2SE

WARD: Gainsborough North

WARD MEMBER(S): Councillors D Dobbie & G Bardsley (Gainsborough North)

APPLICANT NAME: Mr J Myskiw

TARGET DECISION DATE: 09/07/2013

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Russell Clarkson

RECOMMENDED DECISION: Refuse planning permission

Description:

This application had been deferred from the Planning Committee Meeting of 24th July, to enable the Committee to undertake a site visit.

The application seeks planning permission to erect a first floor extension. The extension would measure 6.23m long and take place on the rear from the back of an existing 1.20m long gable (cumulative length from the main back wall measuring 7.43m). It would take place over an existing flat roofed single storey extension. The extension would provide a bedroom and shower room.

The application site is occupied by a semi-detached two storey dwelling, and is located on the west side of Nelson Street, Gainsborough. Whereas properties on the east side of the street are all of the same uniform semi-detached house type, on the west side, a variety of house types are employed.

A driveway serving a detached garage runs between the dwelling and its northern boundary with no.13.

Town and Country Planning (Environmental Impact Assessment) Regulations 2011:

The development does not qualify as Schedule 1 or 2 development, and is not considered "EIA Development" as a result.

Relevant history:

129712 - Planning Application for first floor extension over single storey section of dwelling. Withdrawn 17/04/2013.

Representations:

Chairman/Ward member(s): Councillor Dobbie requests the application is brought to the planning committee for determination. Considers the proposed extension is of an acceptable design, massing and scale and the size of the application plot, the juxtaposition of adjacent dwellings and their relationship is such that it is not be overly oppressive or dominant or would unacceptably impinge upon neighbours' amenities. Considers the development complies with the NPPF presumption in favour of sustainable development and complies with Local Plan policies STRAT1 and RES11.

Parish/Town Council/Meeting: No comments received.

Local residents: No comments received.

Environmental Health: No apparent concerns.

Relevant Planning Policies:National guidance

National Planning Policy Framework

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/2116950.pdf)

West Lindsey Local Plan First Review 2006

STRAT1: Development requiring planning permission

(<http://www2.west-lindsey.gov.uk/localplan/written/cpt1.htm>)

RES11: Extensions to Dwellings Located within Settlements

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

Main issues

- Character and Appearance
- Residential Amenities

Assessment:

- (i) Character and Appearance

11 Nelson Street is one half of a symmetrical house pair. It has previously been extended with a flat roofed single storey extension that measures some 8.8m long off the back wall of the main dwelling. The property has previously been extended at first floor with a 1.2m long gable off the back wall. A 3.6m long conservatory sits within the alcove formed between the single storey extension and the boundary shared with no.9 to the south.

The application seeks planning permission to build a first floor extension on top of the existing ground floor extension. The extension would continue the existing gable by a further 6.23m. This, taken cumulatively with the existing

gable extension, would give a total length of approximately 7.43m off the original back wall.

This would result in the north-facing side elevation extending a total of 12.8m at two storeys. This side elevation would be proportionately greater than the width of the principal front elevation of the dwelling at approximately 8.2m.

It is considered that, as a result of its substantial length, the extension would not be subordinate to the parent dwelling, despite the reduced ridge height, resulting in a disproportionately long side elevation. This would be open to views from within the street due to the spacing between no.11 and no.13. This would be directly contrary to Local Plan policy RES11, which requires house extensions to be “well-designed in relation to the size, shape and materials of the building to be extended, and [be] subordinate to the existing property”. It would also be contrary to Local plan policy STRAT1 which requires development to be satisfactory in terms of “the impact on the character, appearance and amenities of neighbouring [land]”.

Both policies STRAT1 and RES11 are considered to be consistent with the NPPF requirement for good design. It states that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

(ii) Residential Amenities

An approximately 2.2m high, well-maintained hedge runs between the application site and no.13 to the north. There is a space of approximately 5m wide between the two buildings.

No.13 is a detached property. Facing windows leading to habitable rooms were not noted in the property’s facing side elevation opposite the development. Nonetheless, no.13 has a raised patio to the rear of the property with tables and chairs set out. The proposed development would be highly visible and prominent when viewed from the neighbour’s side. It is considered that this extensive and predominantly blank facing side wall proposed, at a height of 4.8m to the eaves, would have an oppressive and over-bearing effect upon the enjoyment of the neighbour’s property, particularly when making use of their private garden space.

Whilst the neighbours have indicated concerns verbally to the Case Officer, no written objections have been made to the application.

Nonetheless, it would be considered to be unduly harmful to the enjoyment of the neighbour’s amenities as a result of its substantial scale and massing. It is therefore deemed to be contrary to saved Local Plan policies STRAT1 and RES11 which both seek to resist development that would adversely affect a neighbour’s amenities.

The policies are considered to be consistent with the NPPF core planning principle to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

