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Officers Report

Planning Application No: 133946

PROPOSAL: Application to vary condition 2 of planning permission 131962 granted 28 January 2015 - increase number of event days from 4 per calendar month to 48 per calendar year

LOCATION: Willowbanks Stables Pelham Road Claxby Market Rasen LN8 3YR
WARD: Wold View
WARD MEMBER(S): Cllr T Regis
APPLICANT NAME: Willowbanks Equestrian Ltd

TARGET DECISION DATE: 27/04/2016
DEVELOPMENT TYPE: Major - Other
CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is a relatively new but established equestrian business located in the open countryside to the north west of Claxby. The main part of the site is set back from the highway with an access road leading to the main facilities of the site. These facilities include two large stable/storage buildings and a log cabin which all sit close together to the northern section of the site. One of the large buildings includes toilet and shower facilities. To the west of these buildings is a competition manege with a commentary box and a smaller warm up manege. To the north of the warm up manege is an area of vehicle parking. The proposal affects the entire site but mainly impacts on the use of the existing facilities.

To the north of the site is primarily open countryside and a small site formerly used as a former fuel distribution depot which gained planning permission as a coach depot in 2010 (planning permission 126173). To the east is Wolds View Fisheries and to the immediate south and west is open countryside. Further to the west is a number of residential dwellings

The outer site boundaries are screened to the north, east, south and west by high trees and hedging. The onsite buildings provide further screening to the east. An Area of Great Landscape Value and an Area of Outstanding Natural Beauty sits opposite the north boundary close to the railway line. The site is a natural and semi-natural green space.

The application seeks permission to vary condition 2 of planning permission 131962 granted 28 January 2015 - increase number of event days from 4 per calendar month to 48 per calendar year.

This has amended the initial proposal which wanted to increase the event days from 4 days to 12 days a month. Following communication with the agent the proposal was altered to the 48 days a year and subsequently started a re-consultation process.

Relevant history:

128298 - Planning Application for change of use from woodland to Equestrian Centre inclusive of ancillary buildings – 06/08/12 - Granted time limit and other conditions

131962 - Planning application to vary conditions 10 and 11 of planning permission 128298 granted 6 August 2012-increase events from 2 to 4 per month and increase opening hours - 28/01/15 - Granted time limit and other conditions

132062 - Planning application to erect 1no. log cabin - 15/05/15 - Granted time limit and other conditions

132807 - Planning application to retain and complete parking areas – No Decision Yet

133170 - Planning application to retain and complete shower block adjacent to stables - 10/09/15 - Granted time limit and other conditions

133502 - Retrospective planning application for proposed manege – 11/12/08 - Granted without conditions

Representations

Chairman: No representations received to date

Cllr T Regis: Comments

I would like to call in application no. 133946 for the following reasons:

1. The current state of Pelham Road connecting the Equestrian Centre to the A46
2. I would like the increase from 4 to 12 days per month in daily activity to be debated by the Planning Committee
3. Likewise I would like the additional increase in noise and disturbance to be considered as well.

Other Ward Members: No representations received to date

Claxby Parish Council: Objections

- The state of the road is dangerous. The passing places installed as a condition of previous planning permissions are inadequate and not fit for purpose for large vehicles.
- An increase from 4 days to 12 days is excessive. An increase on this scale will impact greatly on the quality of life of both those residents living close by the site and the rest of the village, as current access is gained to the equestrian centre via the village rather than via Pelham crossroads. This is despite a weight restriction on Normanby Rise.
- There will also be an increase in noise and disturbance.

Local residents: Representation received

Supporting

Fieldhead, Canada Lane, Caistor

- The proposal will encourage horse riding and stop inappropriate provision in residential areas.

Objects

Pelham Top Farm, Claxby Moor
Pelham House, Pelham Road
Claxby Grange, Pelham Road
Gatehouse Cottage, Pelham Road
The Birches, Mulberry Road, Claxby
Moat Farm, Claxby Road
2 Ash Grove
103 Yarborough Road, Caistor

Summary of comments:

Highway Safety

- Highway cannot cater for two large vehicles including all day farm vehicles. It is inadequate.
- Lead to a large volume of traffic and rapid deterioration of the highway.
- There have been examples of vehicles stuck on the verge and verge erosion due to width of highway.
- Passing places alright for cars but not large vehicles.
- Degrades amenity provided by Pelham Road as pedestrian access to The Wolds.
- Transport statement lacks detail.
- Claxby Grange would support if highway widened.

