



DM.25 11/12

**Development Management
Committee**

Date 4 April 2012

Subject: Planning applications for determination

Report by:

Mark Sturgess
Director of Regeneration and Planning

Contact Officer:

Simon Sharp
Development Management Team Leader
01427 676651

Purpose / Summary:

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

RECOMMENDATION(S):

Each application has a recommendation within the report

IMPLICATIONS

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

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : Each planning application has been assessed to consider 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:

Various planning applications available on-line at

<http://planning.west-lindsey.gov.uk/planning/>

West Lindsey Local Plan policies available at:-

http://www.west-lindsey.gov.uk/localplan/plan_index.htm

Call in and Urgency:

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

Yes

No

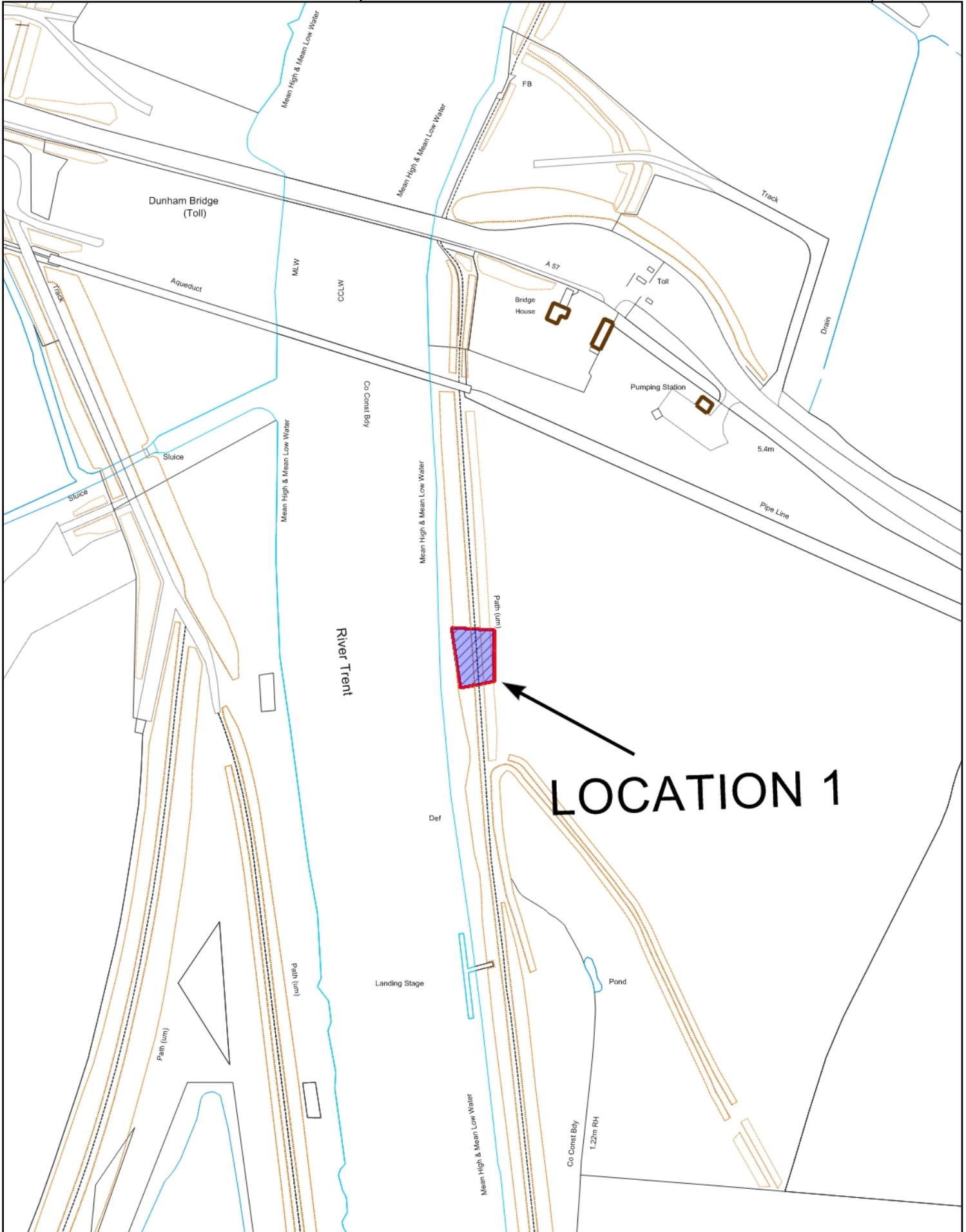
x

Key Decision:

Yes

No

x



LOCATION 1

Committee Report

Planning Application No: 127585

PROPOSAL: Planning application for construction of water treatment works, pumping station and open resevoir.

LOCATION: Land to south of Newton on Trent

WARD: Torksey

WARD MEMBER(S): Councillor Kinch

APPLICANT NAME: Anglian Water Services Limited

TARGET DECISION DATE: 27th October 2011

DEVELOPMENT TYPE: Large Major - Other

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Planning & Development Services Manager upon the expiration of the current publicity period subject to no new issues being raised which are not addressed in the report.

Introduction

Determination of this application was deferred at the meeting of the Council's Development Management Committee in February to enable further discussion and investigations to take place, to include Councillor Kinch (ward member) and the Parish Council to assess alternatives for the proposed water treatment works element of the development and/or revised landscaping.

A meeting subsequently took place at Gainsborough Guildhall on 27th February when such issues were discussed. Councillor Kinch (ward member), Mr Andrew Arden (Chair of Newton-on-Trent Parish Council) and Mr & Mrs Wells (landowner) as well as Council officers and the applicant's team were all in attendance.

The applicant has subsequently submitted revised and additional information which:-

- Reduces the height and scale of the main building within the water treatment works site.
- Revises the layout and landscaping for the water treatment works site.
- Provides clarity on the landscaping for the pumping station and raw water reservoir sites.

The Ward Councillor, Parish Council and other interested parties have been reconsulted following the receipt of this information. The reconsultation period does not expire until 5th April, hence the officer's recommendation.

Description

- **Site** – Area of farmland extending from east of A1133 to the east bank of the River Trent to the south of Dunham Bridge. To north are the A57 and the village of Newton on Trent. To the south, beyond the County boundary is woodland and the village of North Clifton (Newark & Sherwood District, Nottinghamshire). The site wraps around the west, north and east of a Roman fort (Scheduled Monument).
- **Proposal** – The development is part of a scheme to provide a new supplementary supply of potable water for the City of Lincoln. The works if completed would enable water to be extracted from the River Trent at a point close to Dunham Bridge (shown as “intake” on proposed layout). The untreated water would then be pumped to a open reservoir on land to the west of the A1133 near to the County and District Boundary. It would then flow, still in untreated “raw water” form by gravity in a pipe under the A1133 to a treatment works adjoining the east side of the A1133 before being piped into the existing potable supply. The reservoir will act as a header tank with a 10 day capacity. In detail, each element of the scheme will include:-
 - **Intake** from River Trent
 - **Gravity raw water underground main running 50m southwards** from intake following eastern bank of River Trent to connect to pumping station.
 - **Pumping station** located adjacent to eastern bank of River Trent at foot of scarp slope. The main building will be steel clad (6m x 20m x 4m high). Part of the scarp slope will be excavated to site this building in the proposed location. It will pump untreated water via;
 - **Underground rising main, 1.6km in length** looping around north side of the Roman Fort (outside of designated area) to;
 - **Open raw water reservoir.** The excavated soil will form a bund so that no soil removal from this site is proposed. The reservoir site will also include a substation housed in a 4m x 4m x 2.5m high kiosk, control housing within a further kiosk (6m x 4m x 2.5m high) and a 3.5m side metalled access road from the A1133. The reservoir will feed a;
 - **Gravity raw water main** running beneath the A1133 to;
 - **Water treatment works**, the main building of which would have a footprint of 29m x 79m and 12.3m high. In addition there is proposed a microstainer building (9.9m high), two concrete tanks (5.2m high), an artificial earth mound containing disinfection pipes, a concrete treated water reservoir, a pumping station, 2 vessels, wastewater tank, filter press building, liquid waste lagoon and surface water attenuation pond.

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

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

Relevant history

This proposal was the subject of a pre-application enquiry by the applicant. Pre-application publicity and consultation was also undertaken by the applicant.

Representations (councillors, parish councils and residents)

These comments relate to the previous plans. Members will be advised verbally at the meeting of any updates,

Chairman/Ward member(s): Councillor Kinch echoes the Parish Council comments with regard to the securing of a public footpaths via a section 106 agreement (see below).

Parish/Town Council/Meeting: The Parish Council are extremely keen that the provision of two footpaths, from Newton on Trent village to Dunham Bridge and Laughterton respectively, are secured through the planning application process. The Parish have also commented on the setting of the Scheduled Monument and that the location of the accesses for the treatment works and reservoir will be detrimental to highway safety; there should be a joint access with both elements on the western side of the A1133.

Local residents (and organisations):

- Hall Farm
 - Object to proposed siting of treatment works on eastern side of A1133 as it will have significant impacts on the local landscape and views in contravention of several policy guidelines within the West Lindsey Landscape Character Assessment (1999).
 - It will break up open views of this large area of open countryside.
 - Obscure views of the village including the Church when approaching from the south.
 - Policy C2 requires the conservation of characteristic views.
 - Policy G9 covers the conservation of undeveloped breaks between settlements.

- The proposed siting appears to have been driven by construction costs without taking into account the significant cost to the landscape.
- Given the speed of traffic on the A1133, it would be much safer using the same access for the reservoir and treatment works on the west side of the A1133 rather than having two separate accesses.
- 47, Manor Road, Saxilby (Pre-construct Archaeological Services Ltd.)
 - Access to the Roman fort is problematical as well as to the Newton Cliffs area in general which has much to offer both in terms of cultural heritage and natural environment. There is an opportunity here to secure access through a section 106 agreement as has been secured elsewhere in the country.
- East Midland Sunfolk (copy of letter forwarded from PC) – We have a number of members who like to walk or cycle to the local amenities and we would be grateful if you could let us know if there any plans in the pipeline to provide a footpath between Laughterton and Newton on Trent.
- 21, Cambridge Avenue, Lincoln
 - Particularly concerned about pumping station and access road elements; Newton Cliff is an attractive and sensitive landscape that has a combination of features and assets that make it unique within the lower Trent valley, if not in Lincolnshire a whole. Specific qualities are its geodiversity value, archaeology and landscape and recreational value.

Representations (other statutory and non-statutory consultees)

The following responses do not include any representations received as a result of the most recent reconsultation which requested comments on the additional information received from the Anglian regarding alternative locations/solutions and landscape mitigation. Any comments received on these matters will be reported verbally to members, including an assessment of any issues raised of any matter not covered in this report.

The representations received have been grouped into the most relevant topic areas:-

Cultural and built heritage

English Heritage – The proposed development will have a harmful impact on the setting of Scheduled Monument LI 174 since its significance as a Roman fort derives both from its relationship with non-scheduled buried archaeological features in the locality (some of which will be physically harmed by the development) and its

relationship with the surrounding landscape. The development will not enhance the visual appreciation of the monument's setting but will add to the existing modern infrastructure, which affects our ability to experience the site of the monument in its rural surroundings. Clearly these surroundings have changed markedly since Roman times, but the current relative paucity of large scale development in the vicinity of the fort along with the character underlying landform, the dominance of agricultural land and uncultivated land along the Trent do still provide a sense of the historic landscape.

Nevertheless, we think it will be possible to mitigate some of the adverse visual effects of the development by landscaping and planting. This will have to be very carefully considered at the pumping station site because it is immediately adjacent to the scheduled monument boundary. Scheduled Monument Consent is not likely to be granted for potentially harmful works such as planting, fences or earthwork construction within the scheduled monument.

Latest information from Anglian Water suggests that the proposed pipelines are also located adjacent to the scheduled monument boundary. Pipeline excavation work is likely to damage archaeological evidence associated with the scheduled monument and compromise the ability to investigate the monument in the future. We understand that this element of the scheme is permitted development so we will raise the issue again with Anglian Water.

Lincolnshire County Council Historic Environment –

Archaeological evaluation has been undertaken on the site, but further work will be required. Should planning permission be forthcoming then, prior to any ground works, the developer should be required to undertake further works in accordance with an approved written scheme of investigation (initially envisaged to involve monitoring of all ground works with the ability to stop and fully record archaeological features).

Navigation and water

British Waterways – No objection subject to conditions ensuring that:-

- Final design of intake structure is agreed by local planning authority in consultation with British Waterways to ensure it does not affect navigation safety.
- Navigation lights are provided in the context of above.
- River bank access is maintained through the appropriate design of structures affecting British Waterways access easement along the river bank.

Environment Agency – No objection subject to conditions requiring

- Development to be carried out in accordance with submitted Flood Risk Assessment.
- A surface water drainage scheme has been agreed based on the principles of sustainable drainage.
- Flood plan compensation
- Foul water disposal.

They also advise of separate regulations under Water Resources Act 1991 relating to flood defences on the River Trent, pollution prevention and the need for an Abstraction Licence.

Newark Internal Drainage Board – Support application provided any soakaways are designed in accordance with BRE Digest 365.

Natural environment

Natural England – Refer their standing advice. No further comment.

Lincolnshire Wildlife Trust – Having read the ecological survey reports, we consider that, provided the consultant's recommendations are followed, there should not be any significant impacts on protected species as a result of the proposed works. We strongly support the recommendations for mitigation and enhancement of the site, including planting of native species rich hedges, sowing the embankments and bunds with native wildflower mixes, creation of skylark plots and provision of bird and bat boxes.

Neighbouring or affected local authorities

Bassetlaw DC – No comments

Lincoln City Council – “No objections.”

Newark and Sherwood DC – Consider that any impact on Newark and Sherwood would be limited given the scale and proximity of the proposal to the district boundary.

Aircraft safeguarding (bird strike)

Defence Infrastructure Organisation – No safeguarding objections

NATS – No aircraft safeguarding objections

Doncaster Robin Hood Airport – No safeguarding objections.

Relevant Planning Policies

The Development Plan

- East Midlands Regional Plan 2009 (RSS8) policies

4. Development in the Eastern Sub-Area

http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

27. Regional Priorities for the Historic Environment

http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

32 A Regional Approach to Water Resources and Water Quality

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 - 2009).
The site is within the open countryside:-

STRAT 1 Development Requiring Planning Permission

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

STRAT 12 Development in the open countryside

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

CRT20 Watercourse corridors

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

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>

NBE15 Water Quality and Supply

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

Other policy documents

- West Lindsey Corporate Plan 2011-15
<http://www.west-lindsey.gov.uk/your-council/decision-making-and-council-meetings/meetings-agendas-minutes-and-reports/committee-information-post-april-2011/council/council-committee-reports/council-committee-reports-september-2011/107037.article>

- Draft National Planning Policy Framework (2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>
- PPS 1 Delivering Sustainable Development (2005)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>
- PPS 5 Planning for the historic environment (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1514132.pdf>
- PPS 9 Biodiversity and geological conservation (2005)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>
- PPS 25 Development and flood risk (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>
- Local Plan First Review - Supplementary Planning Guidance (SPG) Adopted countryside Design Summary
<http://www.west-lindsey.gov.uk/residents/planning-and-building/planning-policy/supplementary-planning-documents?tab=downloads>

The site is also within the area covered by the Trent Vale Landscape partnership, a three-year scheme to conserve, enhance and celebrate the cultural identity of the Trent Vale. West Lindsey DC is a partner in the Partnership and accessibility to the Trent riverside is a key aim. More information is available at:- trentvale.wordpress.com/

Main issues

- **Principle**
- **Direct impact and setting of Scheduled Monument and other heritage assets including Church and wider visual impact**
- **Highway Safety**
- **Residential amenity during operation and construction**
- **Ecology – land and Trent**
- **Navigation of Trent – levels**
- **Flood risk**
- **Aircraft safeguarding**
- **Footpath provision within the parish of Newton on Trent**

Assessment:

Principle – The site is located within the open countryside as defined by the Local Plan First Review. There is a general policy presumption, as detailed in policy STRAT12, against development in such locations unless it is required in association with a countryside use or can be supported by other policy. There is no other policy in this Review that explicitly deals with proposals for potable water supplies. However, there is implicit support in the Regional Plan. Policy 4 identifies Lincoln as one of the region’s main growth areas, an objective reaffirmed by growth point status and the target for housing provision outlined in the same plan. The focus of growth in Lincoln is likely to be drawn forward within the policies of the Joint Core Strategy for Central Lincolnshire. The Water Cycle Study that was prepared as part of the evidence base for this Strategy identifies the need for new water resources to respond to this growth. Specifically, there is a projected deficit of 20 million litres of water per day by 2035 as a result of growth. The need was identified in Anglian Water’s Water Resources Management Plan and accepted by Defra.

Policy 32 of the Regional Plan states that such new resources should be planned together with a strategy for reducing leakage from mains (currently 20% of total supply is lost through leakage in the East Midlands as cited in the Regional Plan), using water more efficiently in developments and implementing sustainable drainage techniques. Members will be aware that the planning system cannot control water leakage from the mains but all four local authorities shaping development in the Lincoln area (Lincoln City, North Kesteven, Lincolnshire County and West Lindsey Councils) support development maximising water efficiency and sustainable drainage through the application of policy and controls through the planning and building control system (the Regional Plan estimates a saving of 25% of projected demand can be met in this way). Anglian Water have funded projects to reduce leakage and also to introduce as much metering as possible. However, in this context, it is concluded that such policy and controls alone will not respond to the water supply issue that Lincoln will face as a result of growth and therefore an additional supply of potable water is required.