Other matters

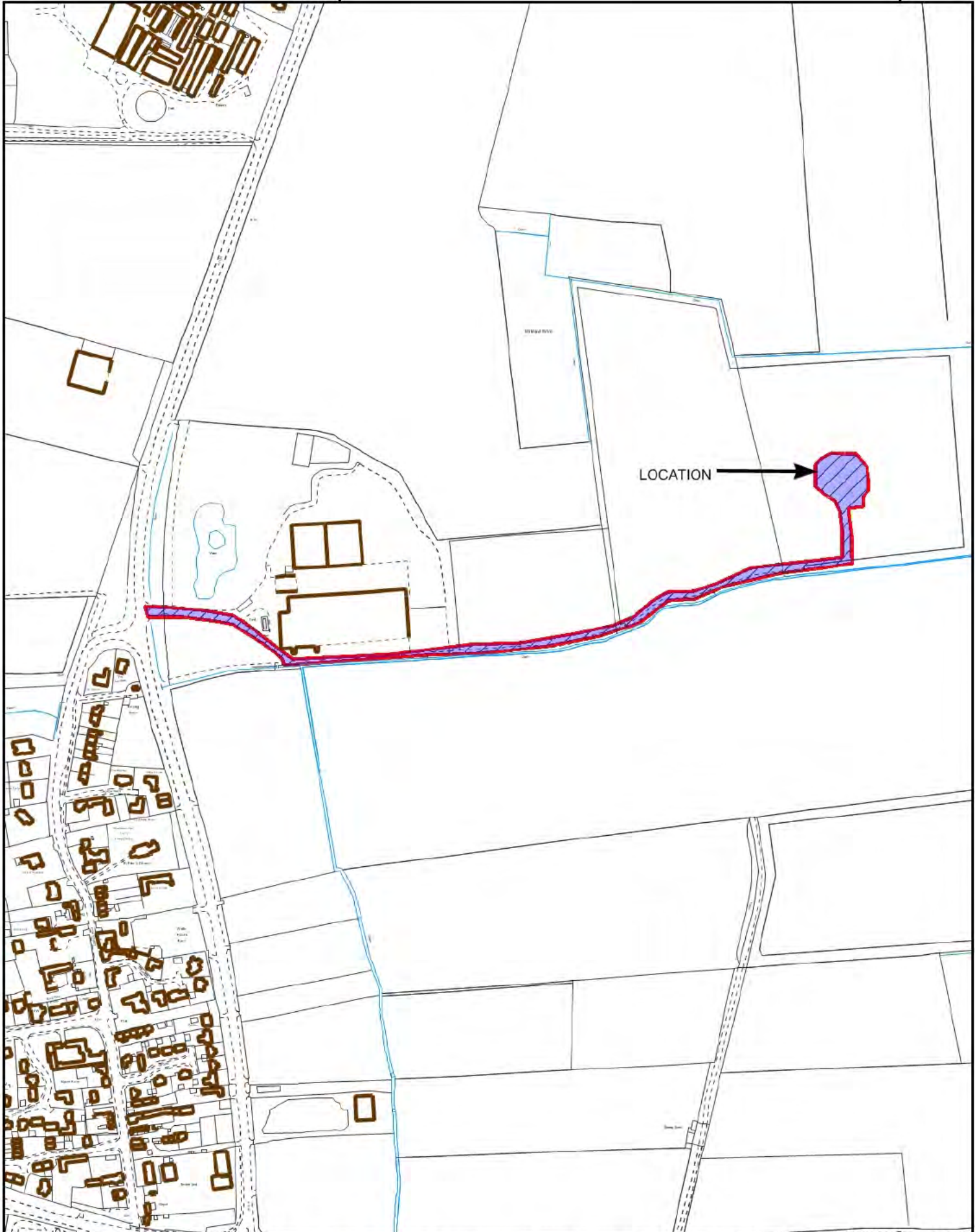
Previous application 129712 was withdrawn by the applicant following Officer concerns over the scale of the development proposed. This sought permission to extend the full length of the single storey extension (8.09m). Whilst this latest application does reduce the length of the extension proposed, it is not considered substantial enough to overcome the concerns raised. The applicant has been advised that an extension of around 4m long could be considered acceptable and would still enable a first floor bedroom to be provided.

Conclusions:

It is concluded that the development, as a result of its scale and massing, would fail to be subservient to the parent dwelling and would, as a result of its size, have a detrimental effect upon the amenities of the occupants of the adjacent property through having an overbearing and otherwise oppressive impact upon the general outlook of the neighbours. The development is deemed to be contrary to the provisions of the West Lindsey Local Plan, particularly policies STRAT1 and RES11.

Recommendation: Refuse planning permission for the following reason(s);

1. The proposed extension would, as a result of its substantial length and massing, have an overbearing and unduly oppressive effect upon the outlook and enjoyment of the neighbouring property, to the detriment of the neighbours' amenities. This would be contrary to saved policies STRAT1 and RES11 of the West Lindsey Local Plan First Review (June 2006).
2. The proposed extension would be disproportionate in scale, as a result of its length, to the original dwelling resulting in a discordant feature to the detriment of the visual amenities of the prevailing area. This would be contrary to saved policies STRAT1 and RES11 of the West Lindsey Local Plan First Review (June 2006).



Officers Report

Planning Application No: 129323

PROPOSAL: Planning application for the installation of a 500Kw wind turbine with maximum hub height of 50m, blade diameter of 54m and maximum height to tip of 77m. Transformer station at base of turbine and all ancillary works

LOCATION: Land at Furrowland Ltd Newton-On-Trent Lincoln LN1 2WZ

WARD: Torksey

WARD MEMBER(S): Cllr S F Kinch

APPLICANT NAME: Furrowland Ltd

TARGET DECISION DATE: 14/03/2013

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Ian Trowsdale

RECOMMENDED DECISION: Grant planning permission subject to conditions.

Introduction

The application falls outside the scheme of delegation. Newton on Trent Parish Council does not object to the application. Kettlethorpe and Laughterton Parish Council and a number of local residents object to the application.

Description:

- **The site** – the application site is located in open countryside. The location of the site is 750m north east from the village of Newton on Trent, 1km south of Laughterton and 1km west of Kettlethorpe. Access to the site is gained from the A1133 through the existing farm entrance. The site is relatively flat and partially screened by hedges with views to the east broken by mature woodland plantations. The nearest views of the turbine from highways are from the A1133 to the west and A57 to the south of the site. The nearest residential property is 645m east of the proposed siting of the turbine.
- **Proposal** – the proposal is for a triple blade, horizontal axis, 500Kw wind turbine, the hub height of which would be 50m above ground level. Each blade would be 27m long (radius from the hub) giving a total height of the structure of 77m above ground level when the blade is in the vertical position above the hub. The finished colour of the tower, nacelle and blades is a matt light grey. A small cabinet will hold the electrical switch gear. The cabinet is finished in dark green. Both the turbine and ancillary equipment will be housed on a concrete plinth.
- The site is to be located east of the large cold storage buildings (100,000 sq ft of storage) and free range chicken sheds beyond. Access to the turbine is via

an existing farm track. The applicant states in the planning submission that the proposed turbine has a potential to produce in excess of 80% of the existing energy usage per annum for both the cold storage facility and chicken units. The cold storage facility needs to have a stable storage environment for both short and long term storage of vegetables such as potatoes, onions and cabbages. The applicant argues that the use of wind resource for the generation of electricity is compelling by reducing the carbon footprint, reduce business costs and help manage the supply of out of season local staple food supplies. In support of the application impact studies on noise, ecology, historic assets and visual/landscape impact are submitted with the planning application.

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999:

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:

There are no relevant planning applications on site.

Two relevant planning applications for similar single wind turbines within the vicinity of the site as follows;

128536 – installation of a wind turbine, 50m to hub and 77m to blade tip, Ferry Farm, Ferry Lane, Kettlethorpe – approved with conditions, 19th September 2012,

128502 – installation of a wind turbine, 50m to hub and 77m to blade tip, Lodge Farm – approved with conditions, 1st August 2012.

Representations:

Chairman/Ward member(s): No comments received

Kettlethorpe and Laughterton Parish Council:

Objects - whilst it appears obvious that the wind turbine has been sited to minimise its effect on properties in Newton on Trent – the village where the developer lives, it has exactly the opposite effect for residents of Kettlethorpe Parish.

In its present intended location, it is particularly close to a number of homes on Westmoor Lane and is in an almost direct line with Sallie Bank Lane, Aspen Close and Swynford Close in Laughterton.

In the expectation that any full objection is likely to be futile, my Council suggests a compromise and requests that the turbine should be re-sited at a point closer to Berkland Wood, as indicated on the associated plan.

