



<b>PL.01 12/13</b>
<b>Planning Committee</b>
<b>Date 30<sup>th</sup> May 2012</b>

**Subject: Planning applications for determination**

Report by:	Director of Regeneration and Planning
Contact Officer:	Simon Sharp Senior Growth Strategy & Project Officer 01427 676651
Purpose / Summary:	The report contains details of planning applications that require determination by the committee together with appropriate appendices

**RECOMMENDATION(S): Each item has its own recommendation**

**IMPLICATIONS**

**Legal:**  
None arising from this report.

**Financial :**  
None arising from this report.

**Staffing :**  
None arising from this report.

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

**Risk Assessment :**  
None arising from this report.

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

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

**Call in and Urgency:**

**Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?**

Yes

No

**Key Decision:**

Yes

No

## **Executive Summary**

- 1. 128134 - Planning application for removal of existing agricultural shed and replace with new proposed agricultural shed**

**Manor Park Farm Rand Market Rasen**

**Recommendation:- Grant Permission, subject to conditions.**

- 2. 128354 - Planning application for a woodland, 27no. holiday chalets and the conversion of the existing reception building to warden's accommodation**

**Lakeside, Barlings Lane, Langworth**

**Recommendation: That the decision to grant planning permission be delegated to the Director of Regeneration and Planning subject to the conditions contained within this report and the completion and signing of a section 106 agreement pertaining to the implementation and subsequent management of a scheme for a landscaping belt adjacent to the western and northern boundaries of the site and an updated ecological survey being submitted showing no adverse effects to the ecology of the site and its surroundings.**

- 3. 128382 - Planning application for proposed extensions and alterations**

**25 High Street Willingham By Stow**

**Recommendation: Refuse permission**

- 4. 128427 - Planning application for change of use of agricultural land to form car park and play area and form new field access**

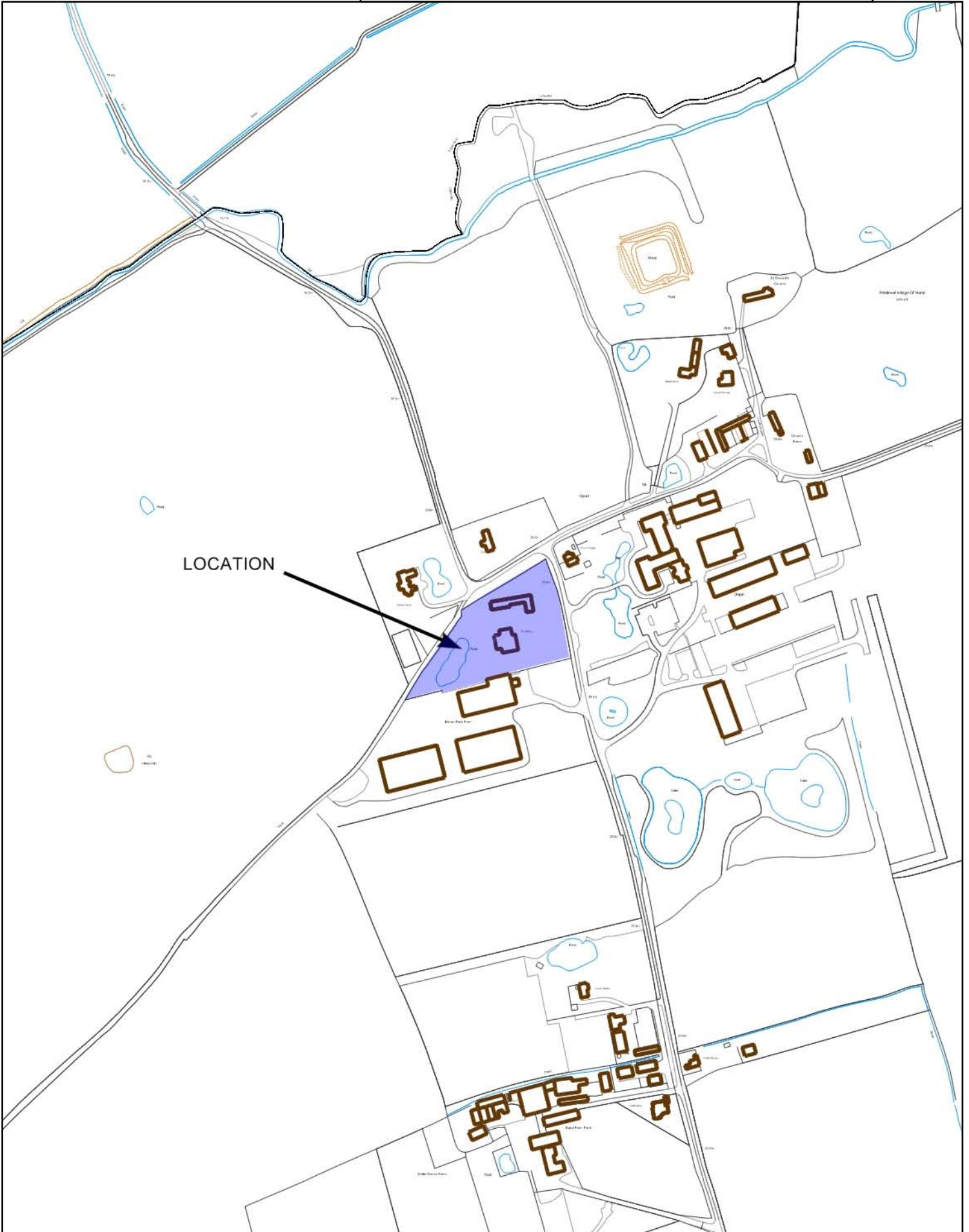
**14 Whitegate Hill Caistor**

**Recommendation: Grant planning permission subject to conditions**

- 5. 128555 - Planning application for change of use from B1 to B1 Business, Office and Light Industry and A2 Financial and Professional Service**

**Plough Inn, 37 Church Street Gainsborough**

**Recommendation: Grant planning permission, subject to conditions.**



## **Planning Application No: 128134**

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

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

**WARD:** Fiskerton

**WARD MEMBER(S):** Councillor Darcel

**APPLICANT NAME:** Mr David Ingall

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

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Ian Elliott

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

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### **Introduction:**

This item was deferred by the members at the Planning Committee dated 2<sup>nd</sup> May 2012 for a member site visit. This has been arranged to take place on the 21<sup>st</sup> May 2012 at 10.30am.

### **Description:**

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

**Proposal** - The application seeks permission for removal of existing agricultural shed and replace with new proposed agricultural shed.

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

### **Relevant history:**

None relevant

### **Representations:**

**Chairman/Ward members:** Representations received from Councillor Chris Darcell:

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

**Rand Parish Meeting:** Have concerns regarding noise pollution, vehicle movements, visual impact and close proximity to private dwellings. These previous concerns still apply to the amended position.

**Local residents:** (IDOX checked)

Representations received from Home Farm and Brookside, Rand:-

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

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

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

**Archaeology:** No comments/objections

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

### **Relevant Planning Policies:**

#### **Development Plan**

##### **West Lindsey Local Plan First Review 2006**

STRAT 1 – Delivering 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>

CORE 10 – Open Space and Landscaping within Developments

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

#### **Other policy**

National Planning Policy Framework (2012)

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

## **Main issues**

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

## **Assessment:**

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

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

**Impact on the open countryside** - The agricultural building will be in an area of mature trees and hedging that provides screening to the surrounding area and nearby dwellings.

The proposed building will be 4.25 metres high to the eaves and 7.16 metres high to the ridge. The boundary treatment to the immediate north of the site measures 4-5 metres in height.

The proposal includes additional planting along the northern boundary to further increase the density of the screening between the site and the dwellings to the north (Home Farm and Brookside). A condition is considered necessary to ensure such additional planting is carried out in order to ensure the development remains screened from the surrounding area.

Whilst a section of the building above eaves level will be visible from land to the north, Officers are of the opinion that this will not result in significant harm to the character or visual amenities of the area.

**Design** – The base of the building will be constructed of brick to match the existing house and the top two thirds of the building will be constructed of black painted timber. The roof will be finished with grey colour coated metal sheeting and a green roller shutter door will be located in the southern elevation. Such buildings are typical of the agricultural buildings within the local area and are required to respond to modern, mechanised farming needs. Traditional buildings of brick with low pan tiled roofs are not always appropriate for such modern farming needs. It is considered that the construction materials, gabled roof design, additional landscape planting and

the siting of the building near to existing agricultural buildings will all help to assimilate the development into the surrounding landscape.

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

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

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

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

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

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

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

## **Conclusions**

The decision has been considered against policies STRAT 1: Development Requiring Planning Permission, STRAT 12: Development in the Open Countryside and CORE 10: Open Space and Landscaping within Developments of the adopted West Lindsey Local Plan First Review 2006 in



the first instance and guidance contained within the National Planning Policy Framework. In light of this assessment it is considered that the proposal will not harm the character and appearance of the open countryside or the surrounding area, nor the living conditions of neighbouring occupiers.

**Recommendation: Grant planning permission subject to the following conditions;**

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

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

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

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

2. No development shall take place until, a scheme of landscaping for the northern boundary of the site including details of the size, species and position or density of all trees to be planted have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

4. All planting comprised in the details of landscaping approved under condition 2 of this approval shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping shall thereafter be retained.