The Water Cycle Study does not provide any analysis or conclusions as to where the additional water should be sourced from. Lincoln is, amongst other sources, currently served from aquifers in the northern hills of the Lincolnshire Wolds near Elsham as well as from the Sherwood Sandstone aquifer in Nottinghamshire. Anglian Water looked at a number of alternative solutions including:-

- Extending abstraction from the Sherwood Sandstone aquifer,
- Redistributing resources from neighbouring areas
- Developing new resources from minor aquifers in the Lincoln area

They also investigated other alternative location for a new intake and water treatment works. The additional information on this and the other solutions investigated are reproduced in the appendix to this report as referred to in the introduction. The Fosdyke option referred to be the ward member, Councillor

Kinch, at the December 2011 Development Management Committee was part of the investigation of alternatives. It was dismissed for the following reasons:-

- Cost of upgrading the existing Environment Agency equipment (that pumps water from the River Trent into the Fosssdyke at Torksey Lock)
- The potential for pollution of the Fosssdyke - flow into this watercourse is restricted to transfers from the Trent and discharges from the River Till and other local drainage systems. However, the pump transfer from the Trent is not operated continuously and the Till drains a relatively small catchment that is intensively farmed. Under these circumstances, any pollution that enters the Fosssdyke could persist for a significant period, affecting the operation of the new works. A much larger raw water reservoir would be required to respond to this issue, adding cost to the scheme. There are also few areas of land that could accommodate these large works that are free from the potential for flooding (see next point below).
- The vast majority of land flanking the Fosssdyke falls within flood zone 3 as defined by the Environment Agency's Flood Zone Maps, the zone at most probability of flooding outside of the functional floodplain. Examination of the flood zone maps reveals that there is land between Hardwick and Drinsey Nook within flood zone 1 adjacent to the Fosssdyke which could accommodate the size of reservoir and treatment works proposed and is also next to an existing water main to reduce costs. However, such a location would not overcome the other disadvantages of using the Fosssdyke such as the cost of the pump at Torksey Lock and the potential for pollution.

In this context, having assessed the location proposed, it is considered that it has the following benefits:-

- Proximity to the River Trent which benefits from flow support during low flow periods through the provision of releases of groundwater from sources developed in the Birmingham area. The Trent also has a large catchment area less susceptible to localised changes in groundwater supply.
- The proximity to the Trent also reduces the length of pipeline required for transporting the raw water to the water treatment works, such pipelines being inefficient given that pumping is likely to be required, costly to upkeep and generally unsustainable in terms of construction and use of land resource.
- Proximity to existing potable water mains which reduces the need for a new, long potable main (the existing main crosses the River Trent on an aqueduct adjacent to Dunham Bridge). This avoids similar issues to those described above for raw water pipelines.
- The treatment works and reservoir elements are within flood zone 2 as defined by the Environment Agency (medium probability of fluvial flooding). This matter is discussed in more detail later in the assessment, but in summary, there are few locations near to raw water sources and existing potable water mains which fall outside of flood zone 3.

In summary, in terms of the sustainable use of an existing potable water main in a location adjacent to an adequate supply of raw water, it is considered that the proposed location is acceptable in principle having also justified the need.

Impact on Scheduled Monument and other designated and non-designated heritage assets – The general thrust of policy 27 of the Regional Plan echoes that of policies HE7 and HE9 of PPS5 insofar as the significance of designated historic assets such as scheduled monuments should be identified and assessed by an applicant and the determining local planning authority and there should be a presumption in favour of the conservation of such assets. Policy HE9 specifically states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments, should be wholly exceptional.

The scheduled Roman fort was discovered by aerial photography in 1962, there being no signs visible at ground level of its existence. It was the result of an early military disposition by the legion IX *Hispana*, this vexillation fortress being one of their bases prior to the establishment of a fortress at Lincoln and used whilst still on campaign near to the frontier of that time (running diagonally across England from the River Exe in the southwest to the Humber in the northeast). The Fosseway was effectively a service road connecting the frontier legions. The fort is typical of a thirty acre installation and its historical significance as, albeit a temporary frontier post for the Roman colonisation of the country, should not be underestimated.

Fortresses of this size are not sufficiently large for a whole legion, but would be adequate for a half-legion possibly brigaded with some auxiliary cavalry.

Examination of the proposed layout of the development reveals no direct intervention within the designated area. Indeed, a direct route between the pumping station and reservoir would have crossed the fort, but the submission shows the pipeline arcing around the area to the north. The archaeological investigation undertaken on behalf of the applicant to date speculates that the pottery located in the area suggests a yet un-located Romano-British settlement or farmstead in the vicinity. It is possible that some of the development may directly affect these remains especially given that both the applicant's own archaeological investigations and those reported in preceding texts suggest that such a settlement is likely to be the south or east of the fort. However, the LCC Historic Environment Officer, who approved the Schedule of Works and Method Statement for the pre-application archaeological investigations, has advised that the level of significance of these non-designated heritage assets is such that the direct impact of the development on them can be mitigated by conditions requiring a scheme of archaeological works to be commissioned. In essence, the siting of the different elements of the proposed development in a ring around the scheduled monument has the potential to result in the irreversible loss of some undesignated assets and divide those remaining undesignated assets outside of this ring from the scheduled fort. However, with the careful investigative works and recording

required by the suggested conditions, there will be the ability for future generations to be able to understand the complete picture if further investigative works are subsequently undertaken beyond the scope of the development.

Turning to the impact on the setting of the scheduled monument, it is acknowledged that there are no external works visible at ground level and therefore the main issue is considered to be the importance of maintaining the setting of the location of the monument. The fort site is clearly visible from many public vantage points including the public rights of way along the east and west banks of the river, from the public access land adjacent to Newton Cliffs, from Dunham Bridge and from both the A57 and A1133. From the fort site itself, there are views stretching for many kilometres to the east and west. This is due to the low lying nature of the surrounding landscape, the lack of major settlement and the lack of tall building and tree belts. Buildings visible from the fort location are part of the nucleated form of the village or associated with the functional requirements of the river bridge. The existing water treatment works to the north is visible but, with exception of the telemetry mast is predominantly characterised by low lying buildings and structures. In this direction, the eye is also naturally drawn to the A57 due to the steady flow of vehicles. The collection of farm buildings and cottages at the junction of the A57 and A1133 are also visible but are mainly characterised by traditional forms, externally elevated in weathered red brick and clay pantiles which have ensured that they have assimilated into the landscape and preserved the setting of the monument. In contrast the proposal would result in the introduction of a collection of building forms and a materials palette that is rather alien to the agrarian landscape as it appears now and certainly not how it would have appeared in Roman times. However, to the west the views are dominated by electricity pylons in the foreground, one line of pylons actually crossing the fort site. Also apparent are the metalwork of the aqueduct over the River Trent, the concrete arches of Dunham Bridge and, in the middle distance, a decommissioned coal fired power station (High Marnham).

In this context of tension between natural and manmade features, the proposed development nevertheless still has some potential to affect the setting of the Roman fort due to its proximity. However, with all elements of the proposal, it is considered that mitigation can be achieved through conditions.

The intake pumping station compound to the west of the fort would be located so it nestles against the foot of the scarp slope and therefore, from the majority of vantage points within the scheduled area, will not be visible. The visual impact will be further minimised by partially excavating into the scarp slope to maximise the ability for the compound to tuck into the fold in the landscape. Furthermore, the only building within the compound is only 4.5m high (not significantly higher than a domestic garage with a pitched roof) and the existing trees and bushes along the river bank will assist in partially screening it when people are viewing the fort area and river from the public footpath on the west bank and from Dunham Bridge. Similar considerations apply to the lifting crane “goalpost” frame that sits above the valve chamber

within this compound and the security fencing along the perimeter; none of these structures exceeding 5m in height. Therefore, with the control of the colour and texture finish of the external cladding for the building and the security fencing, which can be secured through the imposition of pre-commencement conditions, this element of the proposal will not harm the setting of the fort from these directions. However, it is considered that some landscaping is required to respond to the views from the south from the public access land, this again can be ensured through the imposition of a condition.

The raw water reservoir is proposed to be located to the south of the fort. The direct impact on the marching camp and older fort could impact on the setting of the monument as both non-designated assets provide respective functional and historic context to it. Specifically, the detail of the extent and nature of the marching camp as a subservient element to the main fort provides information as to the significance of the fort itself. Similarly, the existence of an earlier fort provides information on the evolution of the legion's encampment in this location. In terms of finding more detail on these assets, the County Council have advised that further investigations required by pre-commencement conditions are sufficient to document the significance of these assets and their contribution to the setting of the designated fort. Visually, there are no surface level signs of the marching camp and older fort that are evident from ground level which contribute to the setting of the monument.

The excavation of the reservoir itself and creation of an encircling bund, as well as the ancillary access road and kiosks, will be visible from the scheduled area and also from public vantage points on the A1133 between the A57 and the County Boundary when looking towards the monument. The highest point of the reservoir development will be the top of the bund at 27m above sea level. This sits above the surrounding land by around 8m at the eastern end of the reservoir but by just 3.5m at the western end. These relative low heights and the fact that the outer facing banks will be planted with natural landscaping, including wild flowers, will ensure that the open rural vistas to and from the monument will be maintained

The water treatment works would be characterised by many different buildings and structures, the coverage and height of which is considered to result in the most potential to harm the setting of the monument. The highest building proposed is the main treatment building and the latest iteration of the proposal reduces the scale of this building (March 2012 plans) with a roof height just 9m above the road level (the equivalent of a two two-and-half storey house). The collection of different structures, all different shapes and sizes, but all industrial in character and appearance would, in the absence of any natural screening, appear as rather incongruous and prominent elements within the landscape. This would be particularly noticeable when approaching from the south along the A1133. This road reaches a crest adjacent to the County Boundary and, as the highway curves gently to the right (eastwards), a vista opens out dominated in the foreground by the straight road which leads the eye to the village of Newton on Trent in the middle distance. The village is typical of many of the Trent-side villages insofar as the flat topography means that the buildings at its southern edge dominate the view with the exception of

the one tall building, the listed Church tower. This results in this Church being the second feature, in addition to the natural small hill upon which the fort used to lie, that commands the surrounding low lying landscape. This character is identified in the representations received and is also described in a more general sense in the West Lindsey Landscape Character Assessment. Indeed, the Supplementary Planning Guidance to the Local Plan Review, which draws from the detail of the Assessment, states that entrances to settlements within the Trent Vale are particularly sensitive and linear development along the principal roads would be detrimental to local landscape character (page 6).

This policy does not provide any exceptions to these principles but it must be acknowledged that the treatment works are a rather unique form of development and, as already described in this report, can justify a countryside location. Furthermore, it is considered that the proposed planting belt that encircles the compound can adequately mitigate the harm to the setting of the fort, the Church and the wider landscape.

Specifically, this planting belt would supplement the existing hedge line, the compound having been placed within a field of corresponding size so that the hedge tightly encloses the site. Such a practice is suggested by the Supplementary Guidance. It is accepted that the height of some of the structures will result in the proposed planting taken some years to fully screen the development, but the depth of the buffer planting proposed (10m) together with the ability to control the colour and finish of the larger buildings, will ensure that the impact is minimised. Collections of visually industrial buildings enclosed by greenery and near to the main roads are not unknown in this landscape. There are intensive livestock units to the southeast in North Clifton parish, the Furrowlands complex adjoining the eastern side of the A1133 bypass to the north of the A57 and the existing water treatment works, the electricity pylons and the string of coal fired power stations along the River Trent. The additional bunding and planting now proposed through the latest iteration of the plans (march 2012) further minimises the impact.

Highway Safety – Part (ii) of policy STRAT1 of the Local Plan First Review states that there should be the provision of an adequate and safe access to the road network to prevent the creation or aggravation of highway problems.

There are three proposed vehicular accesses, near to or utilising existing access points. All accesses are to allow the applicant's vehicles to get to each element of the development for routine checks and maintenance.

The intake and pumping station will be accessed from the south side of the A57, approximately 300m east of the Dunham Bridge toll plaza. The point is near to the outside of a bend affording views westwards to the plaza themselves. Visibility eastwards towards Newton on Trent and the first line of oncoming traffic is achieved by locating the access on the crest of the road (the existing access is to the west of the crest thereby hampering visibility). Visibility is aided by vehicles slowing for the bends and the toll plaza, despite the national speed limit (60 mph) that applies. The County Highways Authority has confirmed that they have no objection subject to the completion of the access arrangements prior to the commencement of the development of the intake and pumping station.

The proposed reservoir and treatment works accesses are within a few metres of each other on either side of the A1133 between the A57 junction and the County boundary. The reservoir access is midway along a straight section of the road and near to the lowest section of this straight. There is also a grass verge which is part of the adopted highway and these characteristics allow good visibility in both directions, albeit again on a road subject to the national speed limit. The treatment works access is nearer the crest and bend at the southern end of the straight which does mean visibility is restricted to some extent from the north (the direction of oncoming traffic). However, the County Highways Authority have confirmed that they have no objection, again subject to the implementation of the access works prior to development of the treatment works itself being commenced. Such a condition is considered both necessary and reasonable given that the existing unmade, single width field access would not be appropriate for the construction phase.

Residential amenity during operation and construction – Residents can be affected by a development during its construction and subsequent operation. Such an issue is detailed in policy STRAT1 of the Local Plan First Review.

The applicant has submitted a Construction Management Plan at the request of Council officers and also considered the operational impact. The Construction Management Plan indicates that the construction phase will extend to approximately 24 months (table 2.1 refers). The nearest dwellings to the site are the dwellings associated with the kennels on the A57 opposite the access to the proposed pumping station and the farmhouse at Hall Farm (and dwellings opposite) to the south of the junction of the A7 and A1133 with regard to the proposed reservoir and treatment works. The distance of all of these dwellings to the actual construction sites will mean that noise from the construction and operational processes is unlikely to impact significantly on residents. However, it is considered that some controls are necessary to ensure that dust and fumes from the construction phase are not blown towards the dwellings, especially as many are downwind with a prevailing south-westerly wind. Furthermore, although the dwellings are near to main roads, the traffic levels do decrease significantly after nightfall and construction traffic comings and goings would be noticeable in this context. As a result, it is considered that the suggested measures contained within the submitted Construction Management Plan, such as limiting the hours of construction and managing levels of dust and fume, need to be controlled through the imposition of conditions.

With these controls in place, it is considered that residential amenity will not be significantly affected.

Ecology – The impact of extracting water from the Trent should be dealt with through the Abstraction Licence process.

With regards to land based flora and fauna, the applicant undertook both a phase 1 and subsequent phase 2 Ecological Assessments. These have identified an active badger sett within the vicinity of the approved reservoir

site, which is unlikely to be impacted upon by the development as proposed. However, badgers have the ability to establish setts rapidly and, given this potential and the proximity of the existing sett, it is necessary to reassess the site prior to development. This can be secured by condition.

No bat roosts were found, the nearest locations likely to offer habitat for bats being the farm buildings at Hall Farm and within North Clifton as well as the woodland south of the County boundary. Nevertheless, the hedgerows and trees within the site are likely to be used by bats for commuting and/or foraging purposes. As a result, given the changes to these areas through the proposed development, it is necessary to ensure that the foraging and commuting potential is retained, if not enhanced. The submitted plans propose a belt of tree planting around the treatment works as well as wildflower planting on the bunds of the reservoir. All of these areas have the potential to provide the appropriate natural landscaping for bats. However, the final mix of planting will need to be agreed through the imposition of a condition as the information submitted has not the clarity or level of detail required. Such planting is also necessary to provide the habitat for nesting birds; skylark and yellow wagtail were identified as having territories within the site (both birds being red listed of conservation concern) as well as other species of birds.

Finally, it is noted that the surface water drainage proposals incorporate an attenuation pond (see flood risk and drainage section later in this report). This pond is relatively steep sided and manmade in appearance and, given its proximity to the proposed landscaping corridor, it is considered that there is potential to create shallow margins for the benefit for aquatic species.

Navigation of Trent – There are two issues relevant to the navigation of the River Trent; the first is that the actual volume of water extracted could affect levels and the second is that some of the development (the intake) is located within the River itself. The levels should be dealt with through other legislation through the abstraction licence. With regard to the intake development, the submitted plans show the structures to guard the intake itself, but British Waterways have asked that the final details be agreed through a condition. Such a condition is considered both necessary and reasonable given the British Waterways comment.

Flood risk and drainage – These considerations are divided into three specific areas; fluvial flood risk (PPS25 being the principal policy reference), surface water drainage (PPS25 again being applicable as well as policy STRAT1 of the Local Plan First Review) and foul water drainage (circular 3/99 “non-mains drainage” being applicable).

- *Fluvial flood risk* – The reservoir and water treatment works are, located within flood zone 2 as defined by the Environment Agency’s Flood Zone Maps, but following a modelling exercise, considered to have the characteristics of land within flood zone 1, the zone at least probability of flooding. This is due to the elevated nature of this part of the district in comparison to the surrounding areas. This siting therefore accords with the sequential test outlined in PPS25 and no exception test is necessary. The pumping station and intake are in flood zone 3

but are water compatible development as defined by PPS25 and their location is rather dictated by their function. Nevertheless, in accordance with PPS25 the pumping station has been located in the area of flood zone 3 at least probability of flooding and designed so that the finished floor levels and design details respond to this probability rating. In this context, the development is considered acceptable subject to the development being implemented in accordance with the submitted Flood Risk Assessment mitigation measures.

- *Surface water drainage* – This issue primarily relates to the water treatment works where many impermeable surfaces are proposed. The submitted drawings indicate a surface water attenuation pond is proposed with a restrictor to control run-off rate off-site. The submitted Flood Risk Assessment indicates that a sustainable urban drainage scheme involving swales is to be employed but the alignment of details of these swales is not contained within the application particulars. The layout provides potential for their inclusion and therefore the matter can be satisfactorily dealt with by condition.
- *Foul drainage* – There is only one small element, a toilet in the welfare housing part of the water treatment works that requires foul drainage. The site is not on a mains sewer and it would not be practicable to connect to one. A package treatment plant would not be appropriate in this location adjacent to a potable water treatment works.

Aircraft safeguarding – The proposal involves the introduction of open areas of water, such areas having the potential to be attractive for birds. The presence of birds and the implication for aircraft safeguarding are, as detailed in circular 1/03, a material consideration. However, all the relevant military and civilian aircraft safeguarding authorities were consulted and all raise no objection to the development, largely due to the existence of the River Trent (an existing attraction for birds).

