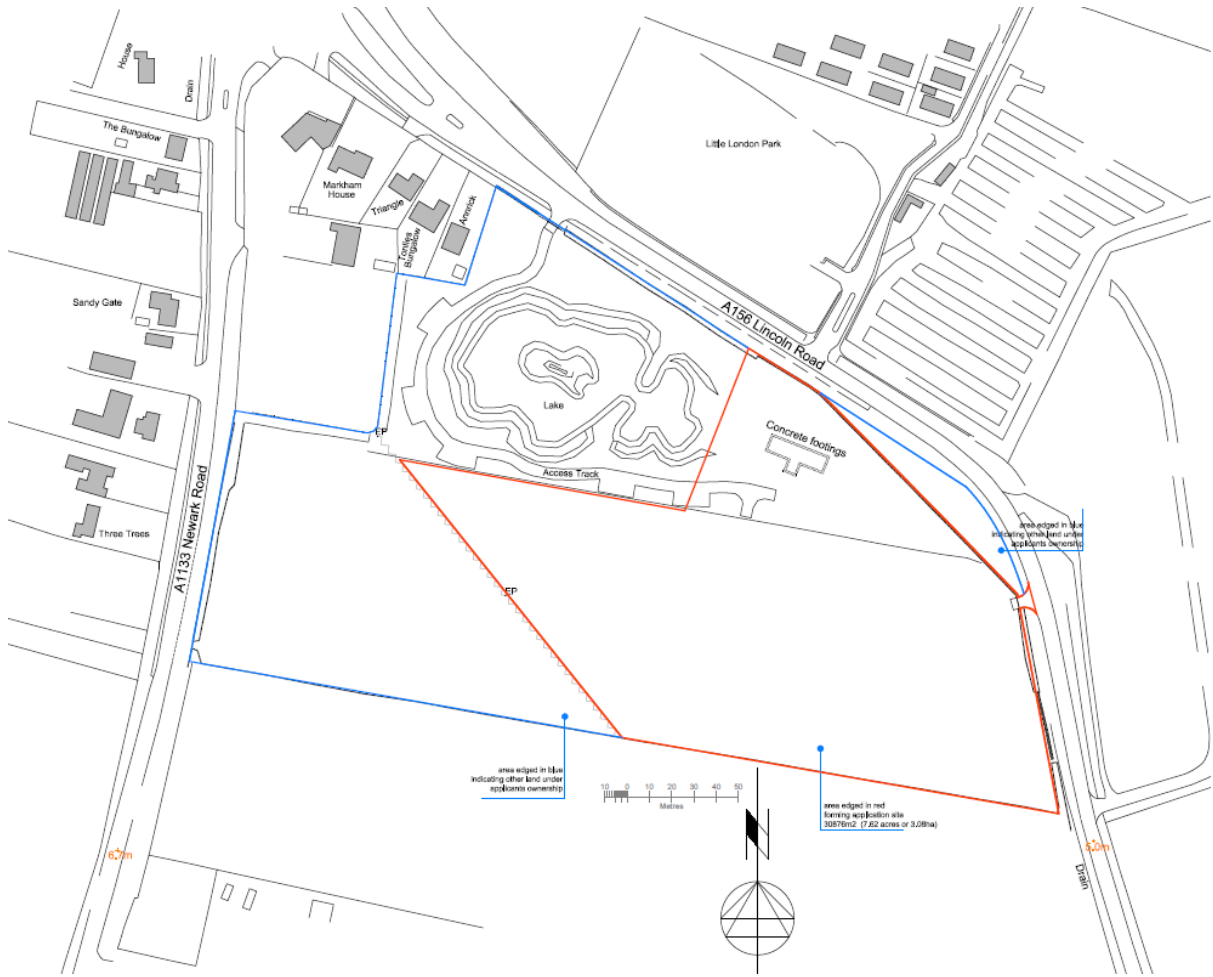


134553 - Torksey Lock



Officers Report

Planning Application No: 134553

PROPOSAL: Planning application for use of land for the siting of holiday accommodation units with an associated building to provide restaurant, village shop and tackle shop, with associated access, parking and landscaping.