Taking the prevailing winds into consideration, hopefully this will reduce the noise problems for the nearby residents and some of the visual impact. It will also have the added advantage for the developer of making the access road a little shorter

Newton on Trent Parish Council: No comments

Local residents: 16 representations against the development have been received: 38, The Old Hall High Street, Newton on Trent, Thistledew, Dunham Road, Newton on Trent, Dunham Knoll, High street, Newton on Trent, 5 High Street, Newton on Trent, 7 High Street, Newton on Trent, 2 Aspen Close, Laughterton, 4 Aspen Close, Laughterton, Thrushes, Hollow Marsh lane, Laughterton, 20 Home Farm Close, Laughterton, 22 Home Farm Close, Lodge Pines, Marsh Lane, Laughterton, Poldhu, Main Road, Laughterton, The Cottage, Main Road, Laughterton, Eskdale, Newark Road, Laughterton, Saldek, Sallie Bank Lane, Laughterton, Westmoor House, Westmoor Lane, Kettlethorpe, Kettlethorpe Village Hall Committee.

The following issues raised by objectors:

Adverse visual impacts,
Noise and sleep disturbance,
Interference with television/radio reception,
Industrialisation of countryside
Interference with aviation
Commercial needs only and no benefits for wider community
Interference to birds and wildlife

3 representations of support received

LCC Highways:

Does not consider the proposal to be of detriment to highway safety or traffic capacity

Environment Agency: No objection

Natural England – does not wish to make representations

English Heritage

English Heritage has assessed that the harm to the significance of designated heritage assets, cause by the proposed turbine, would be less than substantial, and we therefore recommend that your authority should weigh any harm caused, against the public benefits of the proposal, in accordance with paragraph 134 of the NPPF.

NATS

As soon as the applicant accepts NATS's offer and funded mitigation, NATS will withdraw the objection on air traffic safety. Letter confirming NATS withdrawal of objection dated 1st July 2013

Ministry of Defence – no objections

Mitelcom – no objections

Vodafone – no objections

Trent Valley Internal Drainage Board – no objections byelaws will apply on any works within 9m of DB watercourses.

JRC – cleared with respect to radio link infrastructure operated by Northern Powergrid (Yorkshire) and National Grid Gas Networks

Archaeology: No comments received

North Kesteven District Council – no objections

Relevant Planning Policies:

National guidance

The National Planning Policy Framework (NPPF) provides the national overview of planning policy and gives a presumption in favour of sustainable development and expects the planning system to play a key role in helping shape places to secure radical solutions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure central to the economic, social and environmental dimensions of sustainable development.

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

On the 29th July 2013, the Department of Communities and Local Government published planning guidance for renewable and low carbon energy. It replaces the companion guide to PPS22. In respect of wind turbines, the guidance sets down a number of questions that need to be satisfied to allow new turbines to be approved. They include noise impacts, safety, and interference with electromagnetic transmissions, ecology, heritage, shadow flicker, energy output and cumulative impact on landscape and visual impact and decommissioning. These matters are covered in the report and/or by the use of conditions.

<https://www.gov.uk/government/policies/improving-the-energy-efficiency-of-buildings-and-using-planning-to-protect-the-environment>

West Lindsey Local Plan First Review 2006

Policy STRAT1 – Development requiring Planning Permission
<http://www2.west-lindsey.gov.uk/localplan/written/cpt1.htm>

Policy STRAT 12 – Development in the Open Countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

Policy NBE 10 – Protection of Landscape Character in Development Proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

Policy NBE17 – Control of Potentially Polluting Uses
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

Main issues

- The principle of a turbine in an open countryside location (Policy STRAT1, STRAT12 and the NPPF)
- The impact of the turbine on the landscape including consideration of cumulative impact (STRAT12)
- Impact of the turbine on the living conditions of nearby residents (STRAT1), and
- Impact on Protected Species (NPPF)

Assessment:

1. Principle

One of the core planning principles in the NPPF is to 'support the transition to a low carbon future' and encourage the use of renewable resources' (paragraph 17). Section 10 of the NPPF deals with meeting the challenge of climate change and planning is seen as taking a key role in 'supporting the delivery of renewable and low carbon energy and associated infrastructure' which is 'central to ... sustainable development (paragraph 93). Local Planning Authorities should 'have a positive strategy to promote energy from renewable and low carbon sources' (paragraph 97). The principle of a wind turbine therefore is accepted and to be supported. The NPPF states that when determining planning applications, local planning authorities should 'not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy' and 'approve the application if its impacts are or can be made acceptable' (paragraph 98).

The applicant states that the proposed wind turbine will make an annual saving of 847,229kg of carbon per annum making a local and sustainable contribution to energy consumption.

In terms of national planning policy, the principle of a wind turbine is accepted and can be supported.

2. Landscape impact including cumulative impacts.

It is a material consideration to consider potential impacts of the proposed wind turbine on the landscape. The site is not within an area designated as an Area of Great Landscape Value or an Area of Outstanding Natural Beauty. It is also important not to equate visibility with harm. The site is relatively flat and close to the A57 and A1133. It is located in the Trent Valley landscape character area as defined within the West Lindsey Character Assessment (1999). The area has a typical agricultural landscape with large open fields and an extensive network of watercourse (drains and ditches) that have little visual presence in the landscape.

Trees and woodland provide good visual features that break up the flatness of the landscape on and around the site. The defined woodlands of Berkland Wood, Quebec Wood and Rough Wood provide natural screening around the site from the north west, north and south east respectively. These help break up long distance views to the site especially from the villages of Newton on Trent and Laughterton.

The existing agricultural buildings are particularly noticeable between the application site and Newton on Trent.

Accompanying the planning application is an extensive section of the visual and landscape impact of the development that includes photographs from 19 viewpoints taking close, middle and long distance views. The case officer considers that the views and representation of the proposed turbine is reasonably accurate to give a true reflection of the visual impact.

There are no public footpaths within close proximity of the site. The closest views are between 0.7km and 1.5km from the site. These are from the lay-by on the A57 south of the site. Here the blades are particularly visible but the visual impact is considered not to be significant and from the A1133 just south of Laughterton village. Here mature field boundaries and woodland also make the image of the turbine acceptable. Closer views from the A1133, especially from the entrance/exit of the Furrowland site are not significantly because of the existing cold storage buildings that are visually prominent from the A1133.

Medium distance views, those between 1.5 and 3 km from the site are mostly partially obscured by existing vegetation with the turbine appearing much smaller in the landscape. Longer views of the turbine, that is over 3km from the site are considered to be negligible because of the existing vegetation and topography.