Footpath provision – The applicant consulted the local community through a consultation event at pre-application stage. The Parish Council subsequently suggested that footpath linkages between the village and the neighbouring communities of Dunham to the west and Laughterton to the east could be provided as part of the proposal. If the applicant had included such footpath provision within the application, then the West Lindsey DC (in their capacity as the local planning authority) would have considered it as part of the overall development proposal. Similarly, the applicant could have offered through a legal agreement (section 106) to provide the footpaths. However, they have not offered any such undertaking to this Council during the planning process. In the absence of the applicant making such an undertaking, it is advised that the local authority cannot require such a provision. This is because it is not considered to be necessary to make the development acceptable in planning terms, nor directly related to the development, nor fairly and reasonably related in scale and kind to the development. Therefore, whilst the officers have every sympathy with the residents of Newton on Trent, as they are not able to safely walk along either of the main roads into the village, in the absence of an offer from Anglian Water, such an agreement would not accord

with part 122 of the Community Infrastructure Regulations 2010 and the Council must not afford any weight to such an undertaking when determining this application.

Other matters – The applicant has submitted a phase 1 **Contamination** Report as part of their application. It identified the development site as being at low risk of contaminants. This is a reasonable conclusion given the current extensive agricultural use. Reference is made in one of the representations to policies C2 and G9. These are policies of the **superseded** West Lindsey Local Plan 1998.

Finally, there has also been a comment raised that the pumping station site is on “common land” which should not be developed. The case officer has now clarified that access was actually provided under DEFRA’s farm conservation schemes. It was a permissive access with now new rights of way created and access ended in September 2011. This was after the submission of this application but before its determination.

Conclusion

The development has been assessed against the provisions of the development plan in the first instance and specifically East Midlands Regional Plan 2009 (RSS8) policies 4 - Development in the Eastern Sub-Area, 27 - Regional Priorities for the Historic Environment and 32 - A Regional Approach to Water Resources and Water Quality and West Lindsey Local Plan First Review 2006 policies STRAT 1 - Development Requiring Planning Permission, STRAT 12 - Development in the open countryside, CRT20 - Watercourse corridors, NBE15 - Water Quality and Supply and NBE10 - Protection of Landscape character and Areas of Great Landscape Value of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These include the West Lindsey Corporate Plan 2011-15, the Supplementary Planning Guidance to the Local Plan – Landscape Character Assessment and the objectives of the Trent Vale Landscape Partnership as well as national policy contained within the Draft National Planning Policy Framework (2011), PPS 1 Delivering Sustainable Development (2005), PPS 5 Planning for the historic environment (2010), PPS 9 Biodiversity and geological conservation (2005) and PPS 25 Development and flood risk (2010).

In light of this assessment, it is considered that the development is acceptable. The requirement to provide a potable water supply to facilitate the growth of Lincoln justifies the countryside location. Furthermore, subject to conditions, the development will not harm the significance of the designated and non-designated heritage assets within or near to the site, nor will highway safety be affected, or residential amenity or visual amenity in general. Biodiversity will be enhanced, there will be no adverse impact on aircraft safeguarding nor navigation of the River Trent.

Recommendation

RECOMMENDED DECISION: That the decision to grant planning permission subject to the following conditions be delegated to the Planning & Development Services Manager upon the expiration of the current publicity period subject to no new issues being raised which are not addressed in the report.

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

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

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

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

2. No development shall take place until a survey to assess the status of badgers within the site including the identification of any necessary mitigation measures has been submitted to and approved in writing by the local planning authority.

Reason: There is an active badger sett within the vicinity of the approved reservoir site, as identified by the submitted Ecological Survey, which is unlikely to be impacted upon by the development as approved. However, badgers have the ability to establish setts rapidly and, given this potential and the proximity of the existing sett, it is necessary to reassess the site prior to development commencing in accordance with policy contained within Planning Policy Statement (PPS) 9.

3. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.

6. Nomination of a competent person/organisation to undertake the work.

7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with Planning Policy Statement 5 – Planning for the Historic Environment.

4. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 3 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 Planning Policy Statement 5 – Planning for the Historic Environment.

Conditions which apply or require matters to be agreed before the development of certain elements of the scheme are commenced.

5. No development of the pumping station and intake hereby approved shall take place until the improvements to the vehicular access to Dunham Road, Newton on Trent (A57) have been completed to binder level in accordance with drawing WAT-05046-LNCW-SS-PLG-039A Rev A dated 22nd July 2011 and to a specification that has previously been submitted to and agreed in writing by the local planning authority. The said access shall then be completed to surface course prior to the pumping station and intake being first brought into use.

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

6. No development of the reservoir and treatment works hereby approved shall take place until the improvements to the vehicular access to Newark Road, Newton on Trent (A1133) have been completed to binder level in accordance with drawing WAT-05046-LNCW-SS-PLG-049A Rev A dated 22nd July 2011 and to a specification that has previously been submitted to and agreed in writing by the local planning authority. The said access shall then be completed to surface course prior to the pumping station and intake being first brought into use.

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

7. Notwithstanding the details submitted, no development of the intake and outfall elements of the scheme hereby approved shall take place until details of their design and construction including measures to ensure safe navigation of vessels on the River Trent have been first submitted to and approved in writing by the local planning authority.

Reason: In the interests of navigational safety on the River Trent and to accord with part xii. of policy STRAT1 of the West Lindsey Local Plan First Review 2006.

8. No development of the water treatment works hereby approved shall take place until a scheme for surface water disposal reflecting the principles of sustainable drainage as detailed in paragraph 3.2.4.1 of the submitted Flood Risk Assessment dated July 2011 and to include runoff limited to existing greenfield runoff rates and the bunding of fuel containers have been first submitted to and approved in writing by the local planning authority.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of Planning Policy Statement (PPS) 25 (2010).

9. Notwithstanding the details indicated on drawing WAT-05046-LINCWW-SS-PLG-067 Rev B dated 17th February 2012, no development of the attenuation pond within the water treatment works hereby approved shall take place until, a scheme to include shallow margins for the pond has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity and to accord with Planning Policy Statement 9.

10. No development within the water treatment works site hereby approved as detailed on drawing WAT-05046-LINCWW-SS-PLG-068 Rev B dated 20th March 2012 shall take place until details of their surface colours and finishes have been first submitted to and approved in writing by the local planning authority.

Reason: To ensure no harm to the Roman Fort Scheduled Monument, the listed parish Church at Newton on Trent and other non-designated heritage assets and in accordance with policy 27 of the East Midlands Regional Plan 2009, policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statement 5.

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

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

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Planning Policy Statement 5 – Planning for the Historic Environment.

12. Following the archaeological site work referred to in condition 11 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 section HE12.3 of Planning Policy Statement 5 – Planning for the Historic Environment.

13. The report referred to in condition 12 and any artefactual evidence recovered from the site shall be deposited within 3 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 section HE12.3 of Planning Policy Statement 5 – Planning for the Historic Environment.

14. Within seven days of the new access for the pumping station being brought into use, the existing access onto Dunham Road, Newton on Trent (A57) shall be permanently closed in accordance with a scheme to be previously have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To reduce to a minimum the number of individual access points to Dunham Road, Newton on Trent (A57) in the interests of road safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

15. Any mitigation measures identified following the reassessment of the status of badgers within the site as required by condition 2 shall be completed in accordance with timescales to have been previously submitted to and approved in writing by the local planning authority.

Reason: There is an active badger sett within the vicinity of the approved reservoir site, as identified by the submitted Ecological Survey, which is unlikely to be impacted upon by the development as approved. However, badgers have the ability to establish setts rapidly and, given this potential and the proximity of the existing sett, it is necessary to reassess the site prior to development commencing in accordance with policy contained within Planning Policy Statement (PPS) 9. 3

16. The construction phase for the development hereby approved shall accord with the standards contained within paragraphs 5.3 & 5.4 (archaeology), 6.3.1, 6.3.2 & 6.4 (air quality and dust), 7.3.1-7.3.5 & 7.4 (ecology), 8.3 & 8.4

(noise and vibration), 9.3.1-9.3.4 & 9.4 (pollution control) and 10.3-10.4 (public rights of way) of the Construction Management Plan dated July 2011.

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

17. The finished floor levels of buildings and other development shall be as follows:-

- Water treatment works as per drawing WAT-05046-LINCWW-SS-PLG-068 Rev B dated 20th March 2012.
- Pumping station as per drawing WAT-05046-LINCWW-SS-PLG-059 Rev A dated 22nd July 2011.

Reason: To reduce the risk of flooding and also to ensure a satisfactory relationship with the adjoining development to the north given the prominent escarpment position visible from Lea Road and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statement (PPS) 5.

18. Construction works shall only be carried out between the hours of 07:30 and 18:30 on Mondays to Fridays, 0730 and 14:00 Saturdays and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the local planning authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

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

19. The improvements to the vehicular accesses to Newark Road (A1133) and Dunham Road (A57) detailed in the drawings as referred to in conditions 5 and 6 shall be thereafter retained following their completion.

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

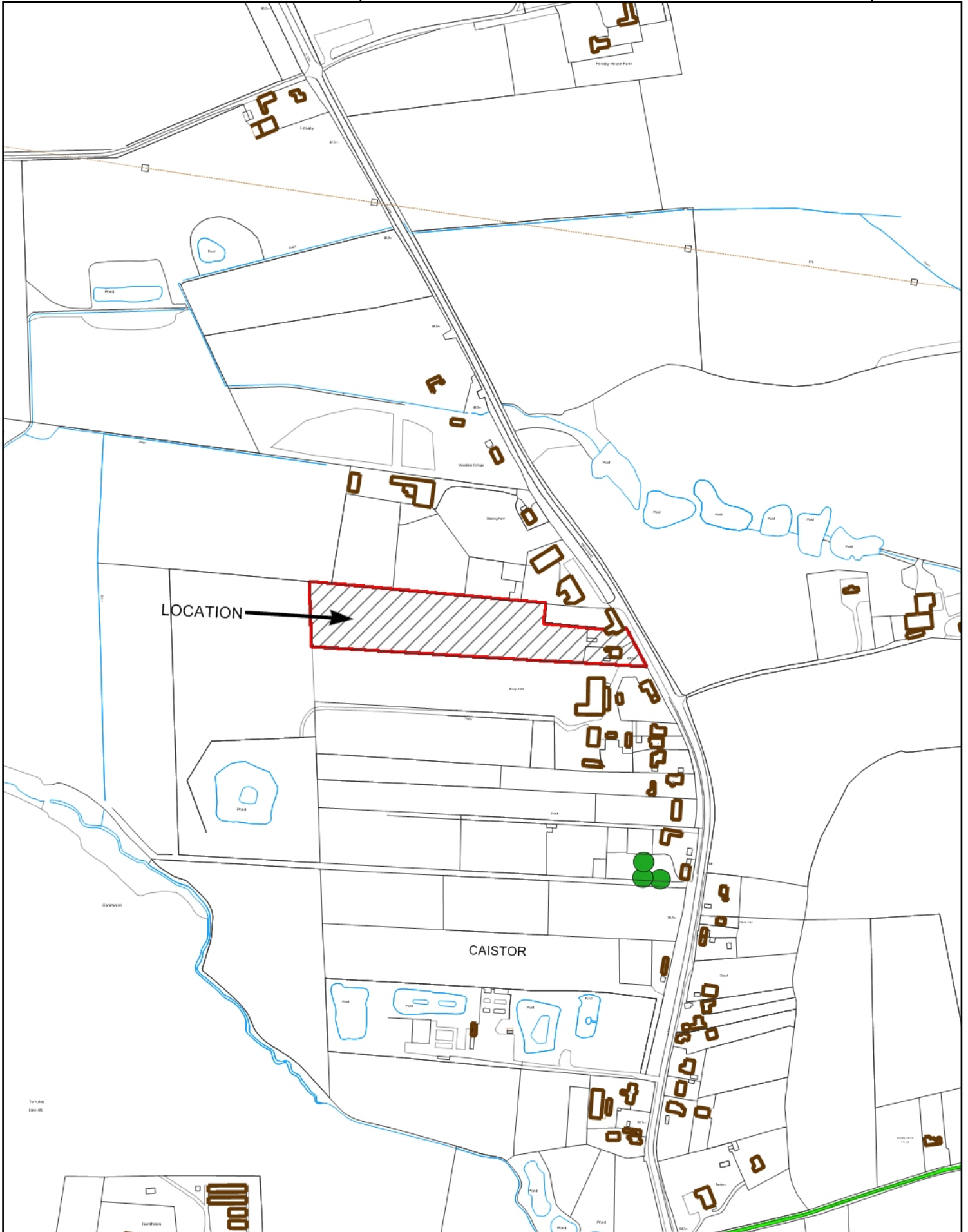
20. All planting, seeding or turfing comprised in the approved details of landscaping detailed on drawing WAT-05046-LINCWW-SS-PLG-084 Rev P1 dated 20th February 2012, WAT-05046-LINCWW-SS-PLG-085 Rev P1 dated 21st February 2012 and WAT-05046-LINCWW-SS-PLG-086 Rev P1 dated 21st February 2012 shall be carried out in the first planting and seeding season following the completion of the development 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 a landscaping scheme to provide adequate screening for the water treatment works is completed, to ensure an appropriate mix of the natural and built environment, to enhance biodiversity and to ensure no harm to the Roman Fort Scheduled Monument, the listed parish Church at Newton on Trent and other non-designated heritage assets and in accordance with policy 27 of the East Midlands Regional Plan 2009, policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statements 5 and 9.

21. The attenuation pond indicated on drawing WAT-05046-LINCWW-SS-PLG-067 Rev B dated 17th February 2012 shall be completed as per this drawing as amended by the details referred to in condition 9 and thereafter retained.

Reason: In the interests of biodiversity and to accord with Planning Policy Statement 9.



Committee Report

Planning Application No: 127804

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

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

WARD: Caistor

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

APPLICANT NAME: Mr and Mrs P Lodder-Manning

TARGET DECISION DATE: 19/01/2012

DEVELOPMENT TYPE: Large Major - Other

CASE OFFICER: Fran Bell

RECOMMENDED DECISION: Grant Planning Permission subject to conditions.

Description

This item was deferred from the Development Management Committee on 7th March 2012 so that a Committee Site Visit could take place on 22nd March 2012.

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

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

Proposal - It is proposed to change the use of the paddock to a site for 40 touring caravans and 20 tents with storage for 62 caravans at the rear of the site. The storage area will be surrounded by a 2 metre tall bund with planting on it. Beyond this will be a reed bed drainage system. Waste from caravans will be dealt with via a separate closed system. An amenity building will

contain shower and toilet facilities, reception area and small shop, laundry room and café/ lounge with commercial kitchen. It will be constructed of horizontal shiplap boarding in pale blue with a terracotta colour steel sheeting roof. A small car park area will be situated opposite the amenity building for caravans to wait while registration takes place. Revised plans and additional information, including a site management plan, were submitted during the application time.

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

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

Relevant history

Applications for the erection of the dwelling in the late 1960's and its further extension in 1988.

Pre application discussions regarding this application.

Representations

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

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

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

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

If application proceeds ask that:

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

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

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

Local residents: 23 objections, including from Brigg Road Residents Group, Caistor residents, the neighbours to the site, 2 from Normanby-by-Spital, 1 from Manby and from Leith Planning Ltd on behalf of Dr David McKinlay, 117 Brigg Road. Objections are on the following grounds (note that some of these comments relate to superseded plans):

- *Principle* - against Local Plan policies, not in a sustainable location. Development will tip acceptable balance between commercial and residential properties – could lead to more being allowed. Amenity building does not comply with PPS4 and sequential evaluation given out of centre location - Shop will negate need to shop in Caistor. Campers will also bring own food. No proven demand. Already two caravan sites in locality that are not full. No need for a third. No new jobs other than for applicant and family. Would be backland development.
- *Visual impact* - Appearance of approach to Caistor – proud of town centre. Caravan site not in keeping with attractive market town due to gates and

signage. Ribbon development unsightly. More appropriate at coast or at Wolds Retreat. Site is in open countryside - development will detract from landscape character (Area of Great Landscape Value across road). Bunding around storage unnatural land form
Will see caravan site from the Wold and Viking Way. This will spoil the views out across Lincolnshire.

- *Insufficient regard given to its ecology and biodiversity.*
- *Loss of agricultural land?*
- *Accessibility* - No access to Viking Way through farm on opposite side of Brigg Road.
- *Residential amenity* - Bins and chemical point close to neighbouring house as is car park, overbearing on neighbours. Lack of outdoor amenity space for caravan site. Hedges on north and south side have grown out and do not provide adequate screening. Fence on north side belongs to Shieling Farm, not 115 Brigg Road. Loss of privacy and enjoyment of garden/summer house. Child will be seen by strangers. Noise will disturb child sleeping. Amenity building as hub of site less than 45metres from boundary. Loss of security – currently relies on garden being out of public site. Litter in garden. Dogs will disturb neighbours dogs. Smell from cooking. Noise report carried out during rush hour so ignores impact during quieter times – weekends and evenings.
- *Development will impact on human rights particularly right to privacy and family life and peaceful enjoyment of property.*
- *Trees* - Trees not shown on plan. Give tremendous landscape value. Should have Tree Preservation Orders. No tree survey
- *Traffic* - Busy road with variety of vehicle types, including vulnerable horse riders and cyclists. Slow caravans will cause accidents. Accident would hit rear of car where small child sits. Speed limit regularly exceeded especially by motorcyclists. Only 270m into 50mph limit – tailgating a problem. Residents hoping to reduce speed limit. No street lighting or footpath. Cars at neighbouring property block visibility as does position between bends. Where will parking (other than as shown near amenity building) be on the site? No specific cycle parking proposed.
- *Waste* - No provision for recycling. More information needed re bin store and sewage plant
- *Animal welfare* - Sheep on neighbouring farm being affected by dog nuisance, rubbish, stray playing equipment and curious general public. Unfamiliar movements send sheep racing to other side of field – not conducive to flock welfare.