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

#### **Human Rights Implications:**

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

#### **Legal Implications:**

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

#### **Representors to be notified -**

*(highlight requirements):*

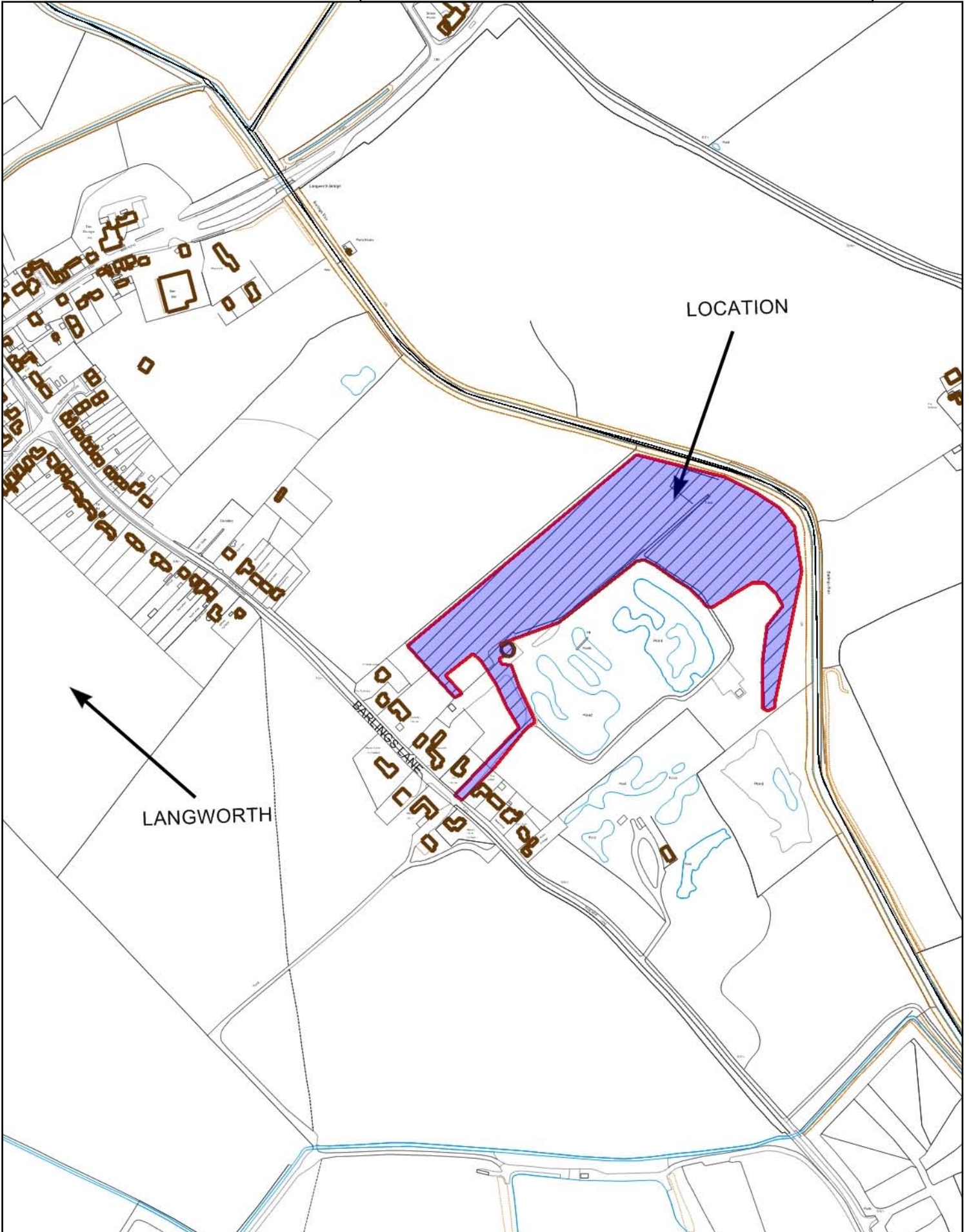
**Standard Letter**       **Special Letter**       **Draft enclosed**

**Prepared by :** Ian Elliott

**Date :** 13<sup>th</sup> April 2012

**Signed:** .....

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



## **Committee Report**

### **Planning Application No: 128354**

**PROPOSAL:** Planning application for a woodland, 27no. holiday chalets and the conversion of the existing reception building to warden's accommodation

**LOCATION:** Lakeside Barlings Lane Langworth Lincoln, Lincolnshire LN3 5DF

**WARD:** Fiskerton

**WARD MEMBER(S):** Councillor Darcel

**APPLICANT NAME:** John and Maureen Epton

**TARGET DECISION DATE:** 14/06/2012

**DEVELOPMENT TYPE:** Large Major - Other

**CASE OFFICER:** Simon Sharp

**RECOMMENDED DECISION:** That the decision to grant planning permission be delegated to the Director of Regeneration and Planning subject to the conditions contained within this report and the completion and signing of a section 106 agreement pertaining to the implementation and subsequent management of a scheme for a landscaping belt adjacent to the western and northern boundaries of the site and an updated ecological survey being submitted showing no adverse effects to the ecology of the site and its surroundings.

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#### **Description:**

- **Site** - Lakeside is located off the eastern side of Barlings Lane, within the countryside to the south of Langworth village and forms part of the larger Barlings Pits Site of Nature Conservation Interest (SNCI). The site adjoins a group of dwellings to the south-east which front onto Barlings Lane. The Barlings Eau abuts the north-eastern boundary of the land, which has open agricultural land beyond. To the northwest is further agricultural land and to the southeast there are lakes within a woodland setting, also within the SNCI and within the ownership of the neighbouring bungalow. The application site has a history of leisure uses including fishing, pick-your-own, rare breeds, touring caravans and caravan storage.
- **Proposal** – Use of land for the siting of 27 log cabins (which fall within the definition of a caravan) on land within the northern area of the site. The proposed development also includes the regrading of and in and around the area proposed for the cabin use and the laying out of raised roadways to access these areas.

The cabins are intended to be for holiday use and are in addition to the touring caravan use, storage of caravan and fishing uses that exist at

the site. The “Relevant History” and “Assessment” sections of this report discuss the relevance of the existing uses to the consideration of the current application.

A draft section 106 agreement has been submitted with the application obligating the site owners to implement and subsequently manage a planting scheme adjacent to the north and western boundaries.

### **Environmental Impact Assessment**

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 Schedule 2 development but 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’. A Screening Opinion has been placed on the file and the public register.

### **Relevant history:**

Most recent history first:-

**124920** - Planning application for 27 chalet style static caravans, extensive tree planting and landscaping to include circulatory roads. Also, change of use of existing reception building to include reception and accommodation for site warden, construction of storage building and gas tank. Refused for the following reasons on 24<sup>th</sup> March 2010:-

1. PPS25 classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. PPS25 requires decision-makers to ensure that as part of the Sequential Test, development sites are appropriate to the type of development or land use proposed. In this case, the application site lies within Flood Zone 3B functional floodplain defined by PPS25 as having a high probability of flooding. The development type proposed is classified as ‘more vulnerable’ in accordance with table D.2 of PPS25. Tables D.1 and D.3 of PPS25 make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted. Accordingly the development proposed is contrary to national planning policies in PPS25 and accordingly is also contrary to PPS4 and saved West Lindsey Local Plan First Review policy STRAT1.
2. The proposed raising of the site levels, in an attempt to overcome the site flooding problems, will result in the development being unduly prominent within the countryside, and it is considered that such prominence cannot be acceptably mitigated by landscaping measures, at least in the short to medium term. Accordingly it is considered that the development would be visually intrusive within the countryside to

the detriment to the character and the appearance thereof and to the landscape character in the locality and also to the detriment of the amenities of the occupiers of the adjacent dwellings. Accordingly it is considered that the development would be contrary to national planning policies in PPS1, PPS4 and PPS7 and saved West Lindsey Local Plan First Review policies STRAT1 and NBE10.

3. The site is located within the countryside wherein national and local planning policies seek to restrict new residential development in the interests of the achievement of sustainable development and the protection of the character and appearance of the countryside. In such a location new residential development will only be permitted if required for purposes essential to the needs of agriculture, horticulture, forestry or other essential need. The local planning authority is not satisfied that there is any essential or compelling need in this case and to permit the proposed residential accommodation within a flood zone would be unjustified in this instance and contrary to national planning policies in PPS1, PPS7 and PPS25, and saved West Lindsey Local Plan First Review policies STRAT1 and STRAT12.

**122293** - Planning application for engineering works on 5.30 hectares of the site to include 3 new fishing lakes, 60 hardstandings and erection of raised decking/verandas for static caravans, circulatory roads and raise ground levels in areas. Extensive tree planting and landscaping. Change of use for existing reception building to also include accommodation for the site warden. Site to also include an equipment storage building and gas tank. Withdrawn on 4<sup>th</sup> December 2008.

97/P/415 – Planning application to site static caravan (renewal of W4/148/95) to provide site bailiff's accommodation for further two year period. Granted subject to conditions 15<sup>th</sup> December 1997.

W3/148/95 – Planning application to site static caravan to provide site bailiff's accommodation. Granted subject to conditions 25<sup>th</sup> July 1995.

W4/765/93 – Planning application to use land for storage of 50 caravans. Granted subject to conditions 6<sup>th</sup> December 1993.

W4/1003/91 – Planning application for extension to car park and use of land as a car boot sale area. Refused and subsequently dismissed at appeal on 10<sup>th</sup> May 1995.

W4/1002/91- Planning application to use land as touring caravan park and children's play park and sport area. Refused but subsequently allowed subject to conditions on appeal

### **Representations:**

**Chairman/Ward member(s):** Councillor Darcel states:- “Tourism is important to Lincolnshire, but suitable road access and infrastructure should be in place first. Existing residents should be able to enjoy the peace and quiet of their properties without suffering loss of either their amenities or seeing their properties devalued. Barlings Lane is narrow, and is already a cause of great concern to residents close to the proposed development. The extra traffic will not help. Much of the road going south west to Reepham is single track including the whole of the 2.5 miles from Barlings Low to Reepham. More traffic pulling out of Barlings Lane on the busy A158 at peak holiday times will greatly increase the risk of a nasty accident. Sight lines. Looking left, to the west, visibility is ok, to the right, to the east, you have to nose into the road to get even a limited view of on-coming 40mph, or faster, traffic. The junction suffers regular accidents as Langworth Parish Councillors will testify. Users unfamiliar with the junction will be at increased risk of causing an accident. Recommended site lines for such a junction are 80m from 5m back (Chudley & Greeno). This is just not the case. Flooding, while flooding on the site may be a problem for the visitors, the site owner and the insurance company, the site levels are similar to those in Scothern Lane and it seems reasonable that any new floor levels on the site are raised to match those required in Scothern Lane. Could the application not be approved till all the above issues are resolved?”

**Parish/Town Council/Meeting:** Langworth Parish Council – Object:-

- Unclear from the submitted particulars as to whether the applicant is proposing to connect to the mains, to use a septic tank or package treatment system.
- Disagree with LCC Highways comments; No survey has been carried out of traffic at Langworth crossroads.
- Barlings Lane is currently not legally wide enough to have 2-way traffic; there will be a significant increase in the amount of traffic due to the new development, the current road access is not sufficient to take this increase.
- There will be a considerable increase in the noise level from the additional traffic to and from the development itself.
- Agree with Environment Agency comments that the chalets are above the 2007 flood levels. However, the EA require occupancy restriction between 1<sup>st</sup> November and 31<sup>st</sup> March and we would ask why this is the case as the area has not been flooded in that period previously?
- The Flood Risk Assessment is incomplete.
- The Flood Risk Assessment refers to earth embankments at Langworth. There are no earth embankments of any significant size or otherwise. What is there has not been maintained for over 30 years.
- The statement relating to the history of the site is incorrect. According to parish records, gravel was extracted during the war but the site has not been a tourist and leisure site for 60 years – it may have been used in this way since 1985 (some 27 years) but certainly not as a small zoo.