LOCATION: Land adj to Locklands Lake Lincoln Road Torksey Lock
Lincoln LN1 2EJ

WARD: Torksey

WARD MEMBER(S): Cllr Kinch

APPLICANT NAME: BM Arden

TARGET DECISION DATE: 17/08/2016

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission

Description:

The land is currently a flat close mown field which contains a fishing pond within the North West corner. The site lies to the south and east of this pond and has an area of 3.08 hectares. There is a highway frontage of approximately 250m to the north and east, which has a mature hedgerow. There is also a mature hedgerow along the southern field boundary, but the 'diagonal' edge of the site to the west is open field except for the overhead electric wires. The residential boundaries to the North West are hedged and the western boundary with the caravan yard is formed by a ditch and metal security fencing.

There are currently two vehicular accesses to the land. The northern entrance is approximately 30m from the residential properties on Lincoln Road, which provides the access to the fishing pond. The eastern entrance from Lincoln Road is approximately 95m from the south eastern corner. It is solely the eastern gateway that is proposed to provide vehicular access to this development.

The self-contained holiday units proposed are mobile shepherd's huts. A total of 37 units are proposed in 5 landscaped groups, to allow the development to be phased. They can cater for a couple, or families, as there are various sizes, and internal design arrangements available. They are single storey units accessed via steps and raised above the ground on wheels that allow them to be moved about the site. Each unit has a battery to provide power and tanks to provide storage of fresh and foul water. The foul water is proposed to be discharged to the package treatment plant to be provided for the commercial building.

Relevant History

123037 – Creation of an agricultural drainage pond. Prior Approval not required 13/10/08

123989 – Agricultural prior approval for the siting of a storage barn. Prior Approval required 21/04/09

125606 – Change of use from drainage pond to commercial fishing pond. Permission granted 28/05/10

Representations:

Chairman/Ward Member(s): No representations received to date

Parish/Town Council/Meeting: Object with the following concerns –

- No specific description of the shepherd huts
- No evidence or confirmation that any employment will be offered
- Design and Access Statement is incorrect stating being in the Parish of Fenton and that Torksey Lock and Torksey are twinned together, this is not correct. The name of the parish is Fenton & Torksey Lock. Torksey is a separate parish.
- It is desirable here for the scheme to include a pedestrian footpath from Fenton
- Concerns over vehicle access and safety
- Two storey not in character with existing properties in the area. A structure of this height would compromise the rural village nature of the area
- The hazard from the storage room via the staircase should be designed out
- Shepherd huts not in keeping with the character of existing development in this area
- It is vital that design is sympathetic in character as the proposed development presents a change in outlook for the residents
- High increase in the volume of traffic and associated noise and pollution
- There would be a level of noise 24hrs a day which would be an unacceptable nuisance to local resident
- Function room would mean an additional increase in people, cars, traffic and consumption of alcohol. This would create additional noise and nuisance. Potential for unreasonably loud music, violence, crime and disorder
- No clear indication of the purposes for which the function room would be used
- Competition with local business
- Shop would present a litter issue
- Crime – a development of this nature could represent a target for out of area criminals
- Flood risk and drainage issues

Local Residents: Four letters of objections have been received from Annrick, Lincoln Road, Torksey Lock (x2) 21 Lincoln Road, Fenton and Foxes Halt with the main concerns –

- The two storey building would be out of keeping
- Function room would allow for noise and disturbance
- No such place is required or needed
- Highway safety concerns

- Will not create any jobs for the local area
- No local need for a shop
- Shepherd huts are moveable to allow grouping of different numbers
- There are enough eating/drinking establishments in the local vicinity
- Area does not have enough residents to make this viable
- Don't need any more fishing and holiday guests
- Style of the shepherd huts look hideous
- Security risks for the area

Three letters of support have been received from The Three Trees, Newark Road, Torksey Lock and 25 Maltkin Road, Fenton (x2)–