- *Could become travellers site.*
- *Pollution from adjoining scrap yard.*
- *Geology* – Site consists of fine sand overlying clay. Neighbours experience shows vehicles compact sand reducing drainage ability. Soon becomes waterlogged due to clay underneath. High water table evidenced by work in neighbours garden summer 2011.
- *Drainage / flood risk* - Fear that effluent from reed bed will not percolate downwards but will spread sideways polluting neighbouring properties and watercourses. Must not affect nearby fishing pond. Open land drainage ditch 125 metres down slope from reed bed and 75 metres, beyond this is chalk stream rising from a spring on the Wolds. Various other springs in locality. Testing done in very dry summer. Standing water is a problem on neighbouring site. Amenity building will generate large amount of waste water. Seek assurance that will not be surface water flooding due to increase in hard surfacing on site.

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

LCC Highways: Requests the following to be achieved by condition

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

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

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

WLDC Regeneration: Support application.

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

WLDC Environmental Protection:

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

WLDC Environment Officer (Landscaping) – No objection to the proposed landscaping planting and all supporting information relevant to the planting scheme has been provided.

LCC Archaeology: No further archaeological input required.

Relevant Planning Policies:

Development Plan

- **East Midlands Regional Plan 2009**

Policy 42 – Regional priorities for tourism

http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

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

STRAT 1 Development Requiring Planning Permission

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

STRAT 12 Development in the open countryside

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

STRAT19 – Infrastructure Requirements

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

SUS1 – Development Proposals and Transport Choice

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

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

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

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

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

NBE14 – Waste water disposal

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

NBE18 – Light pollution

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

NBE19 – Landfill and Contaminated Land

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

NBE20 – Development on the Edge of Settlements

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

SPG to above – The West Lindsey Countryside Design Summary 2006

http://www2.west-lindsey.gov.uk/upload/public/attachments/599/SPG_Adopted_Countryside_Design_Summary.pdf

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

Other policy and relevant considerations

- PPS4 Planning for Sustainable Economic Growth (2009)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>
- PPS7 Sustainable Development in Rural Area (2004).
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>
- PPS 25 Development and flood risk (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.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
- 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>
- Draft National Planning Policy Framework (2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>

Main issues

- Principle

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

Assessment:

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

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

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

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

PPS7 recognises that tourism activities are vital to rural economies and support the prosperity of country towns and villages. Sustainable rural tourism should be supported provided it does not harm the character of the countryside, its towns, villages, buildings and other features. It recognises the attraction of statutorily designated landscapes and notes the scope for tourist development in such areas provided that it is carefully sited to conserve the qualities that justify the designation. Visitor facilities should be sited in, or close to, service centres. This site is within walking distance of the centre of Caistor. Whenever possible, facilities should be housed in existing structures.

However, there are no suitable existing structures at this site. The amenity building is small in scale and will not be seen from the road, being tucked behind the existing house. Mentioning caravan sites particularly, paragraph 39 requires planning authorities to carefully weigh the need to provide adequate facilities against the need to protect landscape and environmentally sensitive sites. Sites prone to flooding should not be used. Sites must not be prominent in the landscape and screening should be used to minimise visual intrusion.

The Good Practice Guide on Planning for Tourism supplements PPS7 and recognises the economic benefits of tourism and the supporting role it provides in rural areas. Where the landscape is the attraction, it is considered that tourism can help sustain the local environment. Developments need to be located where they are accessible to visitors, where they will not have an adverse impact on sensitive environments, will be attractive to visitors and use natural resources in an efficient manner.

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

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

In terms of need, there are two other sites in the area, one at Caistor Fisheries for 10 touring caravans and 4 static caravans and a static caravan site further out of town known as Wolds Retreat. However, neither of these caters for the same market and planning cannot control commercial competition and cannot refuse an application on grounds of other sites not being commercially successful. It is not considered that the addition of this caravan site will lead to an over concentration of this type of tourism accommodation in the locality.

Concern has been raised that the shop will prevent those staying at the site from shopping in Caistor and the wider area. However, this will only carry basic supplies such as bread and milk together with emergency spares for caravans and caravan toilet chemicals. It will be necessary for holiday makers to shop in the town and the applicants intend to promote the facilities available in Caistor. The site facilities will be limited to holiday makers at the site only to ensure that there is no adverse impact on the local economy and to ensure that the vitality and viability of the town centre is not affected in accordance with PPS4.

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

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

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

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

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

The road way around the site will be made from 10mm grey granite chips, the same as used by the Highway Authority to top off public roads. They do not spread, are laid in a thinner layer than standard gravel and produce little or no noise. As it is an unbound surface it allows natural drainage, slows the vehicular traffic and is softer in appearance than a hard surface.

Neighbouring amenity - It is noted that 117 Brigg Road is in close proximity to the site and that these neighbours have raised objections to the application. However, during the life of this application, further information has been submitted. This includes details of a fence (2 metres close boarded fencing with a further 0.4 metres of trellis on top) to run along the boundary. The planting will include tree planting of ash, birch, field maple, holly and rowan which will further screen the caravan site from view. The landscaping has responded to comments from the Council's Environment Officer.

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

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

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

As yet, the kitchen filtration and extraction details are not known. However, these details can be the subject of a condition, minimising the risk of smells from the commercial kitchen affecting neighbouring properties.

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

Landscape Impact - Concern has been raised about long distance views of the site from the AGLV, the AONB and The Viking Way, a long distance footpath that follows the hill opposite the site. However, the site is in an area which has a commercial character. It is also thought that views from The Viking Way will be limited due to the path coming down into the fold of the contour near Hundon Manor opposite the site.

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

The masterplan shows a landscaping scheme including dividing hedges of hawthorn with hornbeam. At the entrance and around the boundaries more trees will be introduced. However, it is considered that yet more native trees would assist with screening the site and strengthening the boundaries. This can be conditioned.

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

Contamination - The adjacent site to the south has been used as a scrap yard. At the present time this is not in operation but could start up again. Concern has been expressed about the potential of contaminants both air and

ground borne on the application site. To ensure that there is no risk, a contaminated land report will be required and any findings acted upon before the caravan site is brought into use. This will be conditioned as part of the consent.

Drainage / Flood Risk

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

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

- *Surface water drainage* – Best practice, echoed in the sustainability principles enshrined in PPS25, advises that surface water should be dealt with on site through open attenuation and percolation. It is proposed that surface water will be discharged into soakaways with some rainwater harvesting from the ancillary building. It is noted that concerns have been raised about the underlying geology and that the area is known to have underground springs. However, it is also known that there are pockets of sand in the area, this site being one of them. When the percolation tests were carried out as part of the Environment Agency Permit application, it was discovered that the land has a very low retention factor. The Environment Agency has therefore required the inclusion of retention material in the reed bed to allow it to filter properly. Given these findings, it is considered that surface water should drain away adequately, even in heavy rain. The implementation of the proposed method can be secured by condition.

Conclusion and reasons for decision

The application has been considered against the Development Plan particularly Policy 42 – Regional priorities for tourism of the East Midlands Regional Plan 2009 and saved policies STRAT1 – Development requiring planning permission, STRAT12 – Development in the open countryside,

STRAT19 – Infrastructure Requirements, SUS1 – Development Proposals and Transport Choice, RTC9 – Restaurants and Cafes, Drinking Establishments and Hot Food Takeaways, NBE10 – Protection of Landscape Character and Areas of Great Landscape Value, NBE14 – Waster water disposal, NBE18 – Light pollution, NBE19 – Landfill and Contaminated Land and NBE20 – Development on the Edge of Settlements of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These considerations include PPS4 Planning for Sustainable Economic Growth (2009), PPS7 Sustainable Development in Rural Area (2004), PPS25: Development and Flood Risk (2010), the Good Practice Guide on Planning for Tourism (2006), the United Kingdom Tourism Survey (UKTS) for the East Midlands (2007), Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009), Circular 3/99 Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development and the Draft National Planning Policy Statement (2011). In light of the above assessment the proposals are considered acceptable for the following reasons.

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

Recommendation Grant planning permission subject to conditions:

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

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

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

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

2. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history

of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

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

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

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

3. The development shall not be carried out otherwise than in accordance with the amended masterplan 4G received 14th February 2012 and this permission exclude the land annotated as phase 2 on the same said plan.

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

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

Reason: To safeguard the residential amenities of nearby residents in accordance with West Lindsey Local Plan First Review Policy STRAT1.

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

Reason: To safeguard the residential amenities of this property in accordance with West Lindsey Local Plan First Review Policy STRAT1.

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

Reason: In the interests of highway safety in accordance with West Lindsey Local Plan First Review June 2006 Policy STRAT1.

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

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

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

8. The caravans and tents within the area marked cross hatched on the approved plan Masterplan 4G received 14th February 2012 shall be occupied for holiday purposes only

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

9. The caravans and tents within the area marked cross hatched on the approved plan Masterplan 4G received 14th February 2012 shall not be occupied as a person's sole, or main place of residence.

Reason: To ensure that the holiday accommodation is not used for permanent residential occupation which would be inappropriate in this unsustainable location where residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit for the rural economy in accordance with policy STRAT1 of the

West Lindsey Local Plan First Review June 2006 and The Good Practice Guide on Planning for Tourism.

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

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

11. The amenity buildings marked "X" (which exclude the toilet and shower facilities) on the approved Masterplan 4G received 14th February 2012 shall not be used outside of the following times:-

08:00 to 22:00 Mondays to Sundays

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

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

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

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

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

14. The tents and caravans shall be restricted to the space known as Phase 1 as shown on the Masterplan 4G received 14th February 2012.

Reason: To define the terms of the planning permission for the avoidance of doubt.

15. The landscaping scheme detailed on Masterplan 4G together with the additional planting details in the agents email, both dated 14th February 2012, shall be carried out in the first planting and seeding season following the occupation of the caravan park or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

16. There shall be no additional external lighting other than in the positions shown on Masterplan 4G received 14th February 2012.

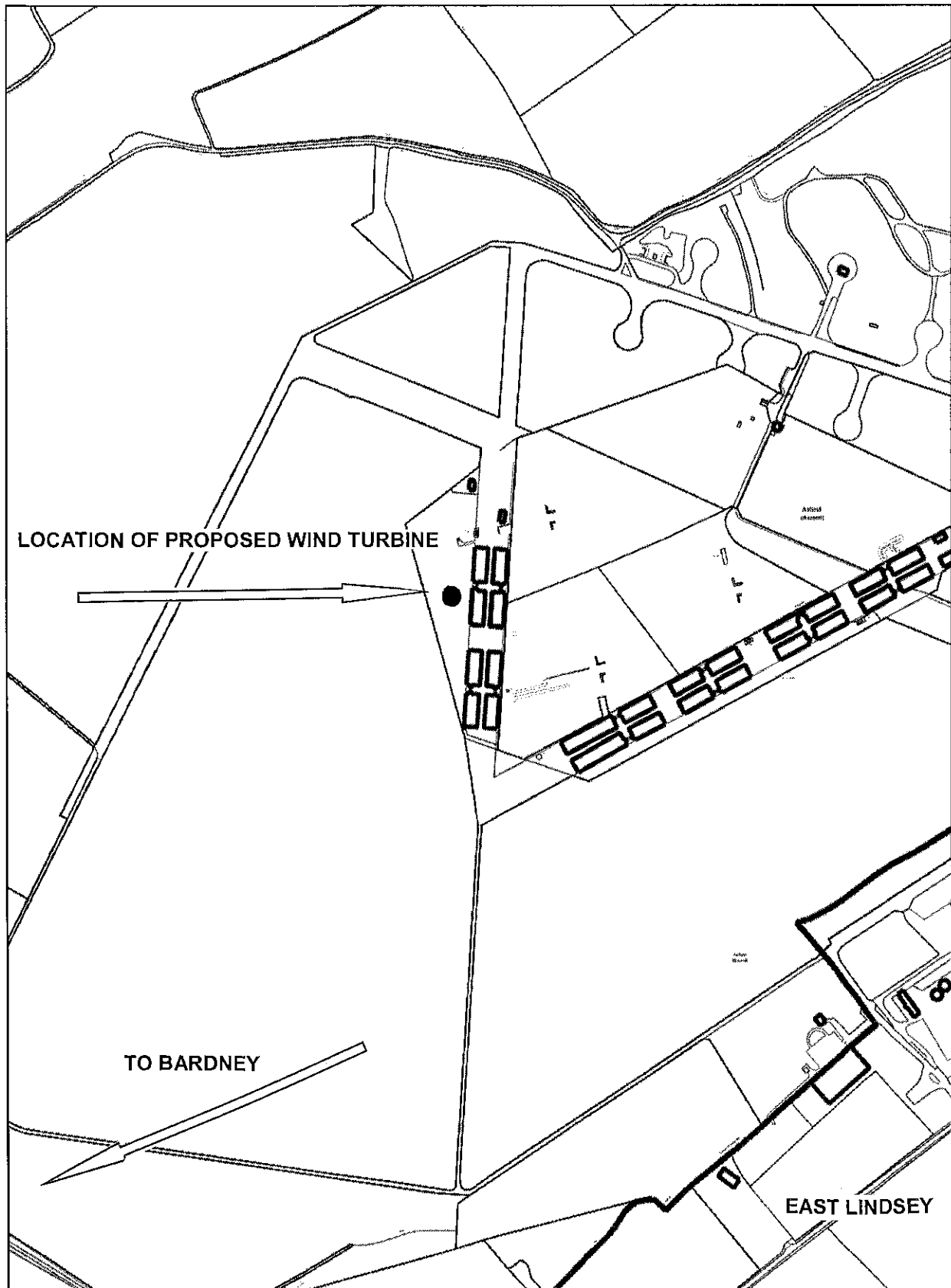
Reason: To prevent the obtrusive spread of light over a large area in the interest of visual amenity in accordance with West Lindsey Local Plan First Review Policy STRAT1 and NBE18.

17. Any caravans stored within the caravan storage area marked hatched on the approved plan Masterplan 4G received 14th February 2012 shall not be used for residential occupation whilst located within the site.

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

Notes to the Applicant

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



Committee Report

Planning Application No: 127898

PROPOSAL: Planning application for the erection of a single wind turbine on existing poultry farm - 49.9m to the hub and 79.6m to the blade tip

LOCATION: Bardney Poultry Farm Gautby Road Bardney Lincoln LN8 5JN

WARD: Bardney

WARD MEMBER(S): Cllr Fleetwood

APPLICANT NAME: Mr Rob Rafferty

TARGET DECISION DATE: 23/01/2012

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Kirsty Catlow

RECOMMENDED DECISION: Grant planning permission subject to conditions and a unilateral undertaking preventing 'Bungalow A' from being occupied as a dwelling house during the lifetime of the wind turbine.

Application Description:

The application seeks planning permission for the erection of one wind turbine at Bardney Poultry Farm.

The application originally proposed a turbine measuring 75m to the hub and 102m to the blade tip. Amended plans were submitted on 11th January 2012 reducing the height of the proposed turbine to 49.9m to the hub and 79.6m to the blade tip. An additional plan has also been submitted showing the route of the underground cabling.

In support of the application a Noise Report, an Ecological Report and Landscape Visual Impact Assessment have been submitted.

The applicant has also written a letter of support providing details of the existing business enterprise and the need for the proposed wind turbine;

'Our business is part of Boparan Holdings Ltd, a UK business with international reach, the poultry division of which is Two Sisters Food Group with operations across the Lincolnshire Region. For the past 18 months our larger customers, predominantly the supermarkets have added the carbon count of the product to the buying criteria and we are obliged as part of an on going binding commitment to mitigate our carbon footprint as a key supplier. We are very keen that the application is successful and the farm remains open. The Bardney facility is one of our older farms and is due for redevelopment as part of our rolling national development programme in the next 2 years. The existing old A frame barn design will not permit the amount

of PV panels that would be required to do the job. A turbine however, taking up little land at ground level, could be deployed amongst the current buildings now, allowing them to finish out their useful life and would survive the transition to new state of the art production sheds. Unless we can deploy such a solution at this site, the site's future is in doubt with the most likely outcome being that we shall be forced to move production from the site to other locations where we can meet our low carbon-obligations.'

Site Description:

The application site comprises of an established poultry farm located on a former airfield. The site is accessed from the north west off the B1202.

The area immediately surrounding the application is flat and open comprising of concrete aprons and grass land, together with large poultry sheds. Approximately 850m to the north east, east and south east of the site is a belt of woodland made up of Austacre Wood (a Site of Nature Conservation Interest SNCI) and New Park Wood. Approximately 850m to the south west is another area of woodland known as Scotsgrove Wood (a Site of Special Scientific Interest). Chambers Wood (a SSSI and SNCI) is located 2km to the north east of the site. These ancient woodlands form part of the Lincolnshire Limewoods and are the most important examples of small leaved lime woodland remaining in Britain and provide a variety of wildlife habitats. Members of the public have a right of access through these woodlands.

A number of commercial and industrial units are located to the south east of the site.

The remaining surrounding area comprises of open agricultural farmland with small clusters of agricultural buildings and isolated farm houses.

In terms of Scheduled Ancient Monuments (SAM's), the remains of Bardney Abbey are located 2.5km to the west of the application site, Burreth Village, is located 2km to the south east of the site and Topholme Abbey is located 3km to the south east of the site.

The village of Bardney is located 2km to the south west of the site.

The Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) is located 14km to the east.

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

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a

sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

Relevant history:

None.

Representations:

Chairman/Ward member: No comments received.

North Kesteven District Council: No objections. Given the distance between the closest sensitive receptors within the District and the application site, the development is unlikely to give rise to harmful visual amenity impacts upon the District's landscape and residents. They did however query the quality of the Landscape Visual Impact Assessment.

East Lindsey District Council: Object. East Lindsey District Council was involved in a public inquiry relating to the erection of a wind farm at Baumber, which is relatively close to the site of this particular planning application. That appeal was dismissed with Inspector advising; 'In this particular instance, the proposed wind farm would bring adverse change to the landscape; both in terms of its character and its appreciation. The impacts would be far reaching as a result of the particular qualities and features of the landscape. In this regard the proposed wind farm would be overlooked from the Lincolnshire Wolds AONB and the wider context of an extensive landscape with far reaching vistas which are generally untainted by other intrusive development.' It is our view that, due to its non-domestic scale, the proposed turbine would have a similar adverse impact on the landscape character and visual appearance of this side of the Wolds for the reasons highlighted by the Inspector and that this harm would outweigh the benefits that the generation of electricity by wind power could bring.

