

Officers Report

Planning Application No: 143270

PROPOSAL: Planning application for the construction of manege with 3no. lighting columns.

LOCATION: Land at 9 Laughton Road Blyton Gainsborough DN21 3LG

WARD: Scotter and Blyton

WARD MEMBER(S): Cllr Snee; Cllr Clews; and Cllr Rollings.

APPLICANT NAME: Mrs Clixby

TARGET DECISION DATE: 31/08/2021

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Grant planning permission subject to conditions.

This application is reported to planning committee because the applicant is a family member of a member of staff.

Description:

The proposed manege would measure 40m by 20m and is to be located on an existing paddock. A 3 rail timber fence would surround the manege. There would be 3no. lighting columns on the southern side of it. Proposed hours of use are 8am-8pm on any day.

To the east of the site is a stable block, to the south is 3rd party residential garden, to the north is a haulage yard and to the west is further paddock.

The site is in a sand and gravel minerals safeguarding area.

Relevant history:

None.

Representations:

Blyton Parish Council:

No comment.

Environmental Protection:

Advice a contaminated land condition; manure management condition; lighting; and hours of use.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

<https://www.n-kesteven.gov.uk/central-lincolnshire/>

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP16: Development on Land Affected by Contamination

Policy LP17: Landscape, Townscape and Views

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

<https://www.lincolnshire.gov.uk/residents/environment-andplanning/planningand-development/minerals-and-waste/minerals-andwaste/88170.article>

The site is in a Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

<https://www.gov.uk/guidance/national-planning-policy-framework>

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021. Paragraph 219 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

Draft Local Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- **Draft Central Lincolnshire Local Plan**

The consultation on the Draft Central Lincolnshire Local Plan has now commenced. The consultation runs for 8 weeks from 30 June to 24 August 2021.

The very early stage of preparation, unknown extent of unresolved objection because consultation has only just commenced and untested consistency with the Framework mean very little weight is given to the policies it contains relevant to this proposal at this moment.

Main issues

- **Principle of development**
- **Impact on residential amenity**
- **Highways**
- **Other**

Assessment:

Principle of development

The site is within a sand and gravel minerals safeguarding area meaning a minerals assessment is required by Policy M11. At the time of writing a minerals assessment has been provided and the comments of LCC Minerals and Waste Team are awaited. An update will be provided at the meeting.

The site relates more to Blyton than open countryside therefore Policy LP2 tier 5 applies. It supports limited amount of development in order to support Blytons function and/or sustainability. In appropriate locations up to 9 dwellings or 0.25 ha of employment uses are supported. Policy LP4 sets a sequential test for site development with the first tier being development of infill sites in appropriate locations within the developed footprint of the village. The site is located between the stable building and a barn to the west so is considered an infill site. This is an appropriate location as it respects the core

shape and form of the settlement and would not harm its character nor that of surrounding countryside subject to lighting considerations below. The site is considered to be within the developed footprint of the village. The site is sequentially preferable for development in accordance with Policy LP4. These policies identify “opportunities for villages to grow and thrive” in accordance with NPPF paragraph 79 so they are given full weight.

The principle of development is acceptable.

Impact on residential amenity

Policy LP26 requires proposals do not unduly harm residential amenity with consideration to compatibility with neighbouring land uses; overlooking; overshadowing; loss of light; increase in artificial light or glare; adverse noise and vibration; adverse impact upon air quality from odour, fumes, smoke, dust and other sources; adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste; and creation of safe environments. This is consistent with the requirements of NPPF Paragraph 130 that policies and decision should ensure that developments “(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users” and NPPF paragraph 174 in seeking to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and is given full weight.

The nature of the proposed manure use is not considered to give rise to conflict with neighbouring uses such as the residential garden to the south provided reasonable hours of use are proposed. It is noted there are stables directly to the east. The lighting columns have the potential to cause undue harm therefore clarification of their design was sought. These are 4.5m lighting columns with anti-glare lighting fixed to the top.

Environmental Protection have recommended:

- A prior to commencement contaminated land assessment. This is reasonable given past site uses and ground works involved in the proposal. The condition is recommended below.
- A manure condition regarding collection, storage and disposal. The applicant has provided this in the amended design and access statement and the details are acceptable.
- A prior to commencement lighting assessment and that lighting should only be used during permitted hours of operation. The suggested condition does not require mitigation therefore this element has been added and the condition recommended below.
- Hours of operation are also recommended to be reduced from 8-8 every day to 9-6 on Saturdays; and 10-6 on Sundays and Bank Holidays to protect residential amenity. The applicant insists the original hours should remain because during the summer, early morning and late afternoon are preferred riding times to avoid the warmest part of the day. This is considered a reasonable response

from the applicant and provided lighting is sensitive to the residential dwellings and gardens to the south, no undue harm is envisaged from the proposed hours. This condition is recommended below.

Subject to these conditions no undue harm to residential amenity would arise in accordance with Policy LP26.

Highways

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 110 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 11 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The policy is therefore attributed full weight.

The proposal would be accessed via an existing access to the south of 7 Laughton Road. The nature of vehicles using this access and likely increases in vehicle movements as a result of this proposal are considered to be acceptable in light of the existing access and road conditions.

The parking area to the front of the stables is ample.

The comments of LCC Highways are yet to be received and will form part of the update at the meeting.

Other

Environmental Protection recommends a contaminated land condition in light of past uses of the site and ground disturbance necessary to construct the manege. This is attached in pursuance of Policy LP16.

The site is at low risk of all forms of flooding. Details of final soakaway location, design and suitability are required by condition in accordance with Policy LP14.

Conclusion

The principle of development is acceptable and there would be no harm to residential amenity or highway safety. There are no other technical problems. It is recommended that planning permission is granted subject to the following conditions:

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. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with none technical summaries, conclusions and recommendations, 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. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. 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

in accordance with Policy LP14 and LP16 of the Central Lincolnshire Local Plan.

3. Manure management shall take place in accordance with the details contained in the amended design and access statement.

Reason: In the interests of residential amenity in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

4. Prior to the use of the lighting hereby approved, a lighting assessment with mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To prevent light pollution harmful to residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

5. Prior to the first use of the development details of the soakaway location, design and infiltration test shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To ensure appropriate drainage in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

6. The manege and lighting hereby permitted shall only be used between the hours of 8am and 8pm on any day.

Reason: To prevent light pollution, noise and disturbance harmful to residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

7. Development shall proceed in accordance with the following approved drawings:

HP/21/01

HP/21/02A

Floodlight details received 13/7/2021 detailing the RHYNE floodlight with anti-glare shield and 4.5m light pole.

Reason: For the sake of clarity and in the interests of proper planning.

Human Rights Implications:

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

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

Legal Implications:

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