In respect of cumulative impact, there are two other wind turbines that are considered to be relevant to this proposal. These are the turbine proposal at Ferry Farm and the other at Lodge Farm. Both these sites lie more than 1km from the site. The photomontages with the application show both these turbines in context with the proposed development. Because of the nature of the landscape, topography and distances between the turbines it is unlikely that the cumulative impact would be so significant to warrant refusal on this issue given the very limited ability to see all the turbines together.

Consideration needs to be given to the impact of the proposed turbine on nearby Buildings of Architectural or Historic Interest as well as other historic assets. Of particular interest are the Listed Buildings closest to the site and include the Church of St Peter and St Paul at Kettlethorpe and Kettlethorpe Hall, both these buildings are 1.2km east of the proposed turbine. Views from both are partially obscured by existing trees and hedges. The Church of St Peter, Newton on Trent is some 770m from the site. From the public highway the church is screened by buildings and mature trees. Other Listed Buildings in the village that include White House Farm, Hall Farmhouse, 30 High Street, The Reindeer and The Old Hall Farmhouse lie within the village and surrounded by existing buildings where there is little in the way of impact from the turbine to views of the historic assets. Other Listed Buildings at Church Laneham, Dunham on Trent, North Clifton, Thorney and Fenton are further

away from the site where it is concluded that the setting of Listed Buildings is not affected.

In conclusion, English Heritage concludes that there would be a modest degree of harm to the nearest heritage asset, the Church of St Peter, Newton on Trent and concludes that the impact of the turbine would be less than substantial and does not object to the proposed development.

3. Impact on living conditions (noise and flicker)

There are two quite distinct types of noise source within a wind turbine. The mechanical noise produced by the gear box, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of blades through the air. Technological improvements the mechanical noise generated by wind turbines has been significantly reduced.

The Assessment and Rating of Noise from Wind Farms' (ETSU for DTI 1997) specifically deals with wind farm development and can be used as a basis for individual turbines such as the one under consideration here. Noise limits set relative to the background noise are more appropriate in the majority of cases. Generally, the noise limits should be set relative to the existing background noise at the nearest noise-sensitive properties. Separate noise limits should apply for day time and for night time as during the night the protection of external amenity becomes less important and the emphasis should be on preventing sleep disturbance. Noise from the wind farm should be limited to 5 dB (A) above background for both day and night time, remembering that the background level of each period may be different. The nearest noise sensitive property not in the control of the applicant is 645m east from the proposed site. Predicted noise levels from the wind turbine is found to be within acceptable limits not to need any noise mitigation measures, other than regular maintenance) is required. And it is considered that noise and sleep disturbance is unlikely to arise.

Shadow flicker can cause a problem to nearby properties early in the morning or late in the evening. It is caused by the rotating blades interrupting the light from sun when the turbine is between a person and the sun. This occurs early in the morning to the west of the turbine and late in the evening to the east of the turbine. The effect is likely to be worse on sunny days in winter than in summer, as in summer the sun is much higher for longer and therefore the shadow is more local to the actual turbine. It is generally accepted that some degree of shadow flicker is acceptable, but that limits should be imposed to restrict the number of hours per year for which any one property is affected. There are no specific rules on this, but a 30 hour per year maximum has been suggested as reasonable in Germany and this is accepted in the UK. Expected shadow flicker is difficult to predict however some general rules and guidance can be applied.

When turbines are proposed to be sited more than 540m from properties, shadow flicker should not be an issue. In this case, all possible residential receptor properties are in excess of 540m from the turbine and the applicants own site office is located more than 540m from the turbine. Shadow flicker is not considered an issue.

4. Impact on protected species

An ecological report and bat survey is submitted with the application. This covered a winter bird survey, walk-over survey and breeding and migrating bird survey and sought to identify any potential issues associated with the development. The surveys concluded that the proposal would not result in any significant effects on protected species. The survey results indicated a low level of recorded bat activity. Natural England has considered the submitted information and do not wish to make any representations. In conclusion, there is no reason to withhold consent on the grounds of harm to protected species.

5. Other matters

Aircraft safety – there are no safeguarding objections to the proposed development. An agreement has been entered into between NATS and the applicant for the design and implementation of an identified and defined mitigation solution in relation to the development in respect of air traffic safety.

Interference with power lines and electromagnetic transmissions – there no issues identified from consultees on these matters.

Siting – objectors from Laughterton village have asked that the turbine be resited closer to the woodland area to the north east of the proposed position. The applicant considers that the proposed site is the most feasible having carried out a site identification assessment so that the turbine is as far away from residential properties as possible whilst keeping the power production as close as possible to the main user for the power – the cold storage facility and avoid any potential conflict with bats and birds using hedgerows and woodland.

Conclusion and reason for decision.

The proposal subject to the imposition of conditions is not considered to cause significant harm to the character or appearance of the open countryside or to the living conditions of nearby dwellings and heritage assets. It will positively contribute to the sustainability of the business and contribute to meeting national and regional targets for reducing carbon emissions and the development of renewable energy sources. Alternatives for providing renewable energy sources are not considered to be viable, for example the use of PV panels to provide the equivalent energy would require 12 ha (30 acre) coverage of PV units.

In considering the proposal against the provisions of the development plan and specifically saved Policies STRAT1, STRAT12, NBE10 and NBE17 of the West Lindsey Local Plan First Review 2006 as well as all other material considerations including the National Planning Policy Framework (2012) and the ‘Planning Practice Guidance for Renewable and Low Carbon Energy’ issued on 29th July 2013 . It is not considered that any local adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF and the planning practice guidance taken as a whole for achieving sustainable development and the application is recommended for approval.

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

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

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

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

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

2. No development shall take place until details of the omni-directional red lighting or infrared lighting to the turbine have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of aviation safety in accordance with Circular 1/03

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

3. The approved omni-directional lighting referred to in condition 2 shall be implemented in accordance with the approved details prior to bringing the turbine into use and retained in perpetuity thereafter.

Reason: In the interests of aviation safety in accordance with Circular 1/03.

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

4. The local planning authority shall be notified in writing of the intention to commence operation of the turbine hereby permitted at least one month prior to such commencement.

Reason: In the interests of aviation safety in accordance with Circular 1/03.

5. The planning permission is for a period of 25 years from the date of this permission until that the date occurring 25 years after the date of commissioning of the hereby approved development. Written confirmation of the date of commissioning of the development shall be provided to the local planning authority no later than one calendar month after the event.

Reason: To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational in accordance with Policy STRAT1 of the West Lindsey Local Plan First Review 2006.

6. Not later than 3 months from the date that the planning permission hereby granted expires, the wind turbine and all ancillary equipment shall be

dismantled and removed from the site and the land reinstated to its former condition.

Reason: to ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with Policy STRAT1 of the West Lindsey Local plan First Review 2006.