Minting and Gauby Parish Council (East Lindsey): Support East Lindsey District Council's opposition to this proposal on the same grounds.

Bardney Parish Council: No objections, however raised concerns over the height of the original turbine proposed, its impacts on the visual amenities of the area and associated noise issues.

Local residents: Six representations have been received, objecting to the proposed development on the following grounds;

- Landscape / visual amenities
- Size of turbine
- Aircraft safety
- Noise
- Wildlife

- Fire Hazard
- Future Developments

One representation has been received from two local residents who are totally in favour of wind turbines in this area.

LCC Highways: No objections. The Highways Authority does not consider that the proposal will be detrimental to highway safety or traffic capacity.

LCC Archaeology: The impact upon the below ground archaeology that will occur during the excavation of the wind turbine's base and cable route, as shown on the plan, will be minimal as it requires relatively little ground disturbance. Therefore, no further archaeological input is required on this application. Recommended that English Heritage be consulted due to proximity of SAM's and Listed Buildings.

English Heritage: No response received.

Environment Agency: No comments.

Natural England: No objections. The application is in close proximity to Bardney Limewoods Site and Special Scientific Interest. However, given the nature and scale of this proposal, no objections are raised.

Lincolnshire Wildlife Trust: No objections. Following the submission of an ecological survey, providing the consultants recommendations are followed, there should not be any significant negative impacts on protected species as a result of the proposed works.

Civilian Aviation Authority (aircraft safeguarding):: NATS and MoD should be consulted.

NATS (aircraft safeguarding): : No safeguarding objections.

MOD (aircraft safeguarding): Not required, the site is not within a MoD consultation zone.

WLDC Environmental Protection: No objections on noise grounds. There are no (protected) residential properties within 500m of the proposed site as such, provided that the information within the noise analysis report is accurate and adhered to the noise levels produced by the turbine will be less than background levels at this distance.

Development Plan Policies

- **East Midlands Regional Plan**

Policy 40 - Regional Priorities for Low Carbon Energy Generation

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**

STRAT 1 Development Requiring Planning Permission

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

STRAT 12 Development in the Open Countryside

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

NBE 11 Development affecting SSSI's and NNR's

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

NBE 17 Control of Potentially Polluting Uses

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

Other guidance

Draft National Planning Policy Framework (2011)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>

PPS 1 Delivering Sustainable Development (2005)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>

PPS - Planning and Climate Change (Supplement to PPS 1)

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

PPS 4 - Planning for Sustainable Economic Growth

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>

PPS 5 – Planning for the Historic Environment

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1514132.pdf>

PPS 7 - Sustainable Development in Rural Areas

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>

PPS 9 – Biodiversity and Geological Conservation

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>

PPS 22 – Renewable Energy

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147444.pdf>

Planning for Renewable Energy - A Companion Guide to PPS 22

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147447.pdf>

PPG 24 – Planning and Noise

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/156558.pdf>

Main issues

- The Principle of Wind Turbine Development in the Open Countryside
- Impact on Landscape and setting of SAM's
- Impact on Ecology
- Residential Amenity (including Noise)
- Other Issues

Assessment

The Principle of Wind Turbine Development in the Open Countryside

Policy STRAT 12 of the Local Plan, which is a prohibitive policy controlling development in the open countryside, allows development which meets objectives supported by other plan policies as an exception. There are no directly relevant policies in the Local Plan but policy 40 of the Regional Plan states that local authorities should promote the development of a distributed energy network using local low carbon and renewable resources.

Paragraph 3.3.89 of the supporting justification to the policy states that there are sites available for smaller scale wind development at farms in the Eastern Sub-area of the region. The application site is considered to be one such farm and the Department for Energy and Climate Change (DECC) wind database site (accessed by the case officer on 15th February 2012) indicates that the wind speed is suitable for turbines of this blade height above ground level. (average 6.2 mph at 45m above ground level).

Guidance contained within PPS 22 states; 'The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.' Furthermore the Draft National Planning Policy Framework promotes a presumption in favour of sustainable development.

The applicant has also stated that the proposed wind turbine will help the existing poultry farm meet its low carbon-obligations imposed by some of the companies it supplies.

The strong policy support at both regional and national level for the development of renewable energy to help achieve the Government's aim of cutting carbon emissions and tackling climate change carries significant weight and provides the policy justification for allowing wind turbines in the open countryside. The proposed turbine is therefore considered to be acceptable in principle.

Impact on Landscape and setting of SAM's

In assessing the impact on the landscape it is important to have regard to its appearance, character, openness and the people that inhabit it. It is

acknowledged that this is a subjective matter and opinions on this issue may differ.

The site is located within the Lincolnshire Lime Woods which is described in the West Lindsey Landscape Character Assessment as a; *'diverse, undulating landscape crossed by many rivers and streams. Ancient lime woodland caps shallow hills and forms contrast to surrounding arable fields. Medium sized fields, with good hedgerow boundaries and some hedgerow trees. Tiny dispersed settlements and individual farms, linked by an extensive network of minor roads and lanes. Desertion and shrinkage of some settlements.'*

In essence the area is a rural, agricultural landscape largely unspoilt with areas of ancient woodland, agricultural buildings and farmsteads and some industrial buildings. Vertical structures are limited to street lamps in the villages and electricity poles in the open countryside. The only turbine in the vicinity of the site is a micro wind turbine at Bardney Fire Station, 1.8km to the south east of the site. There are three Scheduled Monument (SAM's) within a 3 kilometre radius of the site and PPS 5 advises that there should be a presumption in favour of the conservation of such assets. Policy HE9 of this Statement specifically states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

The turbine would be located on a flat former airfield adjacent to a large number of agricultural buildings with feeding silos. It would be situated between two ancient Lincolnshire lime woodlands located 850m to the east and south west.

8 photomontages of the turbine in position have been provided by the agent and, following a number of revisions, officers are now satisfied that they provide a true representation of how the turbine will appear within the landscape.

The closest public view points would be from Henry Lane located 750m to the south of the site. Whilst the turbine is screened by trees from Viewpoint 6 on the Landscape Visual Assessment, there would otherwise be open uninterrupted views of the turbine from Henry Lane, including the closest residential property outside the applicant's control Lowfield Farm. The turbine would be readily visible from this location and would be viewed against the context of the flat open countryside and several large agricultural units and silos.

From Bardney village to the south east of the site (Viewpoint 8) the turbine would not be visible due to the location of Scotsgrove Wood.

From the remains of Topholme Abbey 3km to the south of the site (Viewpoint 7) and from 3km to the north east of the site (Viewpoint 1) the turbine would appear as a very slim and small scale structure on the horizon against a backdrop of open sky.

From the visitors centre at Chamber's Farm Wood to the north of the site (Viewpoint 4) the turbine would not be visible due to tree coverage.

From the B1202 1.8km to the north west the site (Viewpoint 2) the turbine would be clearly visible and due to its slightly elevated position it would be viewed against the skyline.

From Bardney Priory to the west beyond the B1202 (Viewpoint 5) the turbine would be visible in the far distance and viewed in relation with the electricity power lines and poles that cross that area.

The introduction of a turbine in this location would represent a new form of infrastructure in the locality. However, in terms of the quality of the landscape, although it is rural in character and largely unspoilt, it is not considered to be particularly sensitive to change. Whilst the turbine would be readily visible from Henry Lane to the south, the B1202 to the north west, as well as from the edges of the woodland areas with public access to the north east and south west, the number of people directly affected by the change to the landscape would be very limited. Whilst the turbine would be visible from a small number of properties along Henry Lane, it would not be visible from the centre of the nearby village of Bardney.

The surrounding area does contain important Limewoods in terms of their historical and ecological interest. However, given the distances between the proposed turbine and these woodlands, it is not considered that their setting or enjoyment would be significantly harmed by the introduction of one turbine.

In terms of the Scheduled Monuments, the turbine would be located 2-3 kilometres from 3 of them. Whilst the turbine would be visible from the remains of Bardney Abbey and Topholme Abbey, given the separation distances and the slim line nature of the structure, it is not considered that it would significantly harm the setting of these heritage assets.

The height of the turbine has been reduced from 75m to 49.9m and it is considered that the reduced turbine is now commensurate in scale with the poultry farm it will power. All cabling will be underground.

With regards to the comments made by East Lindsey District Council and the planning application for a wind farm which was refused and dismissed at appeal near Baumber, this proposal was for eight turbines located in an area directly overlooked by the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). This AONB is located 14km to the east of this application site and the turbine would be of a tiny scale over such a long distance and the human eye will pick up other features within the landscape more readily.

It should be noted that there are no other wind turbines in the vicinity apart from the micro wind turbine at Bardney fire station so concerns in relation to cumulative impact are not considered relevant in this instance.

For these reasons, officers are of the opinion that the proposed turbine would not have a significant effect on the character, appearance or quality of the surrounding landscape or on the setting of scheduled monuments.

A condition will however be attached to any approval requiring the wind turbine to be dismantled and removed should it be decommissioned or cease to be used to generate electricity, to prevent the landscape from being proliferated with redundant infrastructure; the contribution to sustainable energy production being afforded weight against visual impact when in use.

Impact on Ecology

Natural England guidance notes on the impacts of wind turbines on bats advise that a bat survey is normally required where any turbine is located within 50m of hedgerows or woodlands. The proposed turbine would be located over 850m from the two closest areas of woodland.

An ecological report has been submitted in support of the application and concludes that, given the location of the proposed turbine in close proximity to poultry sheds and the nature of the proposal as a single turbine, it would not result in any significant effects on protected species.

Following consultation with the Lincolnshire Wildlife Trust and Natural England, whilst they confirm that there are SSSI's in the locality, given the nature and scale of the proposal, they are also of the opinion that it would not have an adverse impact on protected species.

Residential Amenity (including Noise)

PPS 22 advises that wind development should be considered against the Good Practice on Controlling Noise from Wind Turbines, itself derived from 'The Assessment and Rating of Noise from Wind Farms' (ETSU for DTI 1997). As the title suggests, this specifically deals with wind farm developments but can be used as a basis for individual turbines such as the one under consideration here.

The nearest dwelling not within the applicants' control is Lowfield Farm located 1100m to the south of the site.

In low noise environments, such as for the current application, the advice is that wind farm noise should be limited to an absolute level within the range of 35-40dB(A). At night time (defined as 11pm to 7am) 43 dB(A) is recommended in the PPS 22 Companion Guide (this is based on a sleep disturbance criteria of 35 dB(A) with an allowance of 10 dB(A) for attenuation through an open window and 2 dB(A) subtracted to account for the use of LA90,10min rather than LAeq,10min).

The sound pressure level for the proposed turbines at a wind speed of 8m/s or more at 10m above ground level is 100.9 dB(A). Such a wind speed is considered to be an acceptable standard given that wind speed database

(DECC) estimates an average wind speed in this area of around 6.2 m/s. The dB(A) rating reduces as the distance from the turbine increases. This will result in a sound pressure of 42.8 dB(A) at a distance of 320 metres from the turbine. Given that the nearest dwelling, not within the holding, is located over 1000 from the turbine it is not considered that noise will harm the residential amenities of residential properties in the area.

With regards to the two bungalows located on the farm holding, ETSU for DTI 1997 advises that, where the dwellings are occupied by persons with a financial stake in the wind turbine development, that a higher limit of 45 dB(A) can be applied. The agent has confirmed that these two properties are owned and used by the applicant. Bungalow B is located over 650m from the turbine and the sound pressure created over this distance will be well within the ETSU guidelines. However Bungalow A will be located only 140m from the turbine and the sound pressure created at this distance would be 50.0 dB(A), 5dB(A) over the acceptable levels.

To overcome this issue the agents have offered to sign a Unilateral Undertaking preventing Bungalow A from being occupied as a dwelling house during the life time of the wind turbine. The building could still be utilised as an office and provide a rest room with kitchen and toilet facilities for employees of the farm, but it could not be used as a person's residence. Subject to the signing of this Unilateral Undertaking, the proposed wind turbine would not harm the residential amenities of surrounding properties from unacceptable levels of noise.

Other Issues

Aircraft Safeguarding - The MOD and NATS have no safeguarding objections to the proposal.

Future Development - Any future proposals for wind turbines in this area would require planning permission and each proposal would be assessed on its own merits, having regards to any cumulative impacts.

Fire Hazard - The safety or efficiency of wind turbines, whilst understandably being a concern to members of the general public, is not something which is controlled through the planning process.

Conclusion and reason for decision

Having regards to Policy 40 of the East Midlands Regional plan and policies STRAT 1, STRAT 12, NBE 11 and NBE 17 of the West Lindsey Local Plan First Review 2006 and the guidance contained within PPS1, its supplement on climate change, PPS 4, PPS 5, PPS 7, PPS 9, PPS 22 and its supplement on Planning for Renewable Energy, PPG 24 and the Draft National Planning Policy Framework, the positive contribute the wind turbine will have towards developing renewable energy sources, meeting national and regional targets for reducing carbon emissions as well as the Company's own low carbon

obligations, provides the policy support for allowing development in the open countryside. The turbine is not considered to devalue or cause significant harm to the character or appearance of the open countryside or the setting of ancient woodlands or Scheduled Ancient Monuments, subject to a condition requiring its removal if it ceases to operate or is decommissioned. Nor will the proposal harm protected species. Subject to a unilateral undertaking preventing the residential occupation of bungalow A during the lifetime of the wind turbine, the noise from the turbine will not harm the living conditions of nearby dwellings.

Recommendation

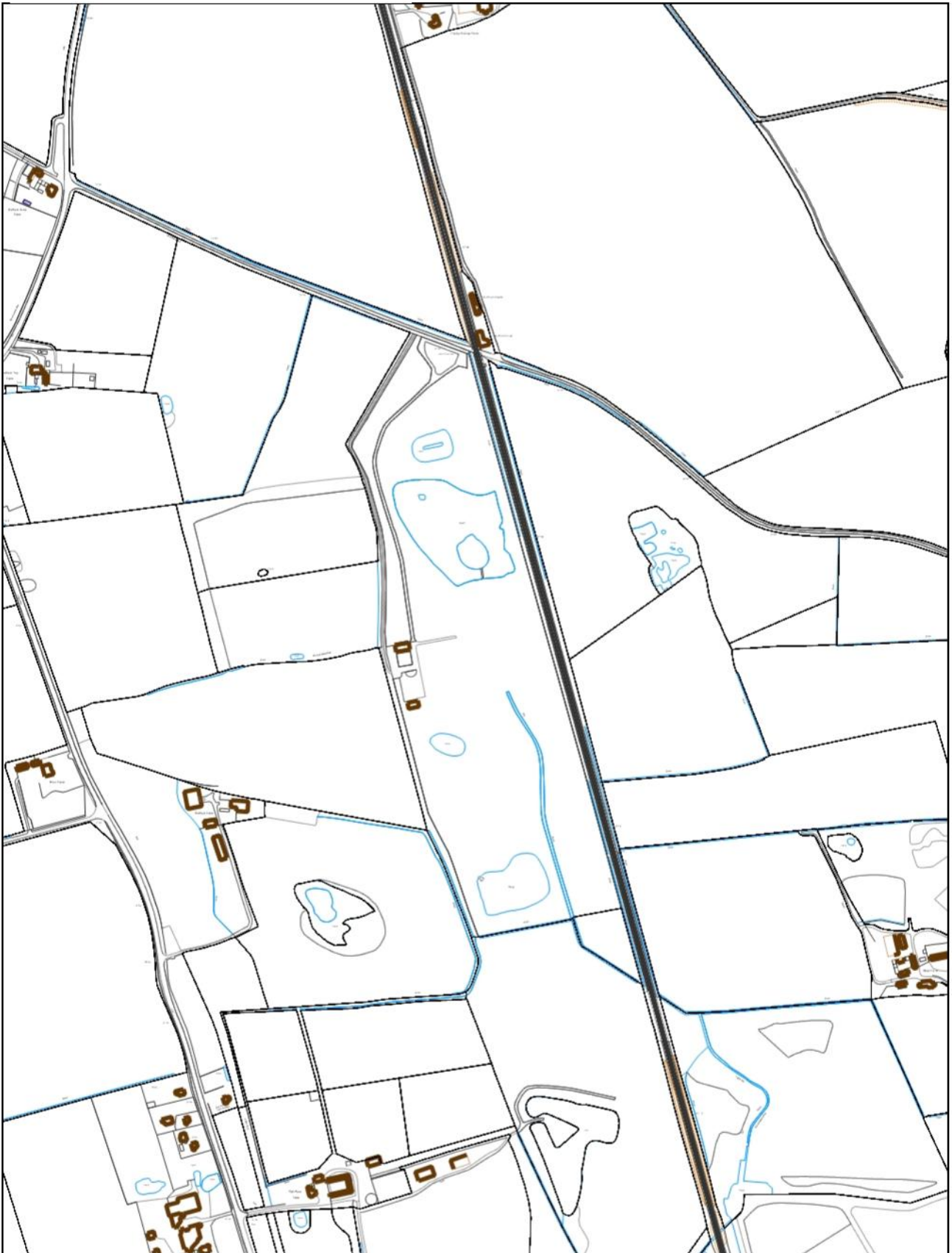
Grant planning permission subject to the following conditions and a unilateral undertaking preventing 'Bungalow A' from being occupied as a dwelling house during the lifetime of the wind turbine;

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).

2. If the turbine is decommissioned or otherwise ceases to be used to generate electricity for a continuous period of six months or more, then the wind turbine and all ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition within a period of 3 months, unless otherwise approved in writing by the local planning authority.

Reason: To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, to prevent the landscape from being proliferated with redundant infrastructure to the detrimental of the visual amenities and character of the area, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.