**Local residents and other representations:** Representations received from Pinfold Lodge, Barlings Lane, Langworth; The Lodge, Barlings Lane, Langworth; Abbotsley House, Barlings Lane, Langworth; Riverside, Barlings Lane, Langworth; Court House, Barlings Lane, Langworth; Newholme, Barlings Lane, Langworth; Willow Cottage, Barlings Lane objecting to the proposal :-

- 27 cabins, all 8 berth, plus warden accommodation, provides potential for an on site population of in excess of 200 people.
- Issues arising from breaches to existing permissions (more caravans on site than permitted) will be exacerbated by proposed development. The existing breaches should be addressed first. 20 caravans are permitted but with 35 electrical hook-ups plus ad-hoc touring caravans and tents, a population in excess of 300 people could be located on site.
- Caravan pitches already exist in areas of the site that do not benefit from permission and the numbers regularly exceed those permitted. In additions there are rallies held on the site.
- There is an unauthorised warden's static caravan on the site.
- Areas currently used about the boundary with the existing dwellinghouses on Barlings Lane
- Electricity supply has been laid out which suggests that some of the areas which haven't even got permission will be used for permanent accommodation.
- Light pollution in open countryside setting (lights from existing caravans supplemented by lights for roads within the sites and the proposed 27 cabins.
- Lighting will adversely affect bird life.
- The constant flow of cars and caravans associated with the existing use will only increase.
- Barlings Lane and the crossroads with the A158 are not suitable for this amount of traffic.
- Security of the properties in this area could be affected by this development.
- Noise pollution from children playing.
- Sewerage is a concern as the new site for the sewage works could most definitely cause pollution to water courses in times of flooding.
- It is an area of significant risk of flooding, as designated by the Environment Agency. It is not appropriate for residential development.
- Any alterations to the floodplain to accommodate the development proposed could put existing neighbouring dwellings at significant risk of flooding.
- Possible contamination issues given previous gravel pits use.
- Could result in precedent for further developments in the future.
- Fire hazard from the industrial size gas storage on site.
- The existing water supply appears only just adequate. Any additional drain on this current situation would exacerbate the problem.
- There is no need for the site to be developed. The owner of a similar site in Langworth always has capacity.



Representations received in support including from 12, Scothern Lane, Langworth; 18, School Street, Church Gresley, Derbyshire; 46, Stonecliff Park, Prebend Lane, Welton; 24, Blackbird Way, Witham St. Hughes, Rand Farm Park and a petition with 54 signatures:-

- Rural tourism forms a vital part of the local economy.
- There is a strong demand for high quality rural holiday accommodation which does not appear to be met at the current time.
- Langworth needs some trade bringing to the village to support the pubs and could also encourage the shop and post office to reopen.
- Perhaps in time some employment could be offered to local people.
- Having the lodges can only enhance the site.
- Much needed boost for the area and can only do good by providing much needed holiday accommodation.

**Environment Agency:** The proposed development will only meet the requirements of the National Planning Policy Framework if WLDC considers that the Sequential Test has been passed and the following measures detailed in the flood risk assessment are secured by way of conditions:-

- Setting of finished floor levels for the chalets to be no lower than 6.5m AOD and finished floor levels for the warden's accommodation to be no lower than 6.65m AOD.
- Occupancy restriction for the chalets (1<sup>st</sup> April to 31<sup>st</sup> October in any year).

**LCC Archaeology:** This site is in an area of dense archaeology. Its position between the settlements of Langworth, Newball and Barlings Abbey means that there is significant potential for archaeology. Recommend that the developer be required to commission a Scheme of Archaeological Works.

**LCC Highways:** No objection subject to a condition ensuring that adequate land shall be reserved within the curtilage of the site at all times for the parking, loading, unloading and manoeuvring of all vehicles expected to call at the permitted development at any one time.

Specifically they consider that, having carried out an analysis of the vehicular trips that will be created by the additional caravans, it would appear that the worst case scenario is that there will be one additional vehicular trip every eight minutes during the peak hour. They conclude that they do not feel that this minor increase will be of detriment to highway safety.

**Lincolnshire Police:** The necessary steps have been implemented and designed into the scheme to meet the specific security needs of the application site and the development.

**Natural England** – The ecological survey submitted with the application is out of date and the application should not be determined until a new survey has been carried out

**Lincolnshire Wildlife Trust** – As per Natural England comments.

**Relevant Planning Policies:**

**Development Plan**

- **East Midlands Regional Plan 2009**

Policy 42 – Regional priorities for tourism

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

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

The site is within the open countryside, within a Site of Nature Conservation Interest (SNCI) – Barlings Pits and is for a holiday accommodation use. The following policies are therefore considered to be applicable:-

STRAT 1 Development Requiring Planning Permission

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

STRAT 12 Development in the open countryside

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

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

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

NBE12 – Development affecting locally designated nature conservation sites and ancient woodlands

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

NBE14 – Waste water disposal

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

NBE18 – Light pollution

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

**Other policy and relevant considerations**

- National Planning Policy Framework (2012)  
<http://www.communities.gov.uk/publications/planningandbuilding/nppf>
- Technical Guidance to the National Planning Policy Framework (2012)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2115548.pdf>

- Good Practice Guide on Planning for Tourism (2006)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/151753.pdf>
- United Kingdom Tourism Survey (UKTS) for the East Midlands (2007)  
[http://www.visitengland.org/Images/UKTS%202007%20-%20East%20Midlands\\_tcm30-19442.pdf](http://www.visitengland.org/Images/UKTS%202007%20-%20East%20Midlands_tcm30-19442.pdf)
- Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009)
- Circular 3/99 Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development.  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147582.pdf>
- West Lindsey Landscape Character Assessment (1990) and accompanying Supplementary Planning Guidance.

### **Main issues**

- History of site
- Principle of additional holiday accommodation in open countryside location
- Drainage and flood risk
- Visual impact
- Highway safety
- Residential amenity.
- Ecology
- Accuracy of submission

### **Assessment:**

**History** – The history of the site is varied as can be seen from the “Relevant History” section of this report. Local residents have also made the assertion that some of the uses and the intensity of others do not have the benefit of the planning permission. In this context there was a specific request that the case officer undertook a site visit not only on a weekday but also at the weekend and preferably during a bank holiday.

In addition to his weekday site visit, the case officer visited the site on Sunday 6<sup>th</sup> May during the early May Bank Holiday.

The permission for the site for holiday accommodation, granted on appeal, limited the number of touring caravans to 20 pitches across the site, the approved plans not limiting the use to a particular area. In contrast, it was quite clear during the Sunday visit that there were significantly more caravans than the 20 approved being used for holiday accommodation; 35 occupied pitches were counted. The pitches also extended along the grassed area to the southeast of the lakes and adjoining the south-eastern boundary. These

itches also benefitted from the electric hook-ups referred to by local residents.

However, upon examination of Council records, it is clear that, on the balance of probabilities, the number and location of pitches evident on the Sunday have been in continuous use for a period of in excess of 10 years and would therefore be immune from enforcement action. Specifically, if an application was submitted for a Certificate of Lawful Use, it is probable that it would be granted by the Council.

A similar scenario applies for the storage of caravans within the site. The storage was limited to a certain area by the 1993 permission but again Council records, including aerial photographs, show that, whilst storage has occurred beyond the permitted area, it has occurred for a continuous period in excess of ten years.

The warden's static caravan near to the south eastern boundary of the site was only permitted for a limited temporary period, this period being only renewed the once and the permission has long since expired. However, the caravan has been occupied for a continuous period of in excess of ten years. The same considerations do not apply with the second static caravan used for warden's accommodation which is currently sited adjacent to the brick reception building. However, the current application proposes the conversion of the reception building into warden's accommodation and it is suggested that this matter should only be pursued once the existing application has been determined.

Finally, from time to time the land to the rear of the existing houses next to the south-western boundary is used for rallies by certificated exempted organisation such as the Camping and Caravanning Club. Use of land for rallies by such organisations is permitted development.

In summary, whether or not the existing uses have the benefit of planning permission should not deter the Council from determining the current application on its own planning merits. However, members should consider the cumulative impact of the proposal and the following uses which either are permitted or are immune from enforcement action:-

- Storage of 50 caravans
- 35 pitches for use by touring caravans occupied as holiday accommodation.
- The use of a static caravan for warden's accommodation in addition to the proposed conversion of the brick building for warden's accommodation.
- Use of land for rallies by certificated exempted organisations.
- Fishing including day fishing.

**Principle** – A similar application to that under consideration was refused in 2010, principally on three grounds; a lack of justification for the open countryside setting, flood risk and visual impact. There have been no material changes in site context since this refusal (the surrounding land uses and character remaining the same) and the development plan still comprises of

the East Midlands Regional Plan 2009 and the saved policies of the West Lindsey Local Plan First Review 2006. The Good Practice Guide on Planning for Tourism also remains the national planning reference for tourism proposals.

However, there have been changes to national policy with the replacement of planning policy guidance and planning policy statements with the National Planning Policy Framework (2012) with its presumption in favour of sustainable development. There is also a more detailed insight into the importance of tourism to the rural economy of West Lindsey, a consideration afforded significant weight by members in their recent consideration of applications at Wold View Fisheries (Claxby), Brigg Road (Caistor) and Watermill Farm (Moortown). Specifically, whilst the Council considered all of these applications on their own merits, there was recognition of the untapped demand for tourism in Lincolnshire and the investment that it can bring to West Lindsey. For example, the Good Practice Guide notes that tourism contributed £74 billion to the nation's Gross Domestic Product and employs 2.2 million people with most being employed in small and medium sized enterprises (such as Lakeside itself). The Guide also notes that, in 2003, tourism was responsible for 20% of new jobs in East Midlands and that revenue generated by tourism can help to support and enhance local services and facilities such as shops and pubs and aid diversification within the rural economy. The Guide does state that the accommodations need to be of the right scale and in the right location to serve the needs but, again, reports such as the United Kingdom Tourism Survey (UKTS) for the East Midlands (2007) and Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009) provide data which shows that sites such as Lakeside, with its on-site fishing and connectivity to Lincoln and the Wolds, have the potential to respond to the identified need.