7. The turbine shall be removed from the site if it is decommissioned or otherwise ceases to be used to generate electricity for a continuous period exceeding six months, unless the local planning authority agrees in writing to any longer period, and the wind turbine and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition within a period of 3 months.

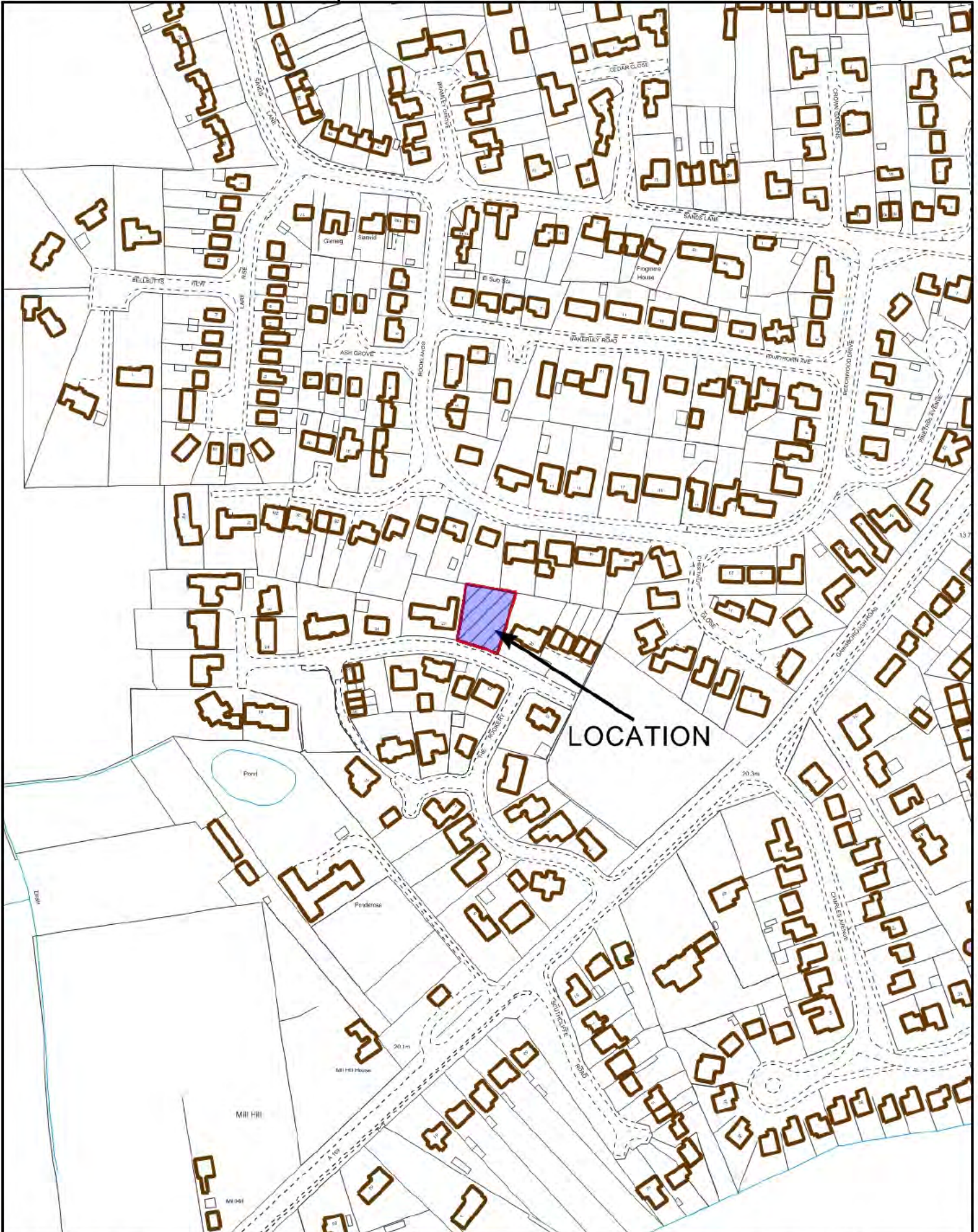
Reason: To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational in accordance with Policy STRAT1 of the West Lindsey Local Plan First Review 2006.

Human Rights Implications:

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

Legal Implications:

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



Officers Report

Planning Application No: 130020

PROPOSAL: Outline planning application with all matters reserved for consideration in a subsequent application, to amend public open space to residential use, in order to finance the hand over of the play area.

LOCATION: Land between 20 and 22 The Rookery Scotter Gainsborough DN21 3FB

WARD: Scotter

WARD MEMBER(S): Councillor Underwood Frost
Councillor Parry

APPLICANT NAME: Mr Platts

TARGET DECISION DATE: 15/07/2013

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Zoe Raygen

RECOMMENDED DECISION: Grant with conditions subject to the signing of a legal agreement securing hand over of the play area over to Scotter Parish Council together with a sum of £37,040 to secure the future maintenance of the area

Description: Application site forms an area of open space on the north side of The Rookery between numbers 20 and 22 The Rookery. Currently grassed with a gentle slope to the north it is bounded on three sides by 2 metre close boarded fencing and open to the road. There are residential properties surrounding the site, mostly detached houses apart from a bungalow at 40 Beechwood Drive.

The whole estate of The Rookery was developed following the grant of planning permission in 2001 on site SR1 allocated for housing in the Local Plan. At that time it was agreed that the estate as a whole would have an equipped play area at the end of The Rookery and a landscaped area of open space between 20 and 22 The Rookery. The equipped play area has been provided, but the area of open space remains grassed.

The proposal is for outline planning permission with all matters reserved for future consideration for the use of the site for residential purposes. The sale of this land would then allow the owner to hand over the equipped play area to the Parish Council together with a sum of money to maintain the area in the future.

Relevant history:

M00/P/0215 Construct road and plot layout Granted Conditionally 6/6/2001

Representations:

Chairman/Ward member(s): Query whether application should be reported to Committee as need to ensure public open space is maintained

Parish/Town Council/Meeting: Objection - The Planning committee feel that there is no justification to alter the permission for this purpose. The developer would have been aware that they would need to provide the Parish Council with funds to take over the play area - and they should have taken this into account from the sale of the other plots. The Parish Council are however happy to enter into an agreement as per the terms and conditions discussed with the developer.

Local residents: Occupants, 22 The Rookery – no objection provided it is restricted to one dwelling

Occupant, Rooks Nest, The Rookery – Objects – only piece of land available for children to play freely on. Currently 26 children under the age of 12 on the estate that would have to stay inside. Land is also used by residents for get togethers

LCC Highways: No objections

Environment Agency: None received

Archaeology: None received

Building Control: None received

WLDC Environmental Protection: No concerns

Relevant Planning Policies:

National guidance

National Planning Policy Framework (2012)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

West Lindsey Local Plan First Review 2006

STRAT 1 Development Requiring Planning Permission

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

STRAT 3 Settlement hierarchy

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

STRAT6 – Windfall and infill housing developments in Primary Rural Settlements

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

STRAT 9 Phasing of Housing Development and Release of Land

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

RES 1 Housing Layout and Design

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

RES 5 Provision of play space/recreational facilities in new residential development.