Committee Report

Planning Application No: 128203

PROPOSAL: Outline planning application for 10 no. log cabins providing self catering accommodation - all matters reserved

LOCATION: Wold View Fisheries Pelham Road Claxby Market Rasen, Lincolnshire LN8 3YR

WARD: Wold View: Cllr T Regis

WARD MEMBER(S): S and L Manufacturing

TARGET DECISION DATE: 14/03/2012

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: George Backovic

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

Description:

Site - Known as Wold View Fisheries, it is located to the northwest of the small rural settlement of Claxby. It is located in the open countryside to the south of Pelham Road and next to the Lincoln to Grimsby railway line. It is an enclosed, well landscaped site, consisting of seven fishing lakes with a log cabin and storage building.

Proposal – This is an outline planning application for the erection of 10 self catering log cabins (operational development) in two groups of five along the western boundary of the site. One group is to the south of the existing log cabin on existing grassland with the other to the north of the storage building on grassland and a young broadleaved plantation. A detached toilet and shower block is also proposed next to the storage building. An ecological report was submitted as part of the application

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

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

Relevant history:

122605 - Application for 10 holiday units. Refused 2008
 (121267 - A planning application on land to the south of the current application site. This was for a change of use from undeveloped agricultural land into leisure facilities including the erection of 41 cabins and engineering operations to create an additional lake and improve existing. Refused 2008. Appeal Dismissed 2009)
 121024 - Application for 22 log cabins. Withdrawn 2007
 M06/P/341 – Application for log cabin in lieu of that approved by M05/P/0831. Granted Permission 2006.
 M05/P/0831 - Application for a fishing centre including log cabin. Granted Permission 2005

Representations:

Chairman/Ward member(s): No comments received

Parish/Town Council/Meeting: Claxby and Osgodby Parish Councils object to the application on the following grounds:

- Visual impact in an area of open countryside next to an Area of Outstanding Natural Beauty (AONB)
- Unsustainable location contrary to PPS 7
- Inadequate access
- Noise pollution
- Light pollution
- Health and safety issues as it is located next to a railway line
- Aspirations to turn this into a holiday park operation is not suitable for this location
- Lighting has been erected on the site without planning permission in conflict with aims to restrict lighting
- A log cabin used as a café has been erected in the middle of the fishery overlooking the lakes without planning permission

Councillor Jordan of Osgodby Parish Council questions why the application is in the name of S and L Manufacturing as they no longer own the site and refers to the existing lighting suggesting that it is a suitable matter for enforcement action.

Local residents: Letters of representation have been received from: Rowan Cottage, Moat Farm, Moat Farm Bungalow, Pelham Top Farm, Claxby Grange, Corner House, Teeshan on Boggle lane and J. Pilbrow (no address). All **object** to the proposals on the following grounds:

- Dangerous and inadequate access
- Detriment to the peace and tranquility of Claxby

- Visual impact on rural character and appearance of this area next to the AONB
- Light Pollution from unauthorised lighting
- Previous refusals on this site should be adhered to and consent refused. Although for a larger number of units land to the south was refused planning permission which was subsequently dismissed at appeal (Ref: 121267)
- No need for proposal
- Unsustainable location
- Would result in urbanisation
- Damaging impact on other premises offering holiday accommodation
- Satellite Navigation directs visitors through the village
- Detriment to existing wildlife
- Visitor numbers quoted appear excessive. Evidence should be submitted to support the figures
- Additional employee numbers are excessive to support the type of development proposed
- Noise pollution
- Vague supporting information in relation to drainage
- Ownership details on application form are misleading

LCC Highways: No objection

LCC Archaeology: No objection

Natural England: No objection provided mitigation recommended by ecological report is carried out

Lincolnshire Wildlife Trust: Provided recommendations in ecological report are followed the proposal should not have a significant

WLDC Conservation: The site is already heavily landscaped and provides a contrast to the open countryside which surrounds it. The addition of a small number of modest log cabins would not be incongruous within this particular landscape which has a self contained character within a wider context. Views of the site are available from higher ground to the east and from limited viewpoints along the top road. The log cabins to the south are more visible due to the lack of planting to the rear whilst the site to the north is better screened by existing planting. Due to the existing established landscaped lake setting and subject to the provision of additional planting and screening the proposal is not considered detrimental to the wider landscape.

WLDC Economic Development: Supportive of the proposals. The provision of tourist accommodation is an important element for future development within the district, particularly those establishments with the emphasis on quality which will add value to the current tourism product. As well as the fishing facility at Wold View visitors will be looking to visit the AONB or go walking along the Viking Way. The development can only assist our visitor economy.

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

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

STRAT 1 Development Requiring Planning Permission

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the open countryside

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

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

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

NBE14 – Waste water disposal

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

NBE18 – Light pollution

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

Other policy and relevant considerations

- PPS4 Planning for Sustainable Economic Growth (2009)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>
- PPS7 Sustainable Development in Rural Areas (2004).
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>
- PPS9 – Biodiversity and Geological Conservation (2005)
- <http://www.communities.gov.uk/publications/planningandbuilding/pps9>
- PPS 25 Development and flood risk (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.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

- 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>
- Draft National Planning Policy Framework (2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>

Main issues:

- **Whether there has been any material change in planning circumstances since the previous refusal of planning permission that would allow the proposal to be supported**
- **Light Pollution**
- **Sustainability**
- **Highways Safety**
- **Residential amenity**
- **Drainage**

Assessment:

Whether there has been any material change in planning circumstances since the previous refusal of planning permission that would allow the proposal to be supported

There were four reasons for refusal. The first reason for refusal was that the nature of the existing facilities were considered to be recreational in character and use rather than a tourism facility that would justify the scale of holiday accommodation proposed. The Good Practice Guide on Planning for Tourism recognises that tourism is extremely diverse and that this “ can include travel and visits forholidays and **recreation**”.

The explanatory text to Policy 42 “Regional Priorities for Tourism” within the East Midlands Regional Plan confirms that tourism is a key driver for the region’s economy and that increasing the proportion of visitors who stay overnight is a regional priority. The policy itself states that “Local Authorities should seek to identify areas of potential for tourism growth....and measures should include.. provision for additional tourism facilities including accommodation close to popular destinations...” The existing fisheries can be considered to represent a popular destination given the evidence of the increase in visitor numbers discussed below since the original refusal in 2008. In terms of scale, it is considered helpful to look at the inspector’s decision in relation to land to the south of the application site and referred to in letters of representation which was dismissed in 2009 - Ref 121267. In addressing the scale of the development he made reference to the 2000 visitor trips to the lakes per year. The limited level of use of the lakes he considered, which equated to less than 6 visits on average per day, suggested that there was

insufficient need for the 41 cabins proposed which, in turn, provided insufficient justification for the scale of development.

In 2010, according to the applicant, approximately 17,000 visitor trips were made to the site. This increased to approximately 22,000 in 2011. These figures are arrived at by translating annual turnover figures into visitor numbers. Confidential financial information has been submitted in support of the quoted figures. The applicant expects this figure to increase in 2012. The applicant also confirms that the touring caravan places which are restricted to five as a registered site are already booked out for 2012 and the proposals are a reaction to this and requests from users of the site. If the lower figure of 17,000 is used, this equates to 46 visits on average per day which using the inspector's reasoning might suggest a need sufficient to justify 10 cabins (31 cabins less and 15,000 more visitors than the dismissed proposal).

The second reason for refusal was that inadequate information had been provided to demonstrate whether or not the development would have an adverse effect on species especially protected by law. The ecological assessment submitted with the current application demonstrates that there would not be an adverse effect on species protected by law. Subject to the imposition of conditions ensuring the mitigation measures recommended in the appraisal are implemented, this no longer remains as a reason for refusal.

The previous application was a detailed one and it was considered that the proposed buildings were "monolithic in character, larger in mass and configuration than the traditional agrarian buildings that they appear to have been based upon and resulted in the proposal appearing overly prominent." It was also felt to be out of keeping with the open landscape surrounding it and was considered to have a harmful impact on the AONB. This formed the basis for third reason for refusal. The current application is in outline form and seeks approval to the principle of log cabins with appearance and design reserved for subsequent approval, the impact of which could be softened by judicious use of materials and landscaping. The siting proposed on the indicative plan submitted with the application, along the western end of the site boundary either side of the existing buildings assists amelioration as does the relatively small amount of land to be utilised when compared with the total site area. Reference has been made to the appeal proposal that was dismissed at appeal (Ref: 121267). The inspector in that particular case found that the proposed log cabins would result in a fundamental change in the character of the site from farm land and fishing lakes to something more akin a small holiday village. This is not considered to be the case here as the appeal proposal was for 41 cabins in two distinct groups covering approximately 25% of the entire site. The current site has no farmland and is dominated by structural landscaping and fishing lakes with the log cabins proposed on area of 0.4 hectares out of a total site area of 15.28 hectares equivalent to 2.62 % of the total site area, along an existing boundary assuming that the cabins are grouped as per the indicative plan submitted. This can be ensured through the imposition of a condition which is considered necessary to respond to the character issue discussed here. The landscaping on the current site has also become more established over time since the

original refusal of permission in 2008. As the Conservation Officer comments “the addition of a small number of modest log cabins would not be incongruous within this particular landscape which has a self contained character within a wider context”. Amended indicative plans have also been submitted proposing planting to supplement the existing hedgerow to the south by the addition of a mix of broadleaf and limited coniferous tree species. The mix includes Field Maple, Silver Birch, Ash and a small leaved Lime. These are to be planted as heavy standards of approximately 3 metres in height to provide a more immediate screening effect. Accordingly it is considered that this reason for refusal is no longer applicable provided that the details of the landscaping follow the principles of this indicative plan. Again, this necessity can be ensured through the imposition of a condition.

The fourth reason for refusal was that an exceptional local need for a night watchman’s residence in this location had not been demonstrated. This is not proposed by the current application and so is not considered relevant.

Light Pollution

Reference has been made to unauthorised lighting on the site. The applicant has stated that the lighting columns have been in place for 8 years and are used only during the darker winter months usually for no more than 1 hour usually between the hours of 16.30 to 17.30 to allow anglers to finish packing their equipment away and to exit the site. From West Lindsey’s own photographic record of the site from 2005 and 2008, it is questioned whether the lights have been on site for this period of time. They also do not have the benefit of planning permission and, given the uncertainty as to the length of time they have been erected, on the balance of probabilities it is not considered that they would be immune from enforcement action. No additional lighting is proposed as part of the current proposals, the lighting relating to the existing authorised development. Therefore, the issue of lighting will be pursued separately to this application.

Sustainability

Policy 42 of the Regional Plan echoes national government guidance in stating that, whilst rural locations may be appropriate for tourist accommodation, sites should be in locations to maximise synergies with tourist attractions and be accessible by public transport. The site is not directly served by public transport. This is a conclusion that was reached by the inspector in dismissing the appeal on the site to the north. He also addressed the issue of anglers arriving by car which he felt was of “only limited relevance for a development that appears to go far beyond any need that would be generated by anglers alone”. This is not considered the case with this proposal for the reasons described above which accepts the case for the number of log cabins proposed generated by anglers alone. The site also has the benefit of the existing log cabin on the site which acts as a “hub”. It is used as reception /office accommodation and for retailing including fishing related equipment and provides basic fresh food essentials for sale. It also acts as a café providing snacks and light refreshments (the cabin has permission for

retailing and this includes café use as well as a shop as defined by the Use Classes Order 1987. It is also of a scale that is ancillary to the primary use of the site). These are on site facilities accessible by foot that reduce the need to travel beyond the site. The Wolds and the Viking Way which are notable tourist attractions in their own right are also accessible by foot. In reality users of the log cabins will probably arrive and depart at the end of their holiday or break, by car but are able to use sustainable means of travel to access existing facilities on the site and nearby tourist attractions. On balance this is considered acceptable in terms of sustainability and is not considered a reason to withhold the granting of planning consent.

Highway Safety

There are no objections to the grant of planning approval from LCC Highways, who do not consider the proposal to be of detriment to highway safety or traffic capacity. Accordingly there are considered to be no reasons to withhold consent on highway safety grounds.

Residential Amenity

The log cabins are located centrally with an enclosed site and the nearest dwelling to a log cabin is Gatehouse Cottage over 300 metres to the north east whilst the access is over 70 metres away. The log cabins are primarily aimed at existing users of the site. However, adopting a worst case scenario in terms of traffic and assuming they represent new trips, it is still considered this will not be significantly noticeable given the existing pattern of activity on the site. It is also probable that, notwithstanding the comments received regarding satellite navigation directions, the majority of new visitors will approach the site from the A46 and not pass the dwelling. Accordingly there are considered to be no reasons to withhold consent on unacceptable residential amenity impacts.

Drainage

Foul drainage - Given the location of the site it is not possible to connect into a mains sewer to dispose of foul sewerage in accordance with circular 3/99. The existing package treatment plant that serves the log cabin on the site does not have the capacity to deal with additional foul discharge. The applicant has confirmed to the case officer that a new package treatment plant will be installed.

Fluvial flooding - PPS 25 Development and Flood Risk promotes the application of a sequential approach, so that sites for new development are directed to areas at the lowest probability of flooding (Zone 1). The application site falls within Zone 1.

Surface water drainage - Surface water is intended to be dealt with by means of a soakaway. Subject to the imposition of conditions requiring the details of drainage to be submitted, approved and implemented before the log cabins

are bought into use, this does not constitute a matter on which to withhold permission.

Occupancy Restrictions

It is necessary to impose conditions restricting occupancy for holiday purposes only to avoid the creation of permanent dwellings. This is due to a number of reasons. The first is the situation in relation to the housing supply across the district. The most recent snapshot provided within the West Lindsey Housing Land Supply Assessment on 1st April 2011 states that there is currently a 7.5 year supply when measured against the 480 dwelling provision for the district (outside of the Lincoln Principal Urban Area) cited in the Regional Plan. This is significantly in excess of the 5 year deliverable supply required by PPS3. Permanent dwellings would undermine achievement of the Local Planning Authority's policy objectives on the management of housing supply and would be contrary to the aims of PPS 3 and Policies STRAT 1 and STRAT 9. Permanent dwellings in this location are also not considered sustainable due to the different demands and pattern of movement compared to that of a holiday user. Permanent residents would need daily access to employment opportunities which in all likelihood would be by car. Access to education facilities could also be required on a daily basis and this would most likely to be by car. Health and other services will also need to be accessed by residents. Accordingly this would not be considered to be in the interests of sustainability. Residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit for the rural economy.

Other Matters

The comments in relation to the proximity of the railway line are noted but these are not considered relevant to the determination of the application. Similarly the aspirations of the owner are not considered relevant and the application must be assessed on the basis of the submitted application. The log cabin referred to does have the benefit of planning permission. Further clarification was sought by the case officer on the predicted new employee numbers of 4 to 5 in the design and access statement. The applicant has confirmed to the case officer that this number included seasonal employees and that there would be 3 full time employees. This is considered to be a positive result of approval of the current proposals which would contribute to the rural economy. The quoted number of visitors to the existing premises has been challenged by some of the representations received. As stated above this has been extrapolated from confidential turnover figures. The effects of the proposal on other premises offering overnight accommodation are not a valid planning consideration. In response to queries about the ownership of the site, the applicant has confirmed that, although he has sold a share of the site he still retains a legal interest in the land. This issue is not material to a consideration of the planning merits of the proposals but it will necessitate a formal service of a notice on the other owner as required by Article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. This is reflected in the recommendation to delegate the

grant of approval to the Planning and Development Services Manager upon the expiration of the statutory publicity period subject to no representations being received raising issues not covered in this report.

Finally, PPS9 encourages biodiversity enhancements in all developments. In this context, it is considered necessary to require this as a condition of any permission.

Conclusion and reasons for decision

The proposals will meet an identified need for tourism accommodation in a popular location. Although users of the tourist accommodation will probably arrive and depart at the end of their holiday or break, by car, the tourist attractions during their stay, however, are accessible by foot given its location within an existing popular attraction with on site facilities, and its proximity to the Wolds and Viking Way. On balance this is considered to outweigh the use of the car at the start and end of the journey in sustainability terms. It also has the potential to significantly contribute to the rural economy and respond to the market identified in the "Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009)" report. The proposed scale of the development is considered acceptable and the location and modest site coverage of the log cabins within a landscape dominated by structural planting and commercial fishing lakes ensures that any visual impact is kept to a minimum and does not fundamentally alter the character of the site or the wider landscape setting. Subject to the imposition of appropriate conditions discussed above, no unacceptable adverse impacts are considered to arise in respect of drainage, highway safety, light pollution or noise and disturbance to neighbours. Therefore having considered the proposal against the provisions of the development plan and specifically policy 42 of the East Midlands Regional Plan 2009 and saved policies STRAT1, STRAT 12, NBE14 and NBE 18 of the West Lindsey Local Plan First Review 2006 , as well as against all other material considerations including PPS7 (2004), PPS4 (2009), PPS 9, The Good Practice Guide on Planning for Tourism (2006) inc annexes A and B, United Kingdom Tourism Survey (UKTS) for the East Midlands (2007) and Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009) it is considered that the proposal is acceptable.

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

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

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

expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

2. Application for approval of the reserved matters referred to condition 3 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

3. No development shall take place until, plans and particulars of the layout, scale and appearance of the buildings to be erected, access and the landscaping to the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details. The plans and particulars submitted detailing the landscaping shall include details of the size, species and position or density of all trees to be planted, and the proposed time of planting. The locations of the cabins submitted as part of the layout details and the landscaping shall adhere to the principle detailed on the indicative drawing MPP/11/200/SK01 received on 6th March 2012.

Reason: The application is in outline only, the plan submitted is for indicative purposes only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are acceptable in terms of visual impact and highway safety.

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

Reason: To ensure satisfactory drainage of the site to reduce the risks of flooding in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT1 and Planning Policy Statement (PPS) 25 – Development and Flood Risk.

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

Reason; To prevent pollution of the water environment and to accord with policies STRAT1 and NBE 14 of the West Lindsey Local Plan First Review 2006

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

6. The development shall be carried out in strict accordance with the mitigation measures set out in the Ecological Appraisal prepared by FPCR Environment and Design Limited dated January 2012.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with PPS9 and policy STRAT 1 of the West Lindsey Local Plan First Review 2006

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

7. 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 dwellings in this unsustainable location, would not normally be permitted and could also undermine achievement of the Local Planning Authority's policy objectives on the management of housing supply in accordance with STRAT 1 and STRAT 9 of the West Lindsey Local Plan First Review 2006 (Saved Policies). Residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit of the rural economy in accordance with policy STRAT1 of the West Lindsey Local Plan First Review June 2006 and The Good Practice Guide on Planning for Tourism.