Furthermore, the reasoning cited in the 2010 refusal did not quote the whole of policy STRAT12 of the Local Plan which states that "*planning permission will not be granted for development in the open countryside...unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies* (officer's emphasis)."

At the time of adoption of the Local Plan First Review a relevant other policy would have been policy CRT19 – Caravan Sites. This policy was not saved as it predated the more recent East Midlands Regional Plan (2009) and the national guidance contained within the Best Practice Guide. However, it is noted that policy CRT19 did not preclude development of such sites in the open countryside provided that the development was in association with existing or proposed tourist attractions, the site could be suitably screened and that the provision of any ancillary development was restricted to those facilities which are required to service the site. Whilst this policy has not been saved, the general thrust of objectives have not been superseded by the East Midlands Regional Plan or the Good Practice Guide. The support given by the latter has already been cited in this report whilst policy 42 of the Regional Plan provides support for tourist facilities including accommodation provided

that they are close to popular destinations that have adequate environmental and infrastructure capacity, particularly those within walking and cycling distance.

In this context it is accepted that most holidaymakers will initially arrive at the site and depart at the end of the stay by car. However, the Lakeside site does provide the potential for those staying at the site to not have to travel by car once they are staying at the site. Many will avail of the on-site facilities such as the fishing lakes; this certainly was the case during the officer's visit on the Bank Holiday Sunday. There are also quieter lanes to the south towards Barlings which could be explored by foot or cycle. Indeed, the very lightly trafficked lane between Barlings and Low Barlings provides a relatively flat and short distance walk to connect to the Viking Way at Low Barlings where there is also the ruins of Barlings Abbey. The lanes to the south also provide cycle access to the Sustrans, car free, Water Rail cycleway along the old railway line between Lincoln and Bardney. Finally, it is noted that Langworth is served by the Interconnect No. 6 bus service which takes 19 mins to get to Lincoln city centre and also serves Horncastle and Skegness and the villages in the Wolds on the A158. The bus stops on this route within Langworth are near to the crossroads in the centre of the village, approximately 5 minutes walk from the site.

In this context, it is considered that the principle of the holiday chalets can be supported subject to a condition restricting the use to holiday use to prevent unsustainable occupation within this open countryside (the benefits of the holiday use to the economy being afforded weight against the locational disadvantages of being within the open countryside).

Turning to the principle of the warden's accommodation, it is noted that the Best Practice Guide states that it is common for larger sites, such as Lakeside, to include warden's accommodation. There is currently one static caravan that is immune from enforcement action and one that is unauthorised. It is the latter that is occupied by the warden as it is adjacent to the reception building. The conversion of this brick built reception building is considered preferable to the continued use of the static caravan in terms of energy efficiency and minimising flood risk. The principle of the conversion is considered acceptable given that it is reasonable to retain an on-site warden's facility for 24/7 security and day to day care of holidaymakers during their stays. The warden's accommodation also means that employment is provided in a sustainable fashion in the open countryside; the warden being already on site and eliminating car journeys to and from their place of residence. A condition is considered necessary to restrict occupation to the warden and their dependants given the open countryside setting and unsustainable characteristics in the absence of linkages to the site use.

**Drainage and flood risk** – This section considers fluvial flooding, surface and foul drainage.

The National Planning Policy Framework (NPPF) (2012) and the accompanying technical guidance now provide the policy context for consideration of surface water drainage and fluvial flooding issues replacing

PPS25 which was cited in the first reason for refusal in 2010. The Flood Risk Assessment was actually prepared before the publication of the NPPF and refers to PPS25. It states that the development proposed falls within the “More Vulnerable” classification. This has not changed with the publication of the NPPF, table 2 of the accompanying technical guidance including “*sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan,*” within the definition of More Vulnerable uses. The probability of flooding has also not changed since the 2010 determination, the site still falling within flood zone 3a - High Probability. This zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding, the flooding events in this case derived from the Barlings Eau which borders the site.

Table 3 of the Technical Guidance states that More Vulnerable uses are appropriate in flood zone 3a but only if the “Sequential Test” and “Exceptions Test” detailed in the NPPF have been passed first. The Sequential Test states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The NPPF advises that Strategic Flood Risk Assessment (SFRA) will provide the basis for applying this test. The West Lindsey SFRA covers the application site but it falls outside of the area where a Level 2 analysis has been undertaken (the Level 2 analysis providing greater detail of flood risk within flood zone 3 in locations such as Gainsborough). In the absence of this detail, the SFRA advises that the Council should undertake a sequential test in accordance with national advice and that it must be clear that there are no reasonably available and appropriate sites in flood zones 1 and 2 within the district for the use proposed before permitting the use at the application site. The applicant has provided the Council with a list of such sites across the district including allocations such as the Gainsborough marina site on Carr Lane and sites with permission at Shortferry Caravan Site, Fiskerton; Little London, Torksey Lock; Nettleton Park, Nettleton; Caistor Fisheries and Sunnyside Farm, Blyton. Having studied the list, officers are content that all of the sites are either within flood zone 3 and/or not available. There are also more recent permissions such as at Wold View Fisheries, Claxby and Watermill Farm, Moortown but, again, these are not available. The development is therefore considered to pass the Sequential Test.

For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In this instance, the preceding section of this assessment provides evidence of the wider sustainability benefits to the community, providing investment which will help support local, existing facilities and services including the bus service through Langworth and providing a development that has the potential to be sustainable in terms of resource use and economically.

The submitting plans and sections and Flood Risk Assessment also demonstrate that the development will not only result in a neutral effect to flood risk but also provide additional attenuation within the site to the benefit of not only site residents but also neighbouring dwellings. The reprofiling of the site will result in finished floor levels for the chalets (6.5m AOD) and the warden's accommodation (6.65m AOD) being above the predicted flood water level during a 1 in 100 year event, plus 30% for climate change (6.483m AOD) as well as the recorded flood water levels during the June 2007 event (6.1m AOD). For evacuation the roads within the site also need to be set at 6.5m AOD. Other land within the site is reprofiled to create compensatory open attenuation storage, the volume created actually being greater than that lost by the raising of the land for the chalets and roads. Culverts are also proposed to ensure that water does not pool within areas contained by the raised road levels. The reprofiling has been designed so as not worsen the probability of flood events to adjoining land.

The Environment Agency and Internal Drainage Board have checked the submission and have no objection to the proposal subject to conditions requiring the setting of finished floor levels for the chalets to be no lower than 6.5m AOD and finished floor levels for the warden's accommodation to be no lower than 6.65m AOD and an occupancy restriction for the chalets (1<sup>st</sup> April to 31<sup>st</sup> October in any year). The occupancy restriction is based upon their desire to restrict occupancy to holiday use because, without such a restriction, the use would fall within the Highly Vulnerable classification as defined within the accompanying Technical Guidance to the NPPF. Following discussion with the Environment Agency it is now proposed that the condition can be worded to restrict the use to holiday and not permanent residential occupation as suggested by the Good Practice Guide.

With regards to foul drainage, it is noted that there has been some confusion as to what is being proposed to dispose of foul water from the site. Circular 3/99 advised that mains drains should be used where practicable, although it is accepted that connection is not practicable in this case given the distance between the site and the nearest mains sewer. Policy NBE14 of the Local Plan First Review echoes this sequential approach. In the absence of such positive drainage, a package treatment plan is the most sustainable option and more favourable than the use of a septic tank. The use of package treatment plan and the exact details of it can be secured by condition.

**Visual impact**– The visual impact of the development was assessed from Barlings Lane, from within the site, from the A158 and from the lane to the east. The site is visible from all of these vantage points, the elevation of both the A158 to the east of the village and Barlings Lane itself meaning that views are afforded over farmland and through the gardens of existing houses



respectively. The existing touring caravans within the site are visible from these vantage points and contrast with the predominantly natural forms provided by the hedges, agricultural land and tree belts. This character is identified in the West Lindsey Landscape Character Assessment (1999) which forms the basis for the accompanying Supplementary Planning Guidance. The Character Assessment states that the site and its immediate surroundings fall within the Lincolnshire Limewoods Character Area, characterised by a diverse, undulating landscape crossed by many rivers and streams, medium sized fields with good hedgerow boundaries and some hedgerow trees. Alien forms such as touring and static caravans are not a characteristic of the area.

In this context, from all directions, the application site benefits from existing planting which will help, to a certain degree, to soften the impact of the proposal. However, without the planting belt proposed in the section 106 agreement and conditions limiting the number and type of caravans that can be sited within the site, it is considered that the proposal would not be appropriate. For example, in the absence of such conditions, there would be the potential for in excess of 27, plastic coated, static caravans to be sited within the site. Such a number and appearance would be visually intrusive in this setting, forming incongruous features near to the northern boundary and particularly prominent when viewed from the A158. In contrast the chalets which the applicants intend to site and the density proposed are considered to be acceptable given the pitched roof forms and timber external appearance. One such chalet was parked temporarily within the site to enable the officer to view its impact and a photograph is available within the PowerPoint presentation for the benefit of Members. The relatively low lying form, even when elevated to avoid flooding and the external texture and hue will ensure that they will assimilate into the landscape very quickly during daytime, aided by the proposed planting. At night, there is potentially an issue if external lighting of both the chalets and the roadways was left uncontrolled. Some lights are so small that they are considered to be accretions that do not constitute development. Nevertheless, it is considered necessary to require a scheme for external lighting that falls within the definition of development to ensure that lighting does not result in the development being visually intrusive in this countryside setting (policy NBE 18 of the Local Plan First Review applies).

**Residential amenity** – Policy STRAT1 cites residential amenity as being one of the main material considerations when considering planning applications. The Lakeside site directly adjoins 12 dwellings, albeit only 7 of these abutting the application site itself. Two of the dwellings, neither within the applicant's control, flank the site entrance from Barlings Lane. The 'Lane between the A158 and site entrance is also lined by many more dwellings. There is therefore the potential for residential amenity to be affected by reason of noise and disturbance from cars travelling to and from the site along Barlings Lane, engine noise from cars passing along the internal roadways to the chalets and headlight glare from cars moving along the raised roadways. Light pollution from lights within the site (an issue also recognised in policy NBE18 of the Local Plan Review), noise and disturbance from holidaymakers circulating

around the chalets using the outside spaces across the site (including children) and overlooking of rear gardens from within the site are also material considerations

The issue of noise and disturbance from cars, whether on Barlings Lane or within the internal roadways, is finely balanced. Barlings Lane is relatively lightly trafficked and Lakeside is the use which is most likely to attract vehicular movements along this road. The proposed chalets, given their size, have the potential for two cars to be associated with each unit and each car will, on average, depart and return to the site at most twice a day. With 27 chalets proposed, this is likely to result in a maximum of around 216 trips per day. In reality, not all chalets will have two cars associated with them and not all chalets will result in car movements going out from the site, coming back and then going out again the same day. Therefore, it is estimated that the movements are more likely to be in the region of around 100 trips per day; Members may note that the County Highways Authority estimate a trip rate of one car per every eight minutes during the peak hour.