Residential Amenity

- Noise nuisance from amplified music, voices, klaxon and temporary equipment. Additionally a loud public address/tannoy system at weekends performing commentary.
- All above are against condition 1 of 131962.
- Impact of noise on enjoyment of garden space and dwelling (Pelham House).
- Impact on peace and quiet of area (Gatehouse Cottage)
- Unacceptable concentration of multiple events over the weekends (Friday to Sunday).
- Noise assessment not representative and misleading as previous occasions when commentary, music and klaxons have been clearly audible.
- Noise levels in condition to be managed as assessed therefore there will be no nuisance (Pelham Top Farm).

Other

- Proposal will lead to job losses at existing equestrian business venues

LCC Highways: No objection

Response received 26th February 2016:

The Highway Authority (HA) considers the primary access route to the development as being via the A46 and the C251 (Pelham Road/Moor Road) and in order to assess the impact on these junctions/carriageways the HA require the following information:

A Transport Statement outlining the existing number of vehicle trips by type and number accessing the site currently (broken down into average daily numbers along with numbers on event days) along with trip generation by type and number following the proposal (net level of change).

A drawing showing maximum achievable forward visibility for a vehicle placed in the right turn lane on the A46 waiting to turn right into the C251 (Pelham Road).

Pelham Road is currently sub-standard in terms of physical layout (width/geometry) and condition to carry large volumes of two way vehicular traffic and subsequently may require improvements should the above application be acceptable to the HA.

Revised response received 25th May 2016:

The application has changed to the point that essentially there is no change in operations from the previous application supported by the Highway Authority, therefore we would have no objection to the proposal as it stands.

Public Protection: Comments

Response received 19th February 2016: I have serious reservations as regards the 'excess' apparent in this application to vary. Fact that there is already increase to four event days per month already gives rise to potential for most weekends to be disrupted. An increase to twelve event days would make this more or less inevitable; aside this is a desire to run three day events which in their own right are likely to be disruptive to whole weekends and ought perhaps therefore to be regulated so that they are few and far between.

Online comment & consultee response, and now noise complaint albeit as yet unsubstantiated, suggests that there is offsite disruption to this otherwise 'peaceful' neighbourhood and an impact assessment ought to be required to demonstrate no untoward further disruption.

Revised response received 5th and 6th May 2016:

On the whole I don't see any major issues with the noise report and am accepting of it (excepting at table 4.2.1 which is to be corrected) and in respect of understatement of road noise which is persistent and likely to be significant in terms of contributing to background noise especially at NSR2 & 3. The following (outside of 4.2.1) could be raised as points of potential contention however:

Remit apparently was to assess noise in relation to Klaxon and Public Address systems whereas recommendation expressed at the site meeting was for all potential sources of noise to be identified and assessed, however it is likely that all noise generated on site will have been captured in the brief taken on.

Noise is stated to have been measured East and West of the ménage, 1m away from associated PA speakers, and at the 'existing' car park.

Whereas noise impact in relation to car parking at the new proposed car park would have been more relevant to the overall impact of events on nearest sensitive property, noise has been measured at the car park currently in use. The measurement at this location is assumed therefore to take account of noise generated on that car park as

well as noise attenuated over distance from the ménage and as such can be discounted in terms of potential for Statutory Nuisance in terms of level when further extrapolated over the correct distancing. The measurement is also indicative of discounting in terms of nuisance levels for the proposed new car park by virtue of location, using same levels as attenuated over distance from nearest sensitive premises. Levels at the East of the ménage can be similarly discounted as levels at the West of the ménage are most relevant to impact. Level at this location is given as 73.8dB L_{Aeq} 15 mins which attenuated over distance (without consideration of other factors) would indicate levels well below background and as such again in its right not a Statutory Nuisance.

Overall the noise is 'new noise' and sounds of Klaxons and Public Address systems are likely to be regarded to be foreign, intrusive and unwanted, albeit that the underlying and persisting sound in the area is traffic, and as such consideration ought to be given to limiting event occurrence so as not to be repetitively intrusive at times when others will be wanting to enjoy the general tranquillity of the area, their homes and their gardens.