8. 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 dwellings in this unsustainable location, would not normally be permitted and could also undermine achievement of the Local Planning Authority's policy objectives on the management of housing supply in accordance with STRAT 1 and STRAT 9 of the West Lindsey Local Plan First Review 2006 (Saved Policies). Residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit of the rural economy in accordance with policy STRAT1 of the West Lindsey Local Plan First Review June 2006 and The Good Practice Guide on Planning for Tourism.

9. Prior to the first occupation of the approved log cabins the provision of roosting features for bats and swifts shall be installed in accordance with details including a timetable for implementation that shall have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained in perpetuity.

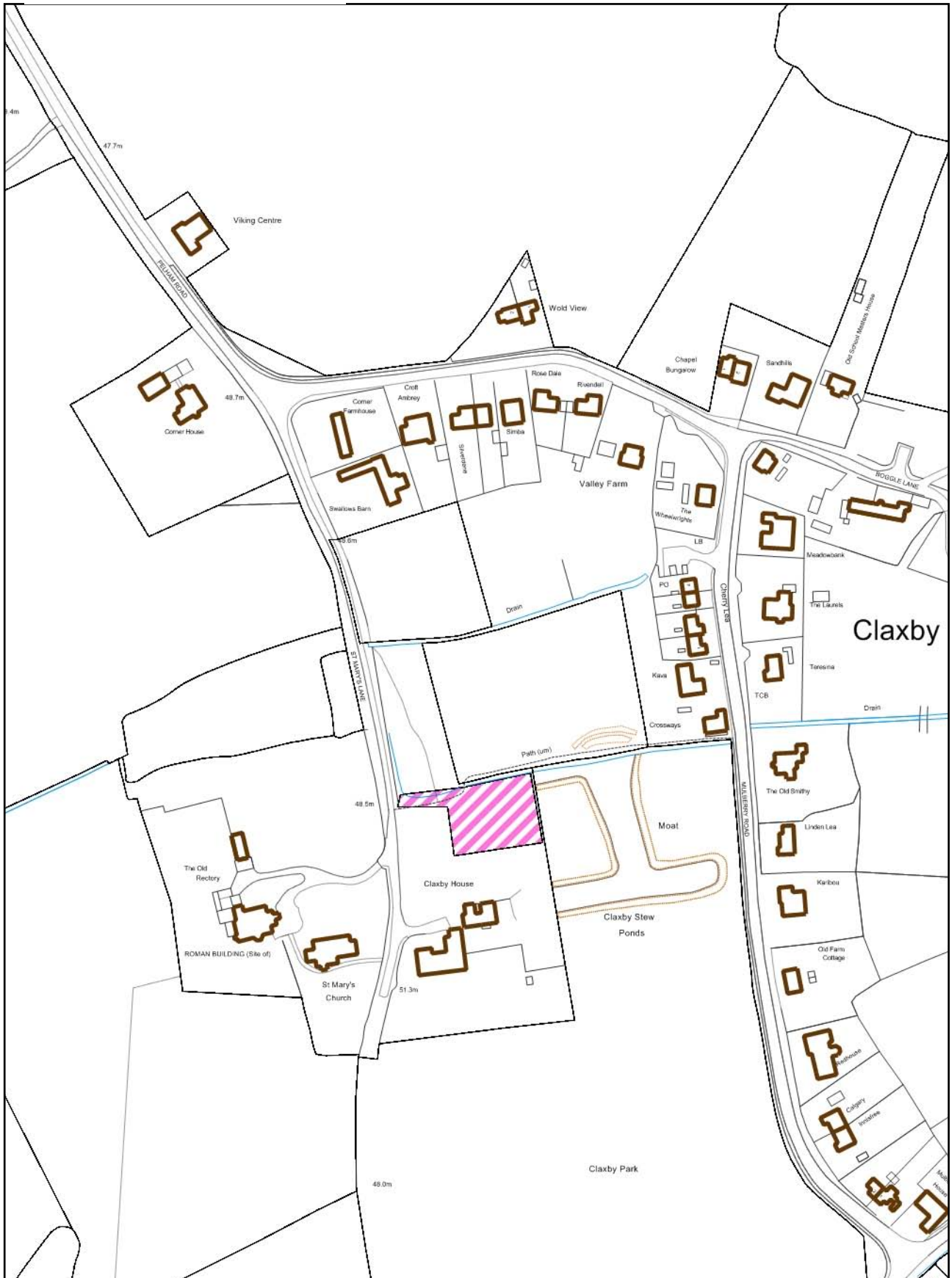
Reason: To safeguard wildlife in the interests of nature conservation in accordance with PPS 9 and West Lindsey Local Plan First Review 2006 Policy STRAT1.

10. The development hereby approved shall not be brought into use until the surface water drainage scheme agreed in writing by the Local Planning Authority as referred to in condition 4 has been fully completed and it shall thereafter be retained in perpetuity.

Reason: To ensure satisfactory drainage of the site to reduce the risks of flooding in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT1 and Planning Policy Statement (PPS) 25 – Development and Flood Risk.

11. The development hereby approved shall not be brought into use until the foul water drainage scheme agreed in writing by the Local Planning Authority as referred to in condition 5 has been fully completed and it shall thereafter be retained in perpetuity.

Reason; To prevent pollution of the water environment and to accord with policies STRAT1 and NBE 14 of the West Lindsey Local Plan First Review 2006



Committee Report

Planning Application No: 128334

PROPOSAL: Planning application for erection of local needs dwelling including physiotherapy treatment rooms

LOCATION: Coach House St Marys Lane Claxby Market Rasen,
Lincolnshire LN8 3YX

WARD: Wold View

WARD MEMBER(S): Councillor Regis

APPLICANT NAME: Mr J Forster

TARGET DECISION DATE: 26/04/2012

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION: Refuse planning permission

Description

- **Site** - Predominantly garden land (greenfield) within the curtilage of the Coach House (a former public house, now dwelling) but also including small strip of land which is greenfield in character and appearance (but was previously developed as a car park for the public house). The total site area is approximately 0.16ha. To the north is the remaining part of the former car park area (now a paddock). To the east is a field, to the north the Coach House and to the west another dwellinghouse, The Old Rectory.
Part of an existing public right of way linking St. Mary's Lane with Mulberry Road to the east would be accommodated within the site without diversion.

Proposal – Erection of a single dwellinghouse (S01 rev D dated September 2011 and received 1st March 2012 applies).

The plans also include a single storey workplace providing treatment room space for the applicant to practise as a physiotherapist.

The plot is L-shaped with a 10m wide driveway strip serving the main area, with the building set back 31m from St. Mary's Lane.

The building is proposed to be L-shaped in plan with a footprint of approximately 240sq m, brick faced and with a multi-gabled roof rising to a height of 9m above ground level and a maximum of two storeys.

The applicant's supporting statement is reproduced in full in Appendix A.

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

The development is within a 'sensitive area' as defined in Regulation 2(1) of the Regulations (the Lincolnshire Wolds Area of Outstanding Natural Beauty) After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Therefore the development is not 'EIA development'. A copy of the Screening Opinion has been placed on the file and the public register.

Representations

Chairman/Ward member(s): No comments received at the time of the preparation of this report.

Claxby Parish Council: The development is sympathetic to the village, would provide an amenity that at present did not exist locally, enhance local amenities in a subtle manner. Such small scale developments were to be encouraged. No objections and unanimous support.

Local residents: One letter of objection has been received from Crossways, Mulberry Road, Claxby:-

- Against unnecessary building development in or around the hamlet of Claxby.
- There are plenty of existing physiotherapy facilities in the area in Market Rasen, Louth and Brigg (examples given).
- The watercourse is a sunken pipe on the southern boundary of the public right of way.
- Claxby is fed by two streams from the Wolds and experiences flash floods.
- The development will affect the aspect of Claxby Church (Norman), Claxby House and The Rectory (not listed).
- There has been property for sale in Claxby in the past five years in Boggle Lane, Normanby Rise and Mulberry Road (specific examples given).
- Carbon footprint – It would serve both the clients and the practitioners for the centre to be situated near the catchment area especially in these days of rising fuel costs and the emphasis on sustainability.
- Claxby is not on the winter gritting or snow plough list and every year a vehicle slides off the approaching lanes.
- The connect bus is under review.
- The proposed clinic hours 0800 to 2100 seven days a week and, bearing in mind St. Mary's Lane has no street lighting, it is hardly suitable for access by clients who are suffering any form of disability or injury.
- The only real change from the application which was refused in May 2011 is that the building is apparently to be lowered by half a metre.

112 letters of support have been received. Of these two are from Claxby, The Laurels, Mulberry Road and 2 New Bungalows. 32 are from Grimsby, 16 from Market Rasen including a letter sent on behalf of the Market Rasen and Louth RUFC, 14 from Cleethorpes, 11 from Lincoln, 5 from Caistor, 4 from Louth, 2 from Middle Rasen and 2 from Stallingborough. A single letter has been received from each of the following locations: Faldingworth, West Rasen, Normanby-le-Wold, Keelby, Thornton le Moor, Holton le Moor, Bishop Norton, Glentham, Hemswell Cliff, Hampshire, Healing, Australia, Penistone, Middlesbrough, Hull, Leeds, Grainthorpe, Horncastle, St. Albans, Waltham, London, North Somercotes, Tetney and Suffolk:-

- Can only be of benefit as it will allow a young family to live in the village returning to their roots whilst providing an essential service to the local community and beyond, that will attract people to the village
- Currently anyone in the area requiring physiotherapy (other than sports injuries) has to travel long distances to hospitals using a poor and potentially poorer bus service. Claxby is easily accessible by road or by using the Call Connect service reducing travelling times services
- Ideal location to treat patients in rural areas of Lincolnshire that are poorly served by such facilities and who have to travel to Grimsby which is time consuming and expensive
- Will reduce waiting times for treatment and increase quality of health care
- Good character of the applicants and their family who are an asset to the community
- We should encourage and provide support for business
- No issues with design as it will enhance the location
- Highways objection cannot be sustained there used to be a public house here and no objection to Wolds View Fisheries (also on this committee for determination) raised by Highways
- We should encourage young people to return to our villages
- Meeting held at Nettleton Village hall hosted by Rachel North. Discussed amongst other things how local communities could be supported and it was suggested the way to do this is to encourage economic diversity which this does
- Current government policy is to increase the number of health services provided in the community and opening up options for GP commissioning groups to commission services from any qualified provider a community based physiotherapy practice in this area would be ideal
- Would benefit the older generation which is predominant in the area
- Will increase choice and provision

LCC Public Rights Of Way: No encroachment.

LCC Archaeology: Advise Scheme of Archaeological works required prior to any groundwork's given adjacent to Claxby Stew Ponds and proximity to evidence of roman activity

WLDC Environmental Protection: There appears to be irregularities between the declarations in the submission, the survey and the mapping. There is a watercourse within 20m of the site that has been culverted but without any record of consent.

Relevant policies

Development Plan

- **East Midland Regional Plan 2009**

Policy 13a – Housing supply.

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 2009)**

STRAT 1 Development Requiring Planning Permission

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

STRAT3 Settlement hierarchy

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

STRAT8 – Windfall and infill housing in Small Rural Settlements

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

STRAT9 Phasing of Housing Development and Release of Land

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

CORE10 Open Space and Landscaping

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

RES1 Housing layout and design

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

NBE9 – The Lincolnshire Wolds Area of Outstanding Natural Beauty.

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

NBE14 – Waste water disposal.

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

National and other policy documents

PPS 1 Delivering Sustainable Development (2005)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>

PPS3 Housing (2011)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918430.pdf>

PPS 4 - Planning for Sustainable Economic Growth (2009)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>

PPS 5 – Planning for the Historic Environment (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1514132.pdf>

PPS 7 - Sustainable Development in Rural Areas (2004)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>

PPS 25 – Development and Flood Risk (2010)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>

Draft National Planning Policy Framework (2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>

Main issues

- **Whether a local need has been demonstrated which justifies the principle of a dwelling in this location.**
- **In the context of the above, whether the treatment rooms provide justification for allowing a residential use in this location.**
- **Visual impact including setting of listed buildings and specifically St. Mary's Church, impact on the quality of the Wolds AONB and the setting of the public right of way.**
- **Surface water flood risk**
- **Highway Safety**

Assessment

Principle (local need) – Policy STRAT8 of the Local Plan First Review was saved in 2009 and remains part of the development plan. It provides that, if dwellings were built on an ad-hoc basis in small rural settlements such as Claxby, they would not meet with the sustainability goals of national and development plan policy insofar as residents would always have to travel to access basic facilities and services, such as health care education and employment.

In this context, the policy limits residential development to either that responding to an evidenced affordable housing need, a functional need for accommodation in association with agriculture, horticulture or forestry; or an individual dwelling that meets a defined local need.

Housing may also be brought forward if there is an under provision within the district when measured against the provision cited in the Regional Plan (policy 13a). The most recent snapshot provided by the Joint Planning Unit this year states that there is currently a supply in excess of 6 years when measured against the 480 dwelling provision in the policy for the district (outside of the Lincoln Principal Urban Area). This is significantly in excess of the 5 year

deliverable supply required by PPS3 and over the 5 years plus 20% cited in the draft National Planning Policy Framework.

With regards to affordable housing, the Council's Strategic Housing Section has advised that the situation has not changed since the determination of the last application; there is no outstanding need identified on the Housing Register. They also consider that, due to the size of the settlement, it is an inappropriate location for affordable housing.

No evidence has been submitted of a need for the dwelling related to agriculture or forestry.

However, the applicant has lived in the village continually for ten years or more in the past and therefore appears to satisfy criterion bb of policy STRAT8 in terms of what constitutes a defined local need. When tested at appeal, inspectors have commonly stated that it would fly in the face of logic for a case to rest solely on the simple compliance with this time limit. For a dwelling to be allowed, all appropriate other solutions must be exhausted first and, if they have, the dwelling should be commensurate in scale and of a design to respond to the need. This is detailed in paragraph A79 (the justification to policy STRAT8).

In this instance, the "need" does not appear to extend beyond a wish to return to live in the area, the current residence in Laceby in North East Lincolnshire is much nearer the applicant's place of work and the not inconsiderable scale of the dwelling proposed is only justified by a wish to settle back in the village and start a family, as cited in the applicant's statement (see Appendix A)

It has been shown by the case officer in the past that dwellings have been available in the locality and no reason has been provided why these could not have been suitable for the applicant. For example on 1st April 2011 there were two dwellings with asking prices under £170,000 in Normanby le Wold both offering 4 bedrooms (the same number as the proposal). These dwellings are no longer on the market but two houses are (as at 23rd March 2012) at Normanby Rise (3 bedroom with an asking price of £235,000) and Mulberry Road (4 bedroom detached with an asking price of £315,000). Again, no reason has been specified why these would not be suitable, either solely as a dwelling with the ability to work elsewhere or adapted to provide live-work accommodation. The latter issue is discussed in more detail in the sub-section below.

Principle (sustainable service provision) – National policy contained within PPS4 states that it is the government's objective to build prosperous communities by improving the performance of local rural areas. Access to services is a key element in ensuring that rural communities thrive and can be sustained in the longer term. Sustainable economic development is therefore required to fulfil these objectives. The general thrust of this policy is reflected in the draft National Planning Policy Framework. Furthermore, in Annex A to his letter dated 31st March last year, DCLG's Chief Planner stated that it was the Government's clear expectation that the answer to development and growth should wherever possible be 'yes', except where this would

compromise the key sustainable development principles set out in national planning policy.

There are currently very few services and facilities in Claxby; there is the Church, the Viking Centre hostel, fishing ponds and a village hall which has permission to operate as a tea room. However, it does not have a school, health care facilities or any sizeable employment provider, although it is accepted that there are some employment providers in the village.

The applicant, Mr Forster and his wife are currently living in Laceby in North East Lincolnshire, Mr Forster working as a physiotherapist at Grimsby Hospital. The patient choice system now embedded in the NHS permits patients to self-refer to physiotherapists without the need to go to a GP first and the delivery of health services at a local level to people in rural areas such as the parishes of Claxby and Normanby le Wold is laudable and the centralisation of healthcare and other services has the potential to threaten the longer term sustainability of smaller communities. Nevertheless, there needs to be some account taken of the population that realistically can sustainably be served by a provision within a sparsely populated rural area. Specifically, there are just 74 households within Claxby and far fewer in Normanby le Wold. In this context, whilst PPS4 recognises that a site may be an acceptable location for development even though it may not be readily accessible by public transport, there nevertheless needs to be an inherent sustainability to planned economic growth. For example, it has not been examined in this case how the scale of the treatment rooms facility proposed is commensurate to the scale of population to be served and why other more sustainable locations such as Caistor and Market Rasen which offer accessibility to a wider population, access by public transport from more places and the potential for linked trips to other services and facilities, are not better placed to serve the physiotherapy needs of the community in villages in the Claxby area.

It is also not clear as to why existing dwellings which are currently or have recently been available in the Claxby area could not have been acquired and adapted by the applicant for the live-work use proposed. This can be explored further but an early determination of this application was requested by the applicant, hence reporting the matter to this committee at this stage.

Later in this report, concerns are expressed by the officer regarding the siting and design of the proposal. However, if members consider that the siting and design are acceptable, then it is recommended that the availability of other properties is explored further, or at the very least negotiations are undertaken to ensure that sustainability of the development proposed is maximised before planning permission is granted. This could be achieved through a travel plan and a legal agreement tying the dwelling element of the proposal to the work space. The Council have used such agreements in other locations and members may recall the site at North Owersby where such a s106 legal agreement was used.