When assessed in the context of the setback of each existing house on Barlings Lane from the road behind front gardens, the existing trips not associated with the site and the existing trips associated with this site, then it is considered that the additional trips will not significantly affect residential amenity. Furthermore, the proposed landscaping belt proposed to the rear of the six dwellings to the north of the access, to be secured through the section 106 agreement, will provide a significant degree of noise attenuation. It is considered that this planting will also respond to the issues of headlight glare on the raised roads and overlooking, as well as lessening the light pollution from any external lighting associated with the chalets and roadways.

With regard to noise coming from the holidaymakers themselves, it is undoubtedly part of the character of holiday sites that people will spend many hours outside chatting, playing with children or going to and from the fishing ponds. However, given the location of the chalets, the separation distance between them and the existing dwellings, the fact that the direct route from them to the fishing ponds is away from the dwellings and that the landscaping is to be planted as part of the section 106 agreement, it is considered that the noise and disturbance from holidaymakers will not be significant.

**Highway safety** – Members will note that the County Council have carried out an analysis of the vehicular trips that will be created by the additional caravans and that they consider that the worst case scenario is that there will be one additional vehicular trip every eight minutes during the peak hour. The entrance within the site currently provides the ability for two vehicles to pass safely, thereby avoiding the need for vehicles to wait on Barlings Lane. Barlings Lane itself is narrower than a main road, as referred to by residents. However, it still has sufficient width to enable cars to pass each other. The crossroads in the centre of Langworth, which vehicles will use to enter and exit Barlings Lane to and from the A158, does not benefit from ideal visibility, especially looking eastwards along the A158 when exiting Barlings Lane. Nevertheless, for the number of trips rates envisaged, it is not considered

reasonable to withhold planning permission on these grounds especially in the absence of an objection from the County Highways Authority.

Finally, the County Highways Officer advises that parking provision should be made available for each chalet within the application site. This can be secured by condition.

**Ecology** – The site falls within the Barlings Pits Site of Nature Conservation Interest. As a result the applicant submitted a Ecological Survey for the site as the potential for species including protected species is high. The Survey recorded no badger setts within the site or signs that badgers used the site or evidence of water voles within the ponds (but with an acknowledgement that they are in the Barlings Eau). However, it did record potential for bats, reptiles and great crested newts, albeit with no evidence of them being at the site. Given this potential and that the survey is four years old, both Natural England and the Lincolnshire Wildlife Trust have advised that the application should not be determined until an update has been completed of the Ecological Survey. Members are requested that, if all other aspects of the development are considered acceptable, then authority be delegated to the Director of Regeneration and Planning to deal with this matter.

Finally, the lighting conditions suggested as being required to minimise visual impact is also considered necessary to ensure that species such as bats and barn owls are not adversely affected in this area, given that it is currently not characterised by artificial light sources and light pollution is low.

**Other matters** – The Council has received no information to suggest that the potable **water supply** infrastructure cannot provide for the additional 27 chalets proposed. The **fire hazard** from gas canister storage within the site is not a planning consideration at the levels proposed (it does not require Hazardous Substances consent). Finally, the site is in an area of dense **archaeology**. Its position between the settlements of Langworth, Newball and Barlings Abbey means that there is significant potential for archaeology. However, the County Historic Environment team has advised that this matter can be dealt with by condition. The Council's Environmental Protection Officer has advised that there is potential for **contamination** given the previous use, but the levels are likely to be such that this matter can be dealt with by condition.

**Accuracy of submitted particulars** – Representations have been received identifying inaccuracies and inconsistencies within the application particulars. Having considered all the documentation carefully, it is considered that such inaccuracies and inconsistencies do exist, but they do not prejudice the Council's ability to make a sound decision on planning grounds. For example, the submitted supporting statement refers to the Local Plan First Review no longer being part of the development plan whereas it actually is and the above assessment has referred to the relevant policies within this Plan and considered the application against these policies in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 and national policy guidance contained within the National Planning Policy Framework (2012).

Similarly, there is some confusion as to the means of drainage for the site, but it has been demonstrated through clarification with the applicant's agent and consultation with the Environment Agency that the principles of the drainage system are acceptable and the detailing can be agreed through by condition.

## **Conclusion**

The development has been considered against the provisions of the development plan in the first instance and specifically Policy 42 – Regional priorities for tourism of the East Midlands Regional plan 2009 and policies STRAT 1 - Development Requiring Planning Permission, STRAT 12 Development in the open countryside, NBE10 Protection of Landscape character and Areas of Great Landscape Value, NBE12 – Development affecting locally designated nature conservation sites and ancient woodlands, NBE18 – Light pollution and NBE14 – Waste water disposal of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations including the National Planning Policy Framework (2012), the Technical Guidance to the National Planning Policy Framework (2012), the Good Practice Guide on Planning for Tourism (2006), the United Kingdom Tourism Survey (UKTS) for the East Midlands (2007), the Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009), Circular 3/99 Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development and the West Lindsey Landscape Character Assessment (1990) and accompanying Supplementary Planning Guidance.

In light of this assessment the proposed development is considered acceptable subject to the completion of the section 106 pertaining to landscaping, the conditions detailed and the satisfactory resolution of the issues pertaining to ecology.

The holiday use will benefit the rural economy, diversifying the economy of the rural area, assisting in the retention of services and facilities within Langworth, provide the potential for sustainable tourism and recreation by holiday makers, not significantly affect residential amenity nor be visually intrusive.

**Recommendation: That the decision to grant planning permission be delegated to the Director of Regeneration and Planning subject to the conditions contained within this report and the completion and signing of a section 106 agreement pertaining to the implementation and subsequent management of a scheme for a landscaping belt adjacent to the western and northern boundaries of the site and an updated ecological survey being submitted showing no adverse effects to the ecology of the site and its surroundings.**

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 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)

3. 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 2 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)

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

**Reason:** To minimise light pollution, to reduce the prominence of the site which is located in the open countryside, in the interests of ecology and to accord with policies STRAT1, STRAT12, NBE12 and NBE18 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

5. No development shall take place until a scheme for the installation of the culverts beneath the raised roadways hereby approved has been submitted to and approved in writing by the local planning authority.

**Reason:** To minimise flood risk within the site and adjoining sites and to accord with the principles of the National Planning Policy Framework (2012).

6. No development shall take place until a report detailing an investigation of all potential contaminants within the site and any required mitigation measures has been submitted to and approved in writing by the local planning authority. The required mitigation measures shall be completed prior to the first occupation of the holiday chalets hereby approved.

**Reason:** To ensure potential contamination is identified and the necessary mitigation measures completed and to accord with the National Planning Policy Framework (2012)

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

7. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 2.

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

8. Following the archaeological site work referred to in condition 7 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

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

9. The report referred to in condition 8 and any artefactual evidence recovered from the site shall be deposited within three 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)

10. The lighting scheme shall be carried out in complete accordance with the details approved and referred to in condition 4 and retained thereafter.

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

**11.** The finished levels for the development hereby approved shall be as follows and thereafter retained:-

- Finished floor levels for the chalets shall be 6.5m AOD
- Finished floor levels for the warden's accommodation shall be 6.65m AOD
- The level of the finished wearing course for the internal roadways shall be 6.5m AOD.

**Reason:** To minimise flood risk within the site and adjoining sites and to accord with the principles of the National Planning Policy Framework (2012).

**12.** The culverts referred to in condition 5 shall be installed beneath the roadways in accordance with the scheme approved prior to the first occupation of any of the holiday chalets hereby approved.

**Reason:** To minimise flood risk within the site and adjoining sites and to accord with the principles of the National Planning Policy Framework (2012).

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

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

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

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

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

**15.** The holiday chalet use hereby approved shall be limited to the area cross hatched on the approved drawing mon004/3 Rev R and shall be limited to 27 chalets, the siting and footprint of which shall be in complete accordance with the same said drawing and the external appearance limited to the Skyline Pinelodges details received on 15<sup>th</sup> March 2012.

**Reason;** The application has been assessed against the information submitted in support of the application which has been found to be acceptable. Any additional accommodation or variance could have an adverse impact on the character and appearance of the open countryside and be contrary to policies STRAT1 and STRAT12 of the West Lindsey Local Plan First Review 2006.

**16.** The warden's accommodation hereby approved shall not be occupied by any person other than the site warden responsible for the management of the holiday chalets hereby approved 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, The Good Practice Guide on Planning for Tourism and the National Planning Policy Framework 2012.

**17.** Prior to the first occupation of any of the holiday chalets hereby approved, the roadways and parking spaces detailed on the approved drawing mon004/3 Rev R shall be completed and thereafter retained, details of the surfacing of the roadways and parking having previously been submitted to and approved in writing by the local planning authority.



**Reason:** In the interests of highway safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

### **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 554831)
2. 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.
3. The package treatment plant will require an Environmental Permit from the Environment Agency. Please contact the Agency on 03708 506 506 for further advice.
4. Under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, any works in, over or within 9.0m of the landward toe/brick of any main river require the prior written permission from the Environment Agency by way of a Flood Defence Consent. The applicant is advised to contact Steven Coe on 01522 785343 for further information.



## Planning Application No: 128382

**PROPOSAL:** Planning application for proposed extensions and alterations

**LOCATION:** 25 High Street Willingham By Stow Gainsborough, Lincolnshire DN21 5JZ

**WARD:** Stow

**WARD MEMBER(S):** Councillor Shore

**APPLICANT NAME:** Mr D Leak

**TARGET DECISION DATE:** 09/05/2012

**DEVELOPMENT TYPE:** Householder Development

**CASE OFFICER:** Joanne Sizer

**RECOMMENDED DECISION:** Refuse permission

### Description:

The application site consists of a detached dwelling situated within a generous plot which is located within a residential area of Willingham by Stow. A public right of way lays to the east of the application site, while a public house and residential properties neighbour the site along High Street, the main thoroughfare through the village.