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

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

Other policy

Draft Central Lincolnshire Joint Core Strategy (2013)

<http://nkdc.moderngov.co.uk/documents/g5586/Public%20reports%20pack%2008th-Jul-2013%2010.00%20Central%20Lincolnshire%20Joint%20Strategic%20Planning%20Committee.pdf?T=10>

The weight afforded to this Plan has increased following the approval of the Draft by the Central Lincolnshire Joint Strategic Planning Committee on 8th July. The Strategy will now go out to further consultation with an intention to submit it for an Examination in Public early in 2014. As the policies are still subject to challenge the weight given is very limited

Main issues

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

Assessment:

Principle of development

Policy STRAT 3 defines Scotter as a primary rural settlement. Therefore Policy STRAT 6 permits limited small scale and infill housing development within the settlement boundary subject to a number of criteria relating to visual amenity, residential amenity and the overall housing strategy.

In terms of the Council's Housing Strategy it is noted that the National Planning Policy Framework requires local authorities to maintain a deliverable housing supply of 5 years provision (plus a buffer of 20%). The Local Plan Review provided for a provision of 350 dwellings per annum in the district. The district can currently demonstrate a deliverable supply against this provision as evidenced in its Annual Housing Supply Assessment - 2012. However, there have been three significant changes in policy context since this adoption of the Plan in 2006 which are material considerations:-

- The approval for use by West Lindsey District Council of the provision that was contained within the East Midlands Regional Plan 2009 of 480 dwellings per annum outside of the Principal Urban Area (PUA) of Lincoln and the award of Growth Point status to West Lindsey as a whole in 2010. This provision is echoed in the Draft Central Lincolnshire Core Strategy; the Strategy seeks to deliver 42,000 homes across Central Lincolnshire over the plan period to 2031, of which 9,500 are sought to be delivered within small towns and rural areas. The publication of the National Planning Policy Framework 2012 which is underpinned by a presumption in favour of sustainable development and growth.

- The use of Central Lincolnshire (North Kesteven, City of Lincoln and West Lindsey) rather than just West Lindsey as the area against which the deliverable five year supply is measured against.

In this context, the provision of a further dwelling within a settlement of Scotters size, is considered to be acceptable in principle because it is needed to contribute to Central Lincolnshire's housing provision and it meets the presumption in favour of sustainable development and growth in the National Planning Policy Framework.

Turning to the specific circumstances of this site, if a residential permission were to be granted then this would result in the loss of open space within the development.

Policy RES 5 gives a minimum requirement for the provision of open space for residential developments. This states that on developments of over 20 dwellings 5% of the total site should be available for open space.

Currently the open space on the site forms 5% of the total space. The loss of this area of open space would reduce this to 3%. The site does, as has been pointed out by a neighbour, provide an area of open space for people to play and congregate on.

The applicant reports he is unable to finance the upkeep of both areas of open space within the development which he has been responsible for over the last eight years. The unusually high costs he faced originally together with the low plot prices meant that the profit margins on the development were low. The owner is currently coming up to retirement and can no longer afford the costs of maintenance and therefore has submitted the application for planning permission to allow the provision of a house on one of the plots to allow the financing of the handover of the play area to the Parish Council.

While the Parish Council has no objection to entering into an agreement to take on the play area subject to a number of conditions being met and the payment of a sum of £37,040 for future maintenance they do object to the loss of the other area of open space to finance this contribution.

While the Case Officer can understand and sympathise with this point of view, the proposal forms a pragmatic way of addressing the solution of ensuring that an adequate play space is maintained on the site. The provision of a further house on the site could be supported in principle and while the area of open space would be reduced, the proposal provides a realistic scenario to secure the future provision of the play area in a properly maintained safe manner.

Impact on visual amenity

The site measures 713 square metres and could comfortably accommodate a detached house. As the application is in outline form with no matters to be considered then no details have been submitted regarding the form of the dwelling. The exact impact on visual amenity would therefore be assessed at the reserved matters stage.

Impact on residential amenity

The site measures 713 square metres and could comfortably accommodate a detached house. As the application is in outline form with no matters to be considered then no details have been submitted regarding the form of the dwelling. Exact relationships between the proposed dwelling and neighbouring properties would therefore be assessed at the reserved matters stage.

Conclusion and reason for decision

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies STRAT 1 – Development Requiring Planning Permission, STRAT 3 – Settlement hierarchy STRAT 6 – Windfall and infill housing development in primary rural settlements RES 5 – Provision of Play Space/Recreational Facilities in new residential developments RES 1 – Housing Layout and Design – Residential Annexes of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions and the signing of a S106 legal agreement. With these in place, it is considered that the proposal is acceptable, while there will be a loss of open space within the development, the proposals will secure the long term future of the childrens play area on the estate. Impacts on residential and visual amenity can be assessed at the reserved matters stage.

RECOMMENDATION: Grant with conditions subject to the signing of a legal agreement securing hand over of the play over to Scotter Parish Council together with a sum of £37,040 to secure the future maintenance of the area

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

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until, plans and particulars of the layout, scale and appearance of the building to be erected, the means of access to the site and the landscaping of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