Visual impact (AONB, listed buildings and public rights of way) – The area within which the development is proposed is a very sensitive part of the

village; the grade I listed Church is nearby as is the grade II listed Claxby House. The area to the east of St. Mary's Lane is also within the Wolds AONB and the escarpment forms a backdrop to the village. The group of buildings that are at the southern end of St. Mary's Lane are physically distinct from the main body of the village which amplifies their architectural and historic significance and their intentional interrelationship. In this regard, the application site is part of an area of land which, despite being predominantly garden land in use, forms a visual break of natural landscaping between two parts of the village and is a defining characteristic of this part of the Area of Outstanding Natural Beauty. The land includes the Claxby Stew Ponds to the east of the application site, which together with the application site, were altered at least 200 years ago to form landscaped gardens to provide an appropriate setting to Claxby House.

The application site is particularly prominent in this setting; although only partially visible over the hedge on Mulberry Road, it becomes much more prominent when approaching along the public right of way. It is also clearly visible from much of the length of St. Mary's Lane, including from the Churchyard. The applicant's supporting statements state that this setting has altered over time and, specifically, in the last few years. It is accepted that these changes have occurred, indeed the use of the site has changed from a public house to a dwelling. Nevertheless, in the context of the site and its surroundings as they appear at the moment, the introduction of a building of the scale proposed, would result in an intrusive and alien feature within this landscape. Despite having been reduced slightly in height (by approximately 1m) and revisions having been made to the design, the height, footprint and overall massing are such that the proposal will still be particularly prominent and adversely affect the setting of Claxby House (of which the Coach House was once part) and the Church. Both of important designated heritage assets and the detrimental impact on the listed buildings conflicts with policy contained within PPS5 and the duty contained within section 66 of the Listed Buildings Act. The impact of this setting would be particularly noticeable from the public right of way as well as St. Mary's Lane. As a result the enjoyment of this public would also be diminished.

The issue here is not just that of introducing a building into this environment per se, but also that of the sheer scale of the building and its siting within this otherwise natural landscaped dominated space.

In this context, the proposal conflicts with part (iii)(c) and (d) of policy STRAT8 insofar as the site represents a significant gap in the form of the settlement and it would unacceptably block important views within the village where these views are important to the character and setting of the village. It also conflicts with policy CORE9 part (iii) for the same reason.

Finally, whilst it is acknowledged that the design has changed, the building as currently proposed still does not respond to the character of the buildings in this part of the village. Such a character does not preclude buildings of a modern idiom being introduced, but there needs to be more referencing of the forms and language used on the existing buildings that front St. Mary's Lane than is currently proposed.

Surface water flood risk - The Parish Council have stated in their representation that they have concerns about a significant flood risk posed to the proposed development as a result of the culverted watercourse that runs across the development site. This culverted watercourse has resulted in surface water flooding in the vicinity of the site, most notably to the southernmost dwelling on the west side of Mulberry Road. As a result the Environment Agency Surface Water Flood Maps identify the area as at risk of such flooding, although it is noted that the proposed footprint of the dwelling is on slightly higher ground which should ensure that flooding is not an issue. It has not been demonstrated as to whether the introduction of impermeable surfaces to the application site would exacerbate flooding, but it is not considered that this is an issue given the area of open land around the proposal and that the area of surface water flooding plotted on the Environment Agency map is concentrated in the gap between the two area of buildings on St. Mary's Lane. It is also considered that there is sufficient scope within the site to deal with surface water effectively, especially given the sustainable management techniques proposed such as grey water recycling.

The proposal is therefore considered to accord with national policy contained within PPS25 but the matter would need to be the subject of a condition if permission was granted.

Highway safety – St. Mary's Lane is a narrow single track adopted highway with no segregated pavement. It currently serves the Church and four dwellings, albeit one of these is at its northernmost end. There are now few Church services and traffic is relatively light. The physiotherapy treatment rooms would change the character of the traffic flows along the Lane quite significantly (this view based upon the floorspace proposed not the number of employees detailed in the Design & Access Statement). The County Highways Authority have specifically raised concerns about the inability of traffic to pass on St. Mary's Lane to the detriment of highway safety. This issue was cited as a reason for refusal when the previous application was determined. However, upon reflection, whilst the traffic flows would increase significantly, they would still not be of a level that would be detrimental to highway safety. St. Mary's Lane is relatively straight, speeds are observed to be low due to the no-through road character and the proposal would provide adequate off-street parking and the ability to enter and exit the site in forward gear with good visibility afforded in both directions at the point of exit. Again, if permission a granted, the implementation of the parking and access arrangements prior to first occupation and use of the business element, would need to be the subject of conditions.

Other matters – The proposed dwelling is considered to be sufficient distance from neighbouring dwellings, including the Coach House, so as not to adversely affect residential amenity in terms of overlooking and/or overshadowing.

Conclusion

It is considered that no justification, including compliance with any of the need criteria listed in policy STRAT8 of the West Lindsey Local Plan First Review 2006 has been identified. Furthermore, the site is not considered to be the most appropriate location for a physiotherapists practice. The proposal would also have a detrimental impact on an important open space within the village and adversely affect the setting of nearby listed buildings.

Recommendation: Refuse planning permission for the following reasons:-

1. Insufficient justification has been provided to prove that a local need exists for a dwelling of the scale proposed in the location proposed and not all available alternative options have been exhausted which would meet a need within the locality of the site. In the absence of such evidence, the proposal would constitute an unsustainable form of development insofar as Claxby has a limited range of services to meet the needs of any future occupier(s) and, as a result, they would need to rely on a considerable number of car borne trips to access essential services and facilities. In this context the proposal would not accord with policies STRAT3 and STRAT8 of the West Lindsey Local Plan First Review 2006 and national policy contained within Planning Policy Statements (PPS) 1 and 3.

2. Insufficient justification has been provided to prove that a local need exists for a dwelling of the scale proposed in the location proposed and not all available alternative options have been exhausted which would meet a need within the locality of the site. In the absence of such evidence, the proposal would contribute to the over supply of housing in West Lindsey district outside of the Lincoln Principal Urban Area (PUA) and the release of this site for housing may undermine achievement of the local planning authority's housing strategy. The proposal is therefore contrary to the aims of Planning Policy Statement (PPS) 3, East Midlands Regional Plan 2009 policy 13a and policies STRAT 1 and STRAT 9 of the West Lindsey Local Plan First Review 2006.

3. The introduction of a building of the scale proposed, derived from the large footprint and height, would result in an intrusive and alien feature within an important area of open character and greenery which provides a historic setting to the buildings to the south and a spatial separation from the rest of the village. Specifically, it would be particularly prominent in this context and adversely affect the setting of the listed Claxby House (of which the Coach House was once part) and the listed Church. The impact of this setting would be particularly noticeable from the public right of way as well as from St. Mary's Lane.

In this regard the proposal would be contrary to the provisions of policies STRAT8, CORE10 and NBE9 of the West Lindsey Local Plan First Review 2006 and national policy contained within Planning Policy Statement (PPS) 5.

APPLICANT STATEMENT

Claxby Association

My family have lived in the village of Claxby for over 25 years, it is the village in which I grew up and where my family still resides. My affiliation and commitment to Claxby cannot be questioned; and I feel an extremely strong bond with the village having spent much of my life living there. The village of Claxby is and will always be considered my home. After qualifying as a Physiotherapist I moved to London and worked in a large teaching hospital to gain experience and further my knowledge within my chosen profession. My wife and I moved back to Lincolnshire and commenced our search for a suitable Claxby dwelling three years ago.

Alternative Options Considered

We have consistently searched for alternative live/work options in Claxby and the surrounding area for the last **three years** since our return from London. Despite extensive time and effort we have been unable to find a suitable alternative that meets the specific requirements of our live/work concept. During this three year period we have spent time living with my wife's parents in Grimsby, and we are now living back in Claxby with my parents.

Due to our personal circumstances and the specific space and design needs of the business, it has not been possible to acquire a dwelling within the village which would be suitable, or capable of being adapted to meet the live/work requirement, certainly not at a realistic or an affordable price. Having spent the last three years searching for alternatives we have decided that the building of the proposed development is without question the only realistic and viable option.

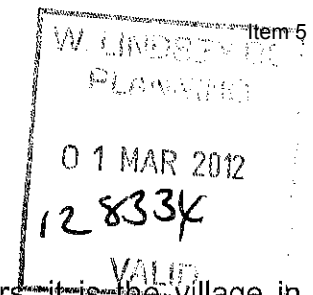
Family Matters

The design of the proposed property needed to meet both our personal and professional requirements. The property design had to be substantial enough to meet our future family requirements, and provide us with a family home for life. Both my wife and I wish to return to the village and raise our own family and provide them with the kind of childhood that I was fortunate enough to experience.

We also hope that the development of this property will allow us the opportunity to foster children for the local authority. My parents have been fostering children since 1982, which has enabled me to be involved within a supportive role since the age of six. This is something that my wife and I feel very passionate about, however our current circumstances prevent us from fulfilling this ambition. The development of this family home would enable us to help underprivileged children as my family have for many years.

My Background & Current Employment

I am an extremely well qualified and experienced professional. I have gained a BSc (Hons) in Sports Science and Management at Nottingham Trent University and also graduated from the University of Teesside with an MSc Physiotherapy (AHPS)



having obtained an award for the best overall student in my cohort. I am currently undertaking an MSc module in Evidence Based Musculoskeletal Practice at York St. John University and my long term aim is to complete a PhD in Physiotherapy, the highest qualification currently available. My qualifications and clinical experience provides me with the opportunity to apply for Physiotherapy employment anywhere in the UK. However, my ambition is and has always been to live and work in the place where I grew up and provide for people in my local community.

I currently work as a senior Physiotherapist at the Diana Princess of Wales Hospital, Grimsby within the musculoskeletal Physiotherapy outpatients department. We receive considerable numbers of referrals for patients living in the West Lindsey area, and patient satisfaction scores collated at the hospital, consistently state that patients want better accessibility, with provision of physiotherapy closer to home and the availability of treatment during unsociable hours. These are all problems that the proposed development will help overcome and it is clear that people within West Lindsey want and need this proposed service.

I am aware that the perceived sustainability of the physiotherapy business was previously questioned; however I would like to take this opportunity to make the planning officer aware of current government led NHS changes that I feel highlight the importance of this community rural based development.

Any Qualified Provider - Physiotherapy

The 2010 health White paper *“Equity and Excellence: Liberating the NHS”* and the consultation document *“Liberating the NHS: Greater choice and control”* clearly signalled the intention to provide greater choice for patients in most sections of healthcare. In July 2011, the Department of Health published *“Operational Guidance to the NHS on Extending Patient Choice of Provider”* setting out guidance regarding the phased implementation of *“Any Qualified Provider”* (AQP) for community services in England.

AQP means that when patients are referred (*usually by their GP*) for a particular service, the patient can choose from a list of qualified providers who meet NHS quality requirements. Musculoskeletal (MSK) community Physiotherapy services were identified as one of the priority service lines for implementation of the AQP model.

NHS Lincolnshire PCT clusters identified Physiotherapy as a priority service area for AQP engagement and implementation for 2012/13. The NHS Lincolnshire cluster distributed 10,000 copies of a survey with the implementation process commencing on the 8th of August 2011 and closing on the 19th of September 2011. Improved Physiotherapy services in rural settings was identified as a priority by patients, the public and stakeholders for improving the quality of and access to services in Lincolnshire.

The aim is to provide comprehensive, patient-centred, and easy to access physiotherapy services in the rural community, which delivers high quality, efficient

services in line with national guidance and local requirements. There is a strong emphasis on delivery of care in **non-traditional** and **community based settings**, where Physiotherapy services can be more efficient and responsive to patient needs. This will provide greater choice, increased and localised services, easier access and shorter waiting times for patients, which is proven to result in early treatment and improved outcomes.

In order to provide patients with as much flexibility as possible we have set parameter opening times as 08:00am until 21:00pm, it should be noted that these are parameter times designed to specify the absolute earliest a patient would be seen and the latest appointment a patient could receive. It is not envisaged that these times would represent a typical working day. It should be noted that my intention is also to continue working at the Diana Princess of Wales Hospital within a flexible working pattern.

Physiotherapy provision within Lincolnshire community settings has clearly been highlighted as a priority area for improvement. There is a clear local need for such a rural community based service. My proposed development will be fit for purpose and will undoubtedly provide greater patient choice, easier access, with the provision of out of hour's appointments, reduced travel time and cost, free on-site parking and shorter waiting times for patients. The service will unquestionably deliver and help to achieve local and national NHS Government priorities.

In Summary

It is widely recognised that rural settlements and their communities are under great threat; Claxby has become an ageing village population, with fewer younger families finding the opportunity to settle in the area.

I would urge the planning committee to look at my application favourably; we are a young professional couple with a close connection and commitment to Claxby, looking to settle back in the village, start a family of our own and provide a service that will bring only positive things to the local area. I sincerely hope that you will give me the opportunity to use my high level of professional expertise to help people in my local community, where there is clearly a defined need for such a service, and at the same time allow me to settle in the Claxby – the village we call home.

Kind Regards

James Forster



Committee Report

Planning Application No: 128260

PROPOSAL: Listed Building Consent to merge 7 Horsemarket and 9 Horsemarket into one dwelling. Internal alterations to provide access between two properties, and replace rear windows and door to Number 7.

LOCATION: 7 Horsemarket Caistor Market Rasen LN7 6UP

WARD: Caistor

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

APPLICANT NAME: Councillor Alan Caine

TARGET DECISION DATE: 30/03/2012

DEVELOPMENT TYPE: Listed Building - Alter/Extend

CASE OFFICER: Fran Bell

RECOMMENDED DECISION: Grant listed building consent subject to conditions

Description:

This application has to come to Development Management Committee as the applicant is District Councillor Alan Caine.

7 Horsemarket is one of a terrace of houses on the east side of the road. The terrace is Grade II listed as a group, three storeys in height with white painted stucco, black window surrounds and doors and pantile roof. 7 and 9 have steps up to the front doors to take account of the hill slope.

It is proposed to link the dwellings so they can be used as one house. The front elevation will remain unaltered, with both front doors remaining in place. The rear elevation of no. 7 Horsemarket will have replacement windows and doors in a more traditional style than the existing modern casement windows and modern door.

Internally, the existing stairs from the ground to the first floor will be removed. These are not the original stairs and are thought to date to the 1960's. The original stair went up the opposite wall as there is evidence of re-lain floorboards of stair width. A doorway will be cut through from the kitchen of no. 9 into no. 7.

At first floor, another door will be cut through from the landing of no. 9 to a current bedroom in no. 7. The door to this bedroom will be moved along towards no.9. This room will then become the landing. The bathroom door will be moved (the current door is not an original as the original stairs would have landed there). The existing passageway wall will be removed, allowing for the creation of a guest bedroom. The existing ladder style stair up into the

attic will be removed and a new stair case put in to make the access to the upper storey safe.

Relevant history:

1, 5, 7, 9 Horsemarket

120338 Listed building consent for replacement of gutter system on front elevation, addition of 2 new downpipes, repair and replace fascia and archway, replace front steps and add handrail at no. 9. . Granted consent 25/05/2007.

5 Horsemarket

122819 Listed building consent to replace bathroom and kitchen windows to rear of property (to match windows at front of property and in keeping with character of property) Insertion of roof light to rear elevation of attic room. Granted consent 10/11/2008

9 Horsemarket

M02/P/0414 and 415 Planning application and listed building consent to demolish conservatory and extend dwelling. Granted consent 28/08/2002

Representations:

Chairman/Ward member(s): None received (Applicant is also Ward Member)

Town Council: No objections

Local residents: None received.

LCC Highways: None received.

Archaeology: Alterations are fairly minimal. Archaeological building recording would not further our historic knowledge to a great enough extent to warrant the archaeological intervention.

Conservation:

- Pre application discussions were held and some initial stripping out revealed that the current staircase is modern (1960's is) and not in the original location.
- The original stair appears to have been adjacent to the party wall opposite the current stair. (re-cut and re-lain floor boards are the evidence for this).
- All other alteration are minimal and re opening a historic doorway helps in the new internal circulation arrangements. Yorkshire sliding windows complete the refurbishment and are an enhancement over the current modern softwood casements.

Lincolnshire Historic Building Committee: No objections

Building Control: None received

IDOX: checked 13th March 2012. LHBC comment only.

Relevant Planning Policies:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

http://www.legislation.gov.uk/ukpga/1990/9/pdfs/ukpga_19900009_en.pdf

PPS5: Planning for the Historic Environment

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1514132.pdf>

Main issues

- Principle
- Impact on the listed building

Assessment:

Principle

Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. PPS5 acknowledges the contribution made by our historic environment, the need to conserve it and reinforces the provisions of the listed building legislation.

Impact on the Listed Building

There are no alterations to the front elevation, so the street view will remain the same. The replacement of the rear windows and door, with correct historic detailed windows, will improve the appearance of the listed building as the modern fenestration is not in keeping with the property.

Internally, the alterations will allow the dwellings to be used as one house. The lower stair is not original and there is evidence to suggest the original stair was the other side of the room. The existing stair is of modern construction. Its removal will allow for a doorway between the two properties on the ground floor. As the majority of the dividing wall between the properties will remain in place, the history of the building will still be readable.

At first floor, the alteration of door positions and the removal of the passage wall will not harm the character of the listed building and alter later changes in the history of the house.

The ladder style stair up to the attic is dangerously steep. It is not the principal stair case and its removal will not harm the overall integrity of the listed building.

English Heritage do not need to be consulted because the elements being altered or demolished are not principal elements of the interior. The ladder stair is not the principal staircase.

Conclusion and reasons for decision:

The proposal has been considered against the duty contained within section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and PPS 5 – Planning for the Historic Environment. In view of this assessment it is considered that the proposal does not harm the setting, character or appearance of the listed building. A condition is required to tie the details of the replacement windows to the rear of the property to the drawing received.

Recommendation: Grant consent subject to the following conditions

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

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

None

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

2. The replacement windows to the rear of the property shall be replaced in accordance with the drawing received on 19th March 2012 which shows a traditional Yorkshire sliding sash window with glazing bar and internal architrave detail.

Reason: To ensure the appropriate historic detailing to protect the character and appearance of the listed building in accordance with the guidance contained within PPG5: Planning for the Historic Environment.

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

None