Environment Agency: No comments

Archaeology: No objections

Lincolnshire Police: No objections

Natural England: No comments

Relevant Planning Policies:

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.htm>

CRT 11 Equestrian Facilities

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt9.htm>

NBE 9 The Lincolnshire Wolds Area of Outstanding Natural Beauty

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm>

NBE 18 Light Pollution

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm>

Central Lincolnshire Local plan 2012-2036 (March 2016) (CLLP)

The Submission Draft Local Plan was approved by members of the Central Lincolnshire Joint Strategic Planning Committee on 14 March 2016 and will be subject to a final consultation in April/May 2016 before formal submission to the Secretary of

State. This version of the Local Plan will carry more substantial weight in determining planning applications than the earlier draft versions and is expected to be published shortly (for reference the proposed Submission Draft that members considered is available online on the Central Lincolnshire Local Plan website).

LP1 A Presumption in Favour of Sustainable Development

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 Design and Amenity

LP55 Development in Hamlets and the Countryside

<https://www.lincolnshire.gov.uk/central-lincolnshire/local-plan>

National Guidance

National Planning Policy Framework 2012 (NPPF)

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

National Planning Practice Guidance (NPPG)

<http://planningguidance.communities.gov.uk/>

Main issues:

- Principle of the Development
- Residential Amenity
- Highway Safety
- Assessment of condition 1, 3, 4, 5, 6, 7, 8, 9 and 10 of 131962

Assessment:

Principle of the Development

The principle of using the site as an equestrian business has already been accepted and established through the implementation of planning permission 128298 and subsequently 131962 to increase events from two to four per month and increase opening hours.

Paragraph 28 of the National Planning Policy Framework (NPPF) clearly states that *'planning policies should support economic growth in rural areas in order to create jobs and prosperity'*. Additionally it supports the *'sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings'*.

The application has been submitted to provide greater flexibility to the business and give more control to the owner on when events can take place. This allows more events to take place during the months of better weather and lighter evenings from the middle of spring (April-June), the whole of summer (June-September) and early autumn (September).

In an email dated 10th June 2016 the agent has provided some background information on the use of the site. The site is used to purely hold horse showjumping, showing and dressage competitions which are attended by competitors nationally ranging from Devon to Scotland. The events are primarily attended by competitors with one show

a year attracting extra spectators with this year attracting around fifty extra spectators. At all other events the spectator level is very close to zero. Normally most events run from 9am to 4pm but they never start before 9am. The site does not provide any accommodation and normally competitors use local bed and breakfast or hotel places. The odd competitor may sleep in their horse box on site and use the toilet and shower facilities on the site. There is no evening entertainment is provided at the shows or as part of overnight stays.

The principle of the proposal is acceptable providing all other material consideration are satisfied.

Residential Amenity

The proposed increased flexibility for staging of events during the year has the potential to have a noise nuisance on the day(s) of the event and cumulatively over continuous weekends. There have been a number of objections received from residents in relation to noise nuisance from the staging of events and the use of a tannoy system (commentary /announcements), speakers (amplified music), a klaxon, general noise including voices and temporary equipment. The nearest residential dwellings are the following distances from the centre of the competition manege:

- Pelham House and Pelham Top Farm are is approximately 263 metres to the west.
- Gatehouse Cottage is approximately 323 metres to the east.
- Gatehouse Bungalow is approximately 327 metres to the north east.
- Willow Tree is approximately 342 metres to the west.
- Pelham Arms Farm is approximately 362 metres to the north west.

The West Lindsey Public Protection Officer has stated in his 19th February 2016 comments that a *'noise complaint albeit as yet unsubstantiated, suggests that there is offsite disruption to this otherwise 'peaceful' neighbourhood and an impact assessment ought to be required to demonstrate no untoward further disruption'*.

On request by the Local Planning Authority (LPA) the applicant commissioned an independent professional noise impact assessment to be carried out by Peak Acoustics during an event day which took place on Sunday 24th April 2016. This report was issued by Peak Acoustics and submitted to the LPA on 5th May 2016. In summary the assessment took noise readings from three different noise receptor (NSR) locations. These were (see appendix A):

NSR1 – east boundary of Pelham Arms Farm (yellow circle)

NSR2 – east boundary of Willow Tree (purple circle)

NSR3 – east boundary of Pelham House and Pelham Top Farm (orange circle)

Taking into consideration all noise correction factors described in sections 4.2.1 and 4.2.2 of the Noise Assessment the below table lists the noise readings in decibels (dB) and compares them to the levels of impact:

		NSR1	NSR2	NSR3
Acceptability Levels	Significant Adverse Impact	58.7	59.5	58.7
	Adverse Impact	53.7	54.5	53.7

	Low Impact	48.7	49.5	48.7
	Actual Reading (see #)	21.4	22.3	24.6

- Taking all variants into consideration

Therefore the noise reading at NSR1 is **27.3dB**, at NSR2 is **27.2dB** and **24.1dB** below the low impact reading.