The dwelling itself is a traditional Lincolnshire farmhouse with a 3 bay principle elevation and ancillary rear wing. The original details, including the use of polychromatic brickwork, suggests a good quality dwelling which is shown on maps from 1886 and makes a positive contribution to local distinctiveness. For this reason it is considered that the application site is an undesignated heritage asset, having a degree of significance because of its heritage interest.

This application seeks permission to extend the rear wing of the property with a two storey addition to the north elevation, a single storey extension to the east elevation and by raising the roof of the same rear wing. This will allow additional first floor and ground floor accommodation and an internal re-arrangement of the accommodation.

### Relevant history:

127929 – Pre application for rear extension – proposal could not be supported.

### Representations:

Chairman/Ward member(s):	None received
Parish/Town Council/Meeting:	Supports application
Local residents:	None received

LCC Highways (Countryside) :	No comments or observations
Archaeology:	No further archaeological input required on this application
Building Control:	None received
Conservation Officer:	<ul style="list-style-type: none"> <li>• 25 High Street is considered an undesignated heritage asset</li> <li>• The extension(s) fail to respond to the local character and history, fails to take the opportunity to improve the character of the area and the overly large extension with a disproportionately large roofscape is harmful to the original scale, proportions, character and significance of the heritage asset.</li> </ul>
On-line	

#### Relevant Planning Policies:

Development Plan	<p>West Lindsey Local Plan First Review 2006 (saved policies)</p> <p>STRAT 1 Development requiring Planning Permission  <a href="http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm">http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm</a></p> <p>RES 11 Extensions to Dwellings Located within Settlements  <a href="http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm">http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm</a></p>
Other policy	<p>National Planning Policy Framework (2012)  <a href="http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf">http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf</a></p>

#### **POLICY RES 11 – Extensions to dwellings located within settlements**

##### i. Does the proposal introduce a terracing effect in the street-scene?

The proposals would not introduce a terracing effect due to their position on the dwelling and lack of impact on the street scene.

##### ii. Is the proposal well designed in relation to the size, shape and materials of the building to be extended, and is subordinate to the existing property?

The government attaches great importance to the design of the built environment, highlights the importance of scale, mass, height and materials and states permission should be refused for development of poor design. It also gives emphasis to non-designated heritage assets and states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications.

The application property is a traditional Lincolnshire farmhouse with a 3 bay principle elevation and ancillary rear wing. The original detailing including the use of the polychromatic brickwork suggests a good quality dwelling which makes a positive contribution to local distinctiveness. For these reasons it is

considered that the application site is an undesignated heritage asset , having a degree of significance because of its heritage interest.

This application was subject to pre-application advice and the opportunity to renovate the original property was welcomed and supported. However, the massing and detailing of the proposed rear extensions are not considered subordinate or appropriate in design.

The proposals result in a massing of the rear wing which is considerably larger than the existing principal range and the use of such an extensive catslide roofscape exacerbates the over dominance of the new elements. Furthermore, the introduction of a hipped detail is incongruous and detracts from the simplicity of the gabled roofscape which is a strong characteristic of the existing property and its history.

For these reasons it is considered that the design of the proposals fail to respond to local character and history, and collectively result in a disproportionately large rear wing and roofscape, which is harmful to the original scale, proportions and character of the existing dwelling.

iii. Does the proposal adversely affect the amenity of the residents of neighbouring properties by virtue of over-dominance or appearance?

25 High Street and its curtilage shares an unconventional open relationship with the neighbouring public house situated to the south west. The main dwelling house is set back from the main public house building and consequently runs alongside a substantial outbuilding set within the boundary of the public house, which openly abuts the domestic curtilage of 25 High Street. The alterations and extensions, due to their position and relationship with the neighbouring public house are therefore considered not to have a detrimental impact in terms of overlooking, overshadowing or over dominance.

No 21 High Street is located to the west of the public house and, due to its set back position from the street scene, is situated alongside the outbuildings belonging to the public house. It is due to this set back position that the rear range of No 21 runs adjacent to the curtilage of the public house and 25 High Street, which results in it having a clear relationship with the application site and host dwelling . The proposed alterations to lift the roof of the rear wing and extensions will therefore be visible from this neighbouring property. However due to the substantial separating distance, the proposals are considered not to result in any detrimental impact to the amenity of this dwelling house.

27 High Street is located to the south east of the application site and situated directly behind the outbuildings forming part of the eastern boundary and on the other side of the public right of way. The proposals are therefore set away from the dwelling by approximately 20 metres and are not considered to have any detrimental impact on the amenity of this neighbouring property.

iv. Does the proposal prejudice the retention of any significant trees or other important features?

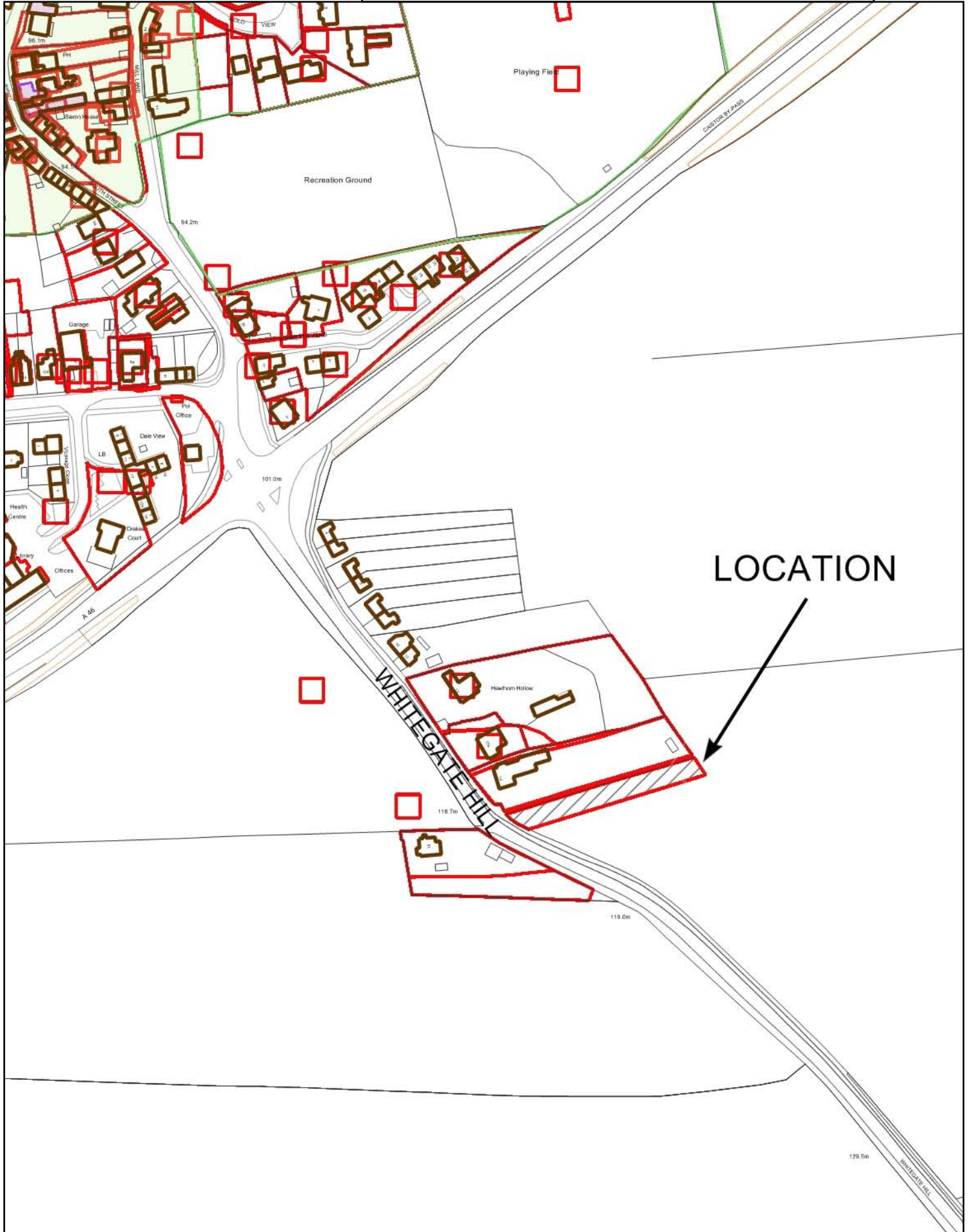
There were no significant trees or other features noted on the site or the removal of any on the application form.
v. Does the proposal enable adequate off-street parking space to remain for at least one vehicle to park?
The existing provision for off street parking will not be affected and therefore an adequate amount will remain.
vi. Does the proposal enable an adequate amount of private garden space to remain?
The dwelling boast a large domestic curtilage of which the proposals will have little impact upon. An adequate amount is therefore considered to remain.
vii. Does the proposal have a significant impact on the supply, availability and subsequent affordability of smaller properties as part of the overall mix of properties within the locality?
25 High Street is a detached 3 bedroom dwelling which currently is not considered to contribute to the supply, availability and affordability of smaller properties as part of the overall mix within the locality.

<b>Other considerations:</b>
Public right of way The proposals will be clearly visible from the public right of way, however due to its position within the application site and its predominantly residential context it is considered that the proposals will not have a detrimental impact on the public right of way. Lincolnshire County Council Highways (Countryside) also have no objections to the proposal.

<b>Conclusion and reasons for decision:</b>
For the reasons outlined above, it is considered that the design of the proposals fail to respond to local character and history, and collectively result in a disproportionately large rear wing and roofscape, which is harmful to the original scale, proportions and character of the existing dwelling and significance of the heritage asset.

**Recommendation: Refuse planning permission fro the following reasons:-**

1. It is considered that the design of the proposals fails to respond to local character and history and collectively results in a disproportionately large rear wing and roofscape, which is harmful to the original scale, proportions and character of the existing dwelling and significance of this non-designated heritage asset. As a consequence the development is considered to be contrary to the principles contained within saved policies STRAT1 and RES11 of the West Lindsey Local Plan First Review 2006 and national policy contained within the National Planning Policy Framework (2012).



## **Planning Application No: 128427**

**PROPOSAL:** Planning application for change of use of agricultural land to form car park and play area and form new field access

**LOCATION:** 14 Whitegate Hill Caistor Market Rasen LN7 6SW

**WARD:** Caistor

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

**APPLICANT NAME:** Mrs Angela Lawrence

**TARGET DECISION DATE:** 24/05/2012

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Fran Bell

**RECOMMENDED DECISION:** Grant planning permission subject to conditions

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### **introduction**

Please note that the applicant is Councillor Mrs Lawrence and this is the only reason this application is being reported to the Development Management Committee.