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

None

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

None

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

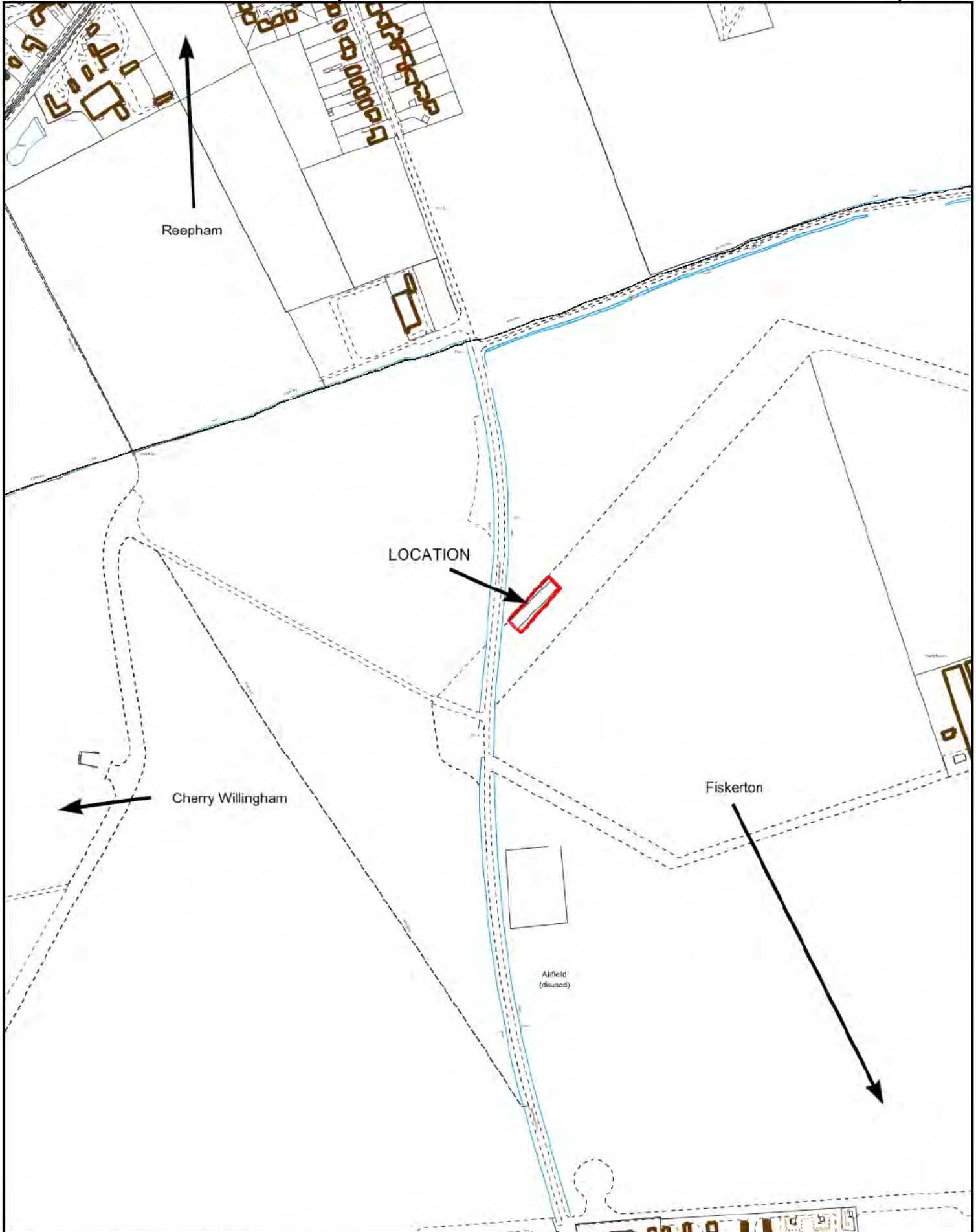
None

Human Rights Implications:

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

Legal Implications:

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



Officers Report

Planning Application No: 130066

PROPOSAL: Planning application for change of use of part of site to a driver training facility, together with erection of portakabin as office in connection with driver training facility.

LOCATION: Fiskerton Airfield Reephams Road Fiskerton Lincoln, Lincolnshire LN3 4EZ

WARD: Fiskerton

WARD MEMBER(S): Councillor C. Darcel

APPLICANT NAME: Mr P. Shanahan

TARGET DECISION DATE: 02/09/2013

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Fran Bell

RECOMMENDED DECISION: Grant consent subject to conditions.

Description:

Site: The site is part of the runway for the former RAF Fiskerton to the east of the road between Reephams and Fiskerton. The memorial garden to 49 Squadron is nearby.

Proposal: It is proposed to change the use of part of the runway to allow for driver training. The largest vehicle combination will be a high top van coupled to a trailer. The opening hours are proposed to be Monday to Friday 0800 to 1700 with occasional weekend use depending on the time of year. Vehicle manoeuvres will take place between 0900 and 1200. In order to facilitate this a portacabin measuring 10m by 6m with a portable wc outside will be sited at the western end of the space. The portacabin and the wc will be screened by 1.8m high timber trellis fencing with planting to screen them from passing traffic. The portacabin would be painted pale green; similar to those sited at the Primetake site to the south.

The application has been amended during its course. The original scheme was closer to the car parking and the memorial garden. This has been moved so that the site is now 50m from the car park.

Relevant history:

Pre application discussions regarding this development. Broadly positive but with questions regarding opening hours and vehicle sizes.

Representations: IDOX checked – responses incorporated below.

Chairman/Ward member: Councillor Darcel called the matter into Committee citing saved policies STRAT1 and STRAT12 – he considers that the buildings should be further down the runway away from the memorial garden.

Fiskerton Parish Council: Object due to closeness of site to the memorial. Suggest it be relocated somewhere else on the site. Following the amendment to the application, “Councillors would like to see the container situated 200m away from the proposed area – as well as showing respect for the War Memorial, the container would be able to stand on good ground and be hidden by existing bushes.”

Reepham Parish Council: No objections (Initial opinion on original scheme was that the activity would be better sited further away from Fiskerton Road.)

Local residents: Objections from 2 The Holt, Fiskerton, Mulberry Croft, Nelson Road, Fiskerton: Issues raised:

- Open countryside blighted for some time
- Has been in use over last year to teach people how to tow with a trailer
- Car tyres and traffic cones left out making it unsightly
- Speed limit is 60mph and junction will not cope with traffic, especially with new HGV access proposed adjacent, existing local traffic from farms and residents and visiting traffic to the war memorial.
- No made up access or drainage.
- Every customer will drive, blocking space in car park for those visiting war memorial.
- No services on site to support infrastructure.
- War memorial will be blighted by installation of steel container.
- Memorial garden visited constantly throughout the year and should be shown respect.
- Should not be allowed to become an industrial area with further dumping.
- Accident could happen with HGV's pulling out into school bus

Support from 18 Holmfield, Fiskerton

- There were still two runways at RAF Fiskerton in 2002.
- The Bomber Command Station and the almost 1000 men who died operation from there to help win war represent the most important event in Fiskerton in centuries.
- This light use of the runway that is left will ensure that this last runway is still there in 10 and 20 years time.

49 Squadron Association: Concern that views from memorial will be affected by the development. Considered sacred ground for 49 Squadron Association and that for 576 Squadron as it commemorates those who served there, including more than 800 who lost their lives. Memorial visited constantly by people from all over the world. Whilst disturbance from passing traffic is acceptable, any further intrusion in the vicinity can only be considered disrespectful. A greater distance than 50 metres is essential to protect the memorial.

LCC Highways: The access visibility splays need to be detailed and the existing access (within the limits of the public highway) will require surfacing to accommodate an intensification of its use.

Archaeology: No objections

Relevant Planning Policies:

Development Plan

West Lindsey Local Plan First Review 2006

STRAT1 – Development Requiring Planning Permission

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

STRAT12 – Development in the Open Countryside

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

STRAT13 – Undeveloped Breaks between Settlements and Green Wedges around Lincoln.