Following review of the Noise Assessment the West Lindsey Public Protection Officer (PPO) made the following comments:

'On the whole I don't see any major issues with the noise report and am accepting of it'

'Overall however the noise is 'new noise' and sounds of Klaxons and Public Address systems are likely to be regarded to be foreign, intrusive and unwanted, albeit that the underlying and persisting sound in the area is traffic, and as such consideration ought to be given to limiting event occurrence so as not to be repetitively intrusive at times when others will be wanting to enjoy the general tranquillity of the area, their homes and their gardens.'

The independent professional noise report has provided evidence that the noise impact of the event on the 24th April 2016 was extremely low on the three NSR's. In fact after discussion with the PPO the noise levels at each NSR were compared to the noise of breathing.

After consideration of the results and comments from the PPO it has been suggested that it would be preferred if at least one weekend a month is left free from any event activity to limit the cumulative impact of foreign noises on the nearby residents. This will still allow greater flexibility for event staging than what currently exists through condition 2 of 131962 and permit more event days to occur during times of better weather and lighter nights. This suggestion has been declined by the applicant and given the evidence provided by the noise assessment it is not reasonable to restrict the amount of weekends used in a month and the adverse cumulative impact through noise is not a significant enough reason to refuse the application

Having taken advice from the Public Protection Officer It is therefore considered that the proposed alteration to condition 2 will not cause a significant noise nuisance on the living conditions of the nearby dwellings.

Highway Safety

There have been a number of objections received from residents in relation to the impact of the use and the change on the highway particularly along Pelham Road to the north/north east of the site. The original planning permission (condition 5 of 128298) included the need for two passing places along Pelham Road which were observed as being installed during the site visit. Objections have been received on the inadequate nature of the passing places and the impact on the grass verges, however these passing places were accepted by the Highways Department at Lincolnshire County Council.

The applicant on request of the Highways Department has submitted a transport statement to support the altered proposal for 48 days a year. The statement states that *'The amount of traffic would not be increased each 'event day' by holding events on 48 days per year in lieu of 4 per month'*.

In response to the transport statement the Highways Department have agreed with this conclusion stating that *'The application has changed to the point that essentially there is no change in operations from the previous application supported by the Highway Authority'*.

It is considered that the proposed change to condition 2 will not increase the number of events days during a single year than what is already permitted and will therefore not cause a further adverse significant impact on highway safety.

Some objections have been made in relation to traffic accessing the site via the village of Claxby. The route taken by event day visitors cannot be controlled by the Local Planning Authority and the best route off the A46 cross roads junction has been improved by the installation of passing places along Pelham Road.

Assessment of condition 1, 3, 4, 5, 6, 7, 8, 9 and 10 of 131962

As a variation of condition application will create a brand new permission in itself a review of conditions originally imposed on 131962 needs to be undertaken without this any new permission would be unrestricted.

Condition 1

Details have recently (13th April 2016) been submitted (including the same noise assessment used in this application) to discharge condition 1 of 131962 in condition discharge application 134324.

1. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated in any building or otherwise on any part of the subject land, unless details have been submitted to and agreed in writing with the local planning authority.

Reason: To protect the amenities of the area in accordance with policies STRAT1, STRAT12 and CRT11 of the West Lindsey Local Plan First Review 2006.

This is currently under consideration by a colleague and has a determination date of 6th June 2016. This condition will remain on this new permission as a pre-commencement condition. If the details within condition discharge application 134324 is approved then a pragmatic approach will be taken and these details will be used to additionally discharge this same condition attached to 133946.

Condition 3-10

Condition 3:

Times of operation of external lighting.

Condition 4:

Maximum amount of horses allowed to be kept on the site.

Condition 5:

Replacement of planted trees or plants in the original landscaping scheme which have died within 5 years of the completion of the development.