### **Description**

**Site** - 14 Whitegate Hill, Caistor has operated as a kindergarten for almost thirty years. It is the last building located on the north eastern side of Whitegate Hill, a steep, bendy road. When dropping children off, parents either park in the small car park, or if this is full, along the road side.

**Proposal** - It is proposed to form a new car park with 24 spaces including 2 disabled spaces, immediately adjacent to the south east boundary of the site with an extended play area beyond. It would use an existing field access as an entrance. A new field access would be formed further up the road to serve the rest of the field. The site area is in a fold in the landscape and cannot be seen from the B1225 on the ridge.

The site is within an Area of Great Landscape Value.

### **Relevant history:**

M01/P/0168 Erect extension to kindergarten classroom Granted consent 11/4/01

W18/999/88 Site mobile classroom to use as kindergarten Granted consent 27/9/88



W18/418/84 Change the use of one room to a nursery class Granted consent  
26/6/84

### **Representations:**

**Chairman/Ward member(s):** Cllr Mrs Lawrence is the applicant

**Town Council:** No objection

**Local residents:** None received

**LCC Highways:** Requests conditions re access improvements, clearance of obstruction and parking area being available at all times and a note to contact the Highways Section before works take place.

### **WLDC Environmental Protection:**

- Increased susceptibility to surface water flooding as indicated on Environment Agency Second Generation map. Material used for the car park to be considered
- Potential for noise from the outdoor activities from the education centre and play area. No history of complaints. How will outdoor space operate/ play equipment/ times of use?
- Contamination (quarrying) within 50m of site. Note to applicant re potential contamination.
- Confirm which drainage system is going to be used.

### **WLDC Conservation:**

- Impact on AGLV and visual intrusion mitigated by number of factors within the proposal – no built development, topography will in some way screen the new use as the slim margin of land of the application site will sit within a natural fold in the landscape and restored hedgerow will provide further screening.
- Balanced against the modest intrusion into the agricultural land is the opportunity to support a local business which provides an important service supporting the local rural economy.
- Application will not harm the quality of the AGLV and will benefit the local economy and is supported.

**LCC Archaeology:** No objection

### **Relevant Planning Policies:**

#### **Development Plan**

- **East Midlands Regional Plan 2009**

Policy 1 Regional Core Objectives

Policy 18 Regional Priorities for the Economy

Policy 31 Priorities for the Management and Enhancement of the Region's Landscape

Policy 35 A Regional Approach to Managing Flood Risk

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

- **West Lindsey Local Plan First Review 2006**

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>.

NBE10 Protection of Landscape Character and Areas of Great Landscape Value

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

NBE14 Waste Water Disposal

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

NBE20 Development on the Edge of Settlements

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

### **Main issues**

- Principle
- Highway Safety
- Environmental Protection comments
- Impact on AGLV/ edge of settlement

### **Assessment:**

**Principle** - The site is in open countryside where development is restricted (policy STRAT12) but it is considered that the proposal can be supported by other plan policy as it will alleviate a highway safety problem, provide safe parking for those using the nursery (policy STRAT1). The National Planning Policy Framework also looks to support sustainable economic growth (chapter 1) and the rural economy (chapter 3). Policy 18 of the Regional Plan recognises the importance of maintaining economic competitiveness throughout the region including through the development of the service sector. In order for parents of young children to work, then they need access to good childcare facilities. This proposal supports an established childcare facility.

**Highway Safety** - Whitegate Hill is not subject to speed restrictions and is used as a short cut by heavy commercial traffic between the A46 at the bottom of the hill and the B1225 at the top.

The kindergarten is an established local business serving a local need for childcare. However, as witnessed by the case officer at their site visit, at drop off and pick up times, the parking situation is chaotic and potentially

dangerous. The car park at the site is not big enough to accommodate all of the cars which means parents parking along the road side, which is narrow and has steep banks. This decreases the visibility for other drivers to see traffic approaching from either end of the hill. Furthermore, small children have to get out of the cars onto the road and then climb the bank to the pavement. Also, when the car park is full, drivers have to back cars out onto the road.

Therefore, whilst the visibility at the entrance to the new car park is not ideal, its provision will allow for safer parking, removing the need to park on the road, hindering other traffic. The Highways Officer has requested conditions including details of the access improvements to be approved, any obstruction (such as the hedge) that is over 0.6m within the visibility splays to be removed and that the car park shall be available at all times whilst the premises are open.

**Surface Water** - It is intended to cover the majority of the car park in either grass crete or gravel after the regulation tarmac entrance from the road. This will allow surface water to drain through freely and will not exacerbate any potential for surface water flooding. The exact details will need to be the subject of a condition.

**Noise** - The Early Years Foundation Stage curriculum encourages children to free flow from inside to outside. Given the lack of complaint relating to the existing use and that the numbers on the role will not increase, additional space should not increase the noise. Indeed, as the additional play space is further away from the housing, the noise should decrease, especially as there will be more space to play in. The agent observed at the site visit (he lives opposite the site) that it is more usual to hear noise from the primary school in Caistor than from the nursery, given the prevailing wind direction.

**Contamination** - The original comment requested a contaminated land condition. However, in discussion with the Environmental Protection Officer, it is considered sufficient to add a note only to the applicant. The site is used currently to farm crops and, whilst some of the play space may be used to grow vegetables and flowers, this is not the principle use of the space and the risk from quarrying contamination is considered minimal; it is highly unlikely that there has been any landfill on the site given the proximity of other housing.

**Impact on AGLV/ edge of settlement** - Policy 31 of the Regional Plan and NBE10 of the Local Plan seek the protection of important landscapes such as that found here within an Area of Great Landscape Value. Policy NBE20 does not allow development that will detract from the rural character of the settlement edge. If development is permitted, proposals must respect and maintain the existing character of the boundary through an agreed scheme of landscape treatment.

The existing boundary with the field is an established hedge with some hedgerow trees. The site is in a fold in the field and will not be seen from the

ridge. The impact on the AGLV and the settlement edge will be further softened through the planting of a hedgerow, similar to the existing field boundary.

**Other matters** - The new field access will be further along the existing field boundary to allow access to the remainder of the field, other than through the new car park. Details will be conditioned, but the location is considered acceptable being sufficient distance from the car park entrance not to cause confusion.

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

The proposals have been considered against the development plan in the first instance, particularly policy 1 Regional Core Objectives, Policy 18 Regional Priorities for the Economy, Policy 31 Priorities for the Management and Enhancement of the Region's Landscape and Policy 35 A Regional Approach to Managing Flood Risk of the East Midlands Regional Plan 2009 and saved policies STRAT1 Development Requiring Planning Permission, STRAT12 Development in the Open Countryside, NBE10 Protection of Landscape Character and Areas of Great Landscape Value, NBE14 Waste Water Disposal and NBE20 Development on the Edge of Settlements of the west Lindsey Local Plan First Review 2006 together with the policy contained within the National Planning Policy Framework. In light of this assessment, the proposals are considered acceptable for the following reasons.

The provision of additional car parking will alleviate an existing highway safety problem by removing the need for cars to park on this steep, bendy road at pick up and drop off times or back of the existing car park. The additional play space enables the children to have more access to outdoor play, in line with healthy living requirements. The new field access will not have an impact on highway safety and is sufficient distance from the car park not to cause confusion. The new development will not harm the landscape character of the Area of Great Landscape Value.

**Recommendation: Grant planning permission subject to the following conditions:**

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

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

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

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

2. No development shall take place until full details of the proposed new hedging to the boundaries have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type and height of plants and the pattern of planting.

Reason: To ensure that the new hedging is appropriate in this rural setting on the edge of the settlement in accordance with Policy STRAT1 of the West Lindsey Local Plan First Review June 2006.

3. No development shall take place until full details of the surface of the new car park have been submitted to and approved in writing by the Local Planning Authority. The details shall include how surface water will be dealt with, the size of any particles used and any sub layer material.

Reason: To ensure that the appearance of the car park is acceptable in this rural setting and to ensure that the surface material does not exacerbate any surface flooding issue in the area in accordance with policies STRAT1, NBE14 and NBE20 of the West Lindsey Local Plan First Review June 2006

4. No development shall take place until full details of the new car park access and the new field access to the public highway have been submitted to and approved in writing by the Local Planning Authority. The details shall include the design of any gates, the materials proposed for the access, specification of works and construction method.

Reason: To ensure that the car park and field accesses are appropriately designed in this open countryside setting and in the interests of highway and public safety in accordance with Policy STRAT1 of the West Lindsey Local Plan First Review June 2006.

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

5. The development shall be completed in accordance with the approved plan A145-003 revision C dated 2.2.2012 and the car park surfaced and drained in accordance with the details approved under condition 4 and retained thereafter.

Reason: To ensure that the car park and field accesses are appropriately designed in this open countryside setting and in the interests of highway and public safety in accordance with Policy STRAT1 of the West Lindsey Local Plan First Review June 2006.

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

6. All planting in the approved hedging details (subject to approval under condition 2) shall be carried out in the first planting season following the completion of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become

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 for any variation and retained thereafter.

Reason: To ensure that the landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of screening this site from view as soon as possible in this rural setting in accordance with saved policies STRAT1 and NBE20 of the West Lindsey Local Plan First Review June 2006.

7. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splay indicated on drawing number.A145-003 revision C dated 2.2.2012 and thereafter the visibility splays shall be kept free of obstacles exceeding 0.6 metres in height.