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

CORE10 Open Space and Landscaping within Developments

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

The plan policies were saved in 2009 but the adoption of the Plan itself dates from 2006 and was adopted under the 1990 Act rather than the 2004 Act. These policies have been afforded significant weight in the following assessment as they, in this particular instance for this specific proposal, echo the thrust of the policy framework provided by the National Planning Policy Framework.

Draft Central Lincolnshire Core Strategy

<http://microsites.lincolnshire.gov.uk/centrallincolnshire/ldf/core-strategy/103519.article>

CL1 – Sustainable Development in Central Lincolnshire

CL19 – Existing and Former Military Establishments

CL22 – Strategy for the Rural Area

CL23 – A Quality Environment

CL25 – Managing Water Resources and Flood Risk

CL26 – Design Quality

This document has been approved by the Joint Planning Unit Committee and will now be the subject of a public consultation exercise from 29th July to 9th September 2013. While the policies will therefore carry more weight than previously, the weight is still somewhat limited as they are still the subject of challenge.

National guidance

National Planning Policy Framework (March 2012)

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

Main issues

- Principle
- Impact on surrounding area including 49 Squadron Memorial Garden
- Landscaping

- Highways

Assessment:

Principle

The runway is previously developed land. It is in the open countryside between Fiskerton and Reepham, where development is usually restricted to that which is essential in the countryside, such as agriculture or forestry (STRAT12). However, the use proposed is small scale and will provide local employment, boosting the local economy. There will only be one client per day so the additional movement on the site is minimal. Furthermore, there is space here to carry out the driver training without inconveniencing residents. The NPPF supports the growth of the rural economy including the growth and expansion of all types of business and enterprise in rural areas (paragraph 28).

Impact on surrounding area including 49 Squadron Memorial Garden

The proposal site has moved away from the car park and memorial by 50 metres. At this position, the portacabin will be largely screened from the north by existing trees. Moving it further along the runway will make it more visible especially when viewed from the road to the north.

The alteration to the position of the portacabin is now considered to be far enough away from the memorial garden to provide the memorial garden with the reflective space it deserves. The applicant will not carry out vehicle training when memorial services or other events are taking place.

Landscaping

The land owner has offered to place bunds around the site in order to allow for more substantial landscaping. However, it is the officers opinion that this will make the site more visible as bunds are not a natural feature and will be more intrusive than the fencing with planting proposed. The details of the planting can be conditioned.

Highways

At the time of writing, the plan showing the visibility splays has been sent to the Highways Authority for comment. The second point from the Highways Authority, that the existing access (within the limits of the public highway) will require surfacing, to accommodate the intensification of use, is not considered reasonable. The access is not in the public highway being part of the former runway. Furthermore, there will be perhaps three more vehicles maximum to the site, given that there will be only one client per day. This is not considered to be an intensification in use and should not block the car park for other users.

Other matters

Vehicle classifications on site.

The applicant has confirmed that the following classes of vehicle will be used at the site: (information from <https://www.gov.uk/driving-licence-categories>).

Cars

B	Vehicles up to 3,500kg with up to 8 passenger seats (with trailer up to 750kg.)
B+E	As B but with trailer when combined weight over 3,500kg
Large vehicles	
C1	Vehicle 3,500kg to 7,500kg (with trailer up to 750kg.)
C1+ E	As C1 with trailer over 750kg but trailer, when fully loaded, cannot exceed weight of vehicle. The combined weight of both cannot exceed 12,000kg.
Minibuses	
D1	Vehicle no more than 16 passenger seats, maximum length no more than 8m, trailer up to 750kg
D1+E	As D1 with trailer over 750kg but trailer, when fully loaded, cannot exceed weight of vehicle. The combined weight of both cannot exceed 12,000kg.

It is considered reasonable to restrict the training to these categories, so that no larger vehicles, such as HGV's, can be used for training at the site.

Additional Conditions

The case officer has considered whether this should be a personal permission to the applicant. However, it is considered that this is too restrictive to further business growth. It is considered reasonable to restrict the number of clients to four per day. This allows for a small amount of growth but gives the Local Planning Authority opportunity to reassess if the use intensifies further.

It is also worth conditioning details of any lighting given the open countryside location.

Future Use

Any other development in this area would be the subject of an application, that would be considered on its merits at the time. It is not considered appropriate for this area to become an industrial area but it can support this small scale business. Any dumping that occurs in the vicinity can be monitored and dealt with accordingly.

Drainage

There is no mains drainage on the site. The portable wc will be emptied as required but given the small number of clients, it is not thought that the tanker visit will cause harm to the local amenity.

Conclusion and reason for decision:

The application has been considered against the provisions of the Development Plan in the first instance, specifically saved policies STRAT1 – Development Requiring Planning Permission, STRAT12 – Development in the Open Countryside, STRAT13 – Undeveloped Breaks between Settlements and Green Wedges around Lincoln, CORE10 Open Space and Landscaping within Developments, NBE14 – Waste Water Disposal and NBE18 – Light Pollution together with other material considerations, including the guidance given in the National Planning Policy Framework (March 2012).

In light of the above assessment, the development is considered acceptable as it is small in scale, provides local employment and will not harm the setting of the open countryside. It is also considered sufficient distance from the 49 Squadron Memorial Garden to provide enough reflective space.

Recommendation: Grant planning permission with 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 including details of the species of plants and their size on planting has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review saved Policies STRAT 1 and CORE 10 and the National Planning Policy Framework.

3. No development shall take place until a scheme of lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall only include sufficient lighting to enter and exit the cabin safely. The driving area shall not be lit.

Reason: To ensure that the open countryside setting is protected from unnecessary light pollution in accordance with West Lindsey Local Plan First Review saved policies STRAT1 and NBE18 and the National Planning Policy Framework.

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings dated 7th July 2013 unless otherwise stated:

- 096-1000A Proposed site plan
- 096-0010A Location Plan
- Plan showing visibility splays

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policy STRAT 1 – Development requiring planning permission of the West Lindsey Local Plan First Review 2006

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

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

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

6. The types of vehicles used at the training centre shall be restricted to B, B+E, C1, C1+E, D1 and D1+E.

Reason: To ensure that the site is not for training HGV's to protect the amenity of the area and the condition of the former runway and to accord with West Lindsey Local Plan First Review saved policy STRAT1.

7. No more than four clients per day shall be trained at the site

Reason: To restrict the use to that which is an appropriate level of use in this open countryside setting and to enable the Local Planning Authority to re-assess the development before the use intensifies.

8. The site shall only operate between 0800 and 1700 Monday to Saturday, with no working on Sundays or Bank Holidays.

Reason: To protect the amenity of the locality in accordance with West Lindsey Local Plan First Review saved policy STRAT1.