Condition 6:

Adhere to Badger Mitigation Strategy and Method Statement

Condition 7:

Method of dealing with the collection, storage and disposal of manure

Condition 8:

The colour and finish of the stable block and barn

Condition 9:

The colour and finish of the floodlighting support posts

Condition 10:

The details relating to the vehicular access

All of these conditions are still relevant, reasonable and necessary and shall be added to a new permission if this application to vary condition 2 is approved.

Other considerations:

None

Conclusion and reasons for decision:

The decision has been considered against saved policies STRAT 1 Development Requiring Planning Permission, STRAT 12 Development in the Open Countryside and CRT 11 Equestrian Facilities of the adopted West Lindsey Local Plan First Review 2006 and LP1 A Presumption in Favour of Sustainable Development, LP17 Landscape, Townscape and Views, LP26 Design and Amenity and LP55 Development in Hamlets and the Countryside in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the proposal will be beneficial to the business by providing greater flexibility in staging events. On evidence the proposal will not significantly harm the living conditions of neighbouring occupiers through noise disturbance or have an adverse impact on highway safety. Apart from some minor alterations most of the conditions attached to 131962 are still applicable.

Recommendation: Grant planning permission subject to the following conditions;

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

NONE

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

1. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated in any building or otherwise on any part of the subject land, unless details have been submitted to and agreed in writing with the local planning authority.

Reason: To protect the amenities of the area to accord with the National Planning Policy Framework and saved policy STRAT 1, STRAT 12 and CRT 11 of the West Lindsey Local Plan First Review 2006 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

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

NONE

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

2. The use of the site for events is limited to no more than 48 days per calendar year (being 1st January to 31st December).

Reason: To ensure that the use of the site for equestrian purposes is maintained at an acceptable level and does not cause harm to the amenities of the area to accord with the National Planning Policy Framework and saved policy STRAT 1, STRAT 12 and CRT 11 of the West Lindsey Local Plan First Review 2006 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

3. The external lighting, approved under application 131962, shall only be used between the hours of 7am – 9pm April to September and 9am – 8pm October to March.

Reason: To protect the amenity of neighbouring properties and the character of the sites rural setting to accord with the National Planning Policy Framework and saved policy STRAT 1, STRAT 12, CRT 11, NBE 9 and NBE 18 of the West Lindsey Local Plan First Review 2006 and LP17 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

4. No more than 18 horses shall be kept at the site at any one time.

Reason: To ensure that the proposal does not materially detract from the amenities of neighbouring properties or appearance of the surrounding area by reason of noise, smell, traffic generation or visual intrusion to accord with the National Planning Policy Framework and saved policies STRAT1, STRAT 12, CRT 11 and NBE 9 of the West Lindsey Local Plan First Review 2006 and LP17 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

5. Any trees or plants, comprised in the landscaping scheme approved in application 129208, 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 give written consent to any variation.

Reason: To ensure that the 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 to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 and LP17 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036..

6. The Badger Mitigation Strategy and Method Statement dated June 2012 approved under application 128298 shall be strictly adhered to.

Reason: To safeguard wildlife in the interests of nature conservation to accord with the National Planning Policy Framework and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006 with policy LP21 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

7. The development shall be operated in accordance with the details contained within the scheme for the collection, storage and disposal of manure approved in application 129208.

Reason: To safeguard the residential amenities of nearby residents and to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006.

8. The colour and finish of the stable block and barn approved in application 129208 shall be retained as such thereafter.

Reason: To ensure that the external appearance of the building is acceptable in this countryside location to accord with the National Planning Policy Framework and saved policies STRAT 1, STRAT 12 and NBE 9 of the West Lindsey Local Plan First Review 2006 and LP17 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

9. The colour and finish of the floodlighting support posts approved in application 129208 shall be retained as such thereafter.

Reason: To ensure that the external appearance of the posts are acceptable in this countryside location to accord with the National Planning Policy Framework and saved policies STRAT 1, STRAT 12 and NBE 9 of the West Lindsey Local Plan First Review 2006 and LP17 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

10. The details relating to the vehicular access to the public highway approved in application 129208 shall be retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006 and LP17 and LP55 of the Submission Draft Central Lincolnshire Local Plan 2012-2036.

Appendix A – NSR Location and Measurement Locations



- Ambient & Background Noise Measurement Location
- Background Noise Measurement Location
- ◆ PA Measurement East Manège
- ◆ PA Measurement West Manège
- ◆ Car Park Measurement location
- NSR₁ Location
- NSR₂ Location
- NSR₃ Location