Reason: To ensure the provision of adequate access and in the interests of highway safety and in accordance with West Lindsey Local Plan First Review Policy STRAT1

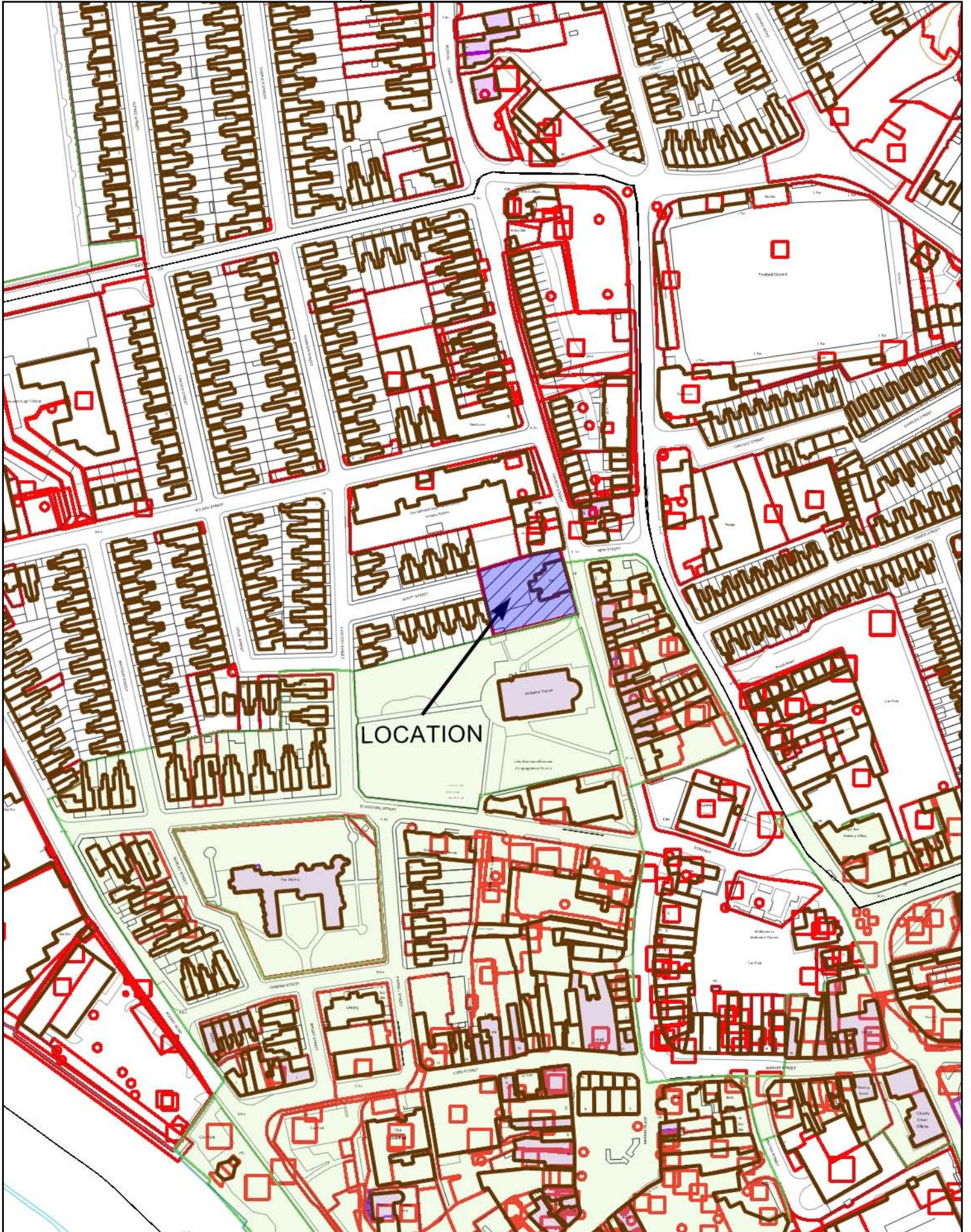
8. The accesses (subject to approval under condition 4) shall be brought into use before the car park is first used and shall be retained at all times.

Reason: To ensure the provision of adequate access and in the interests of highway safety and in accordance with West Lindsey Local Plan First Review Policy STRAT1

### **Notes to the Applicant**

1. Please refer to the leaflet "Developing Contaminated Land in Lincolnshire" for further information as the site is within 50m of general quarrying.

2. Prior to the submission of details for the access works (condition 4) within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.



## **Planning Application No: 128555**

**PROPOSAL:** Planning application for change of use from B1 to B1 Business, Office and Light Industry and A2 Financial and Professional Service

**LOCATION:** Plough Inn 37 Church Street Gainsborough Lincolnshire DN21 2JR

**WARD:** Gainsborough South West

**WARD MEMBER(S):** Cllr Mrs J A Rainsforth and Cllr T V Young

**APPLICANT NAME:** West Lindsey District Council

**TARGET DECISION DATE:** 15/06/2012

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Kirsty Catlow

**RECOMMENDED DECISION:** Grant planning permission, subject to conditions.

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### **Reason for Referral:**

This application is referred to the Development Management Committee as West Lindsey District Council is the applicant.

### **Site Description:**

The site is located within the Gainsborough Town Centre. The site adjoins a Conservation Area (to the south and on the opposite side of Church Street). All Saints Church, a Grade 1 listed building, is located to the south of the site and there are several other listed buildings diagonally opposite on the east side of Church Street. The remainder of the surrounding area comprises of a mix of commercial and residential properties, with a three storey block of flats to the immediate north of the site. The site is located within flood zones 2 and 3.

### **Relevant history:**

The Plough Inn had been closed for some time and was acquired by the Council with a view to converting it to provide work space and meeting rooms for new businesses:-

125174 - Planning permission for a change of use from A4 (pubs and bars) to B1 (Offices, Research and Light Industry) was originally granted in February 2010. The scheme included a single storey rear extension to provide 3 workshop units, a two storey rear extension to incorporate a lift and a side entrance canopy.

126621 – Planning permission for revisions to the original scheme was granted in December 2010. This scheme showed the deletion of the single



storey rear extension as well as alterations to the design of the two storey lift extension, rear window treatment and the side entrance area.

127588 – Planning permission for further revisions to the scheme was granted in August 2011. These revisions included the deletion of the two storey rear lift extension and the side entrance canopy, alterations to the rear window openings and changes to the vehicular access arrangements resulting in the site retaining its current access between The Plough and the block of flats to the immediate north of the site.

### **Current Proposal:**

This application seeks planning permission for a change of use from B1 (business and light industrial) to B1 and/or A2 (financial and professional services). This will provide the flexibility for the office units to be occupied by businesses in either use class for the lifetime of the development.

### **Representations**

**Chairman/Ward members:** No representations received to date.

**Gainsborough Town Council:** No representations received to date.

**Local residents:** No representations received to date.

**LCC Highways:** No objections.

**English Heritage:** No representations received to date.

**Environment Agency:** No objections.

**LCC Archaeology:** No objections.

Any further representations received before the publicity expires on 16<sup>th</sup> May 2012 will be verbally reported to the Committee.

### **Relevant policies**

#### **Development Plan**

- East Midlands Regional Plan

Policy 19 Regional priorities for regeneration

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

Policy 22 Regional priorities for town centres and retail development

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

Policy 27 Regional priorities for the historic environment

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

- West Lindsey Local Plan First Review 2006

STRAT 1 Development requiring Planning Permission

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

MT 1 Market Towns

<http://www2.west-lindsey.gov.uk/localplan/written/cpt5.htm>

RTC 1 Town Centre Development

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

### **Other Policy Guidance:**

- National Planning Policy Framework  
<http://www.communities.gov.uk/publications/planningandbuilding/nppf>
- Technical Guidance to the National Planning Policy Framework  
<http://www.communities.gov.uk/publications/planningandbuilding/nppftechnicalguidance>
- Gainsborough Regained – The Masterplan (2007)  
<http://www2.west-lindsey.gov.uk/upload/public/attachments/1242/GainsboroughRegainedExecutiveSummary.pdf#>

### **Main Issues:**

The property currently has planning permission for B1 use (business and light industrial). The proposed change of use would allow the building to be used as either B1 or A2 (financial and professional services); or a combination of B1 and A2.

The main issue is whether the use of this building for A2 is acceptable having regards to the impact on the setting of listed buildings / conservation areas, flood risk, highway safety and amenity. A2 includes uses such as banks, professional services, estate agents, employment agencies and betting offices.

### **Assessment:**

**Principle of Development** - The property is a former public house now in B1 use. It is located within the Gainsborough Town Centre boundary where uses such as B1 and A2 are acceptable in principle.

The guidance contained within the National Planning Policy Framework encourages Council's to assist in the delivery of growth and the creation of jobs. The proposed change of use would allow greater flexibility of end users in this business hub, developed to help support new local businesses, and secure its long term future.

**Impact on Setting of Listed Buildings / Conservation Area** - The Church of All Saints, a Grade 1 Listed Building, is located directly to the south of the application site. The Church is surrounded by generous grounds which contain a number of trees.

The Conservation Area boundary runs along the south side of the property. As well as the Church there are numerous listed buildings in the Conservation Area on the east side of Church Street.

The proposal comprises of a change use only with no external alterations therefore the proposed will not have a detrimental impact on the setting of the Listed Building or the Conservation Area. In fact by securing the buildings future it will preserve the character and appearance of the Conservation Area.

**Impact on Flood Risk** - The site is located within Flood Zones 2 and 3. The recent conversion of the building was carried out in accordance with the previously submitted Flood Risk Assessment. The Technical Guidance to the National Planning Policy Framework confirms that uses within both B1 and A2 are within the same 'less vulnerable', therefore the vulnerability of users would not increase.

**Impact on Highway Safety** - Although uses within A2 include those where members of the public do visit, given the sites sustainable location within Gainsborough Town Centre which is well served by public transport and the level of off street car parking provided, it is not considered that the proposed change of use would be detrimental to highway safety.

**Impact on Amenity** - The surrounding area is a mix of residential and commercial uses and is separated from neighbouring residential uses by public highway and the vehicular access to the site. The proposed change of use from B1 to B1 and/or A2 is not likely to result in significant increases in on site activities or vehicular movements. Therefore the proposed change of use would not result in harm, through increased noise and disturbance, to the amenities of surrounding properties. Given the mixed use characteristics of the area it is not considered reasonable to restrict the opening hours of the building.

## **Conclusion**

The proposed change of use from B1 to B1 and/or A2 will increase the flexibility of this business hub and secure its' future viability. The proposed change of use would be appropriate in this town centre location and would not harm the setting of Listed Buildings, would preserve the character and appearance of the Conservation Area, would not harm residential amenity or highway safety and would not increase the risks from flooding. The proposal therefore accords with policies STRAT 1 Development requiring Planning Permission, MT 1 Market Towns and RTC 1 Town Centre Development of the West Lindsey Local Plan First Review and Policies 19 Regional Priorities for

Regeneration, 22 Regional Priorities for Town Centres and Retail Development and 27 Regional Priorities for the Historic Environment of the East Midlands Regional Plan, guidance contained within the National Planning Policy Framework and Gainsborough Regained – The Masterplan (2009).

**Recommendation**

Grant planning permission, subject to the following 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).