- Believe the application for leisure facilities would be beneficial to the village bringing a much needed shop to the area and employment for local people
- The proposed site would help other local business not only in its construction but in the use of their facilities from the people visiting the area i.e. public houses, tea rooms, restaurants etc.
- Think the proposed plan is a lovely idea that if done respectfully to local residence will only encourage people to come to the area and inject some life and business back into a place where to obtain a 'pint' a 'stamp' and groceries means you have to drive at least 3 miles.
- Do agree with some points especially with regards to the footpath

LCC Highways: Request a frontage footway from the access point to the existing footway near to the access point to Little London Caravan Park.

Environment Agency: This proposal is a major more vulnerable development in Flood Zone 3 and must pass the flood risk sequential test, to be judged by your authority. There is only limited reference to this in the submitted Flood Risk Assessment (FRA).

If you determine that the test is passed, the proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the submitted FRA are implemented and secured by way of a planning condition on any planning permission.

Conservation Officer: No representations received to date

Health and Safety Executive: The proposed development site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipelines; therefore at present HSE does not need to be consulted on any developments on its site.

Archaeology: Prior to development, the developer should be required to undertake a scheme of archaeological monitoring and recording on all groundworks.

Relevant Planning Policies:

National guidance

National Planning Policy Framework

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

National Planning Practice Guidance

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

Central Lincolnshire Local Plan 2012-2036

Following adoption at the Central Lincolnshire Joint Strategic Committee on 24th April 2017 the CLLP is the statutory development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The policies considered relevant are as follows –

LP1: A Presumption in Favour of Sustainable Development

LP7: A Sustainable Visitor Economy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP55: Development in the Countryside

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

Main issues

- Principle
 - Central Lincolnshire Local Plan
 - National Planning Policy Framework
- Highways
- Shepherd Huts
- Impact on the Open Countryside
- Residential Amenity
- Economic Benefit
- Flood risk

Assessment:

Principle

- (i) Central Lincolnshire Local Plan

The site lies in the open countryside to the east of the settlement of Torksey Lock. Torksey Lock is noted as a settlement of relatively few dwellings, but has a large proportion of caravan and holiday lodge sites and serves an important role as a tourism hub for West Lindsey and Lincolnshire.

Part E of policy LP55 (Non-residential development in the countryside) states that proposals for non-residential developments will be supported provided that:

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;
- b. The location of the enterprise is suitable in terms of accessibility;
- c. The location of the enterprise would not result in conflict with neighbouring uses; and
- d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location

It is acknowledged that the proposal by its very nature requires a countryside location. The proposal is to expand on an existing business and provide more facilities for the users and new holiday accommodation. The application is suitable in terms of accessibility and includes a new footpath for pedestrian accessibility. The application would not result in conflict with neighbouring uses and the size and scale is commensurate with the proposed use.

The application needs to be assessed on its impact to the countryside. The proposal also lies within Flood Zone 3 and consideration is required to this constraint. These will be discussed in the below sections.

Policy LP7 states that development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and accommodation, including proposals for temporary permission in support of the promotion of events and festivals, will be supported. Such development and activities should be designed so that they:

- a. contribute to the local economy; and
- b. benefit both local communities and visitors; and
- c. respect the intrinsic natural and built environmental qualities of the area; and
- d. are appropriate for the character of the local environment in scale and nature.

Development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas.

The principle of the proposal is supported by policy LP7 and LP55. The development would contribute to the local economy and would also benefit both local communities and visitors. The scale and appearance in relation to the open countryside will be discussed further into the report.

(ii) National Planning Policy Framework

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support 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;
- promote the development and diversification of agricultural and other land-based rural businesses;

- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

The proposal has accordance with the NPPF. As part of the proposal the building includes a shop in which local produce is to be sold. There is also a tackle shop to enhance the fishing business already on site and a restaurant for both the users of the fishing pond and the proposed shepherd huts and the wider community.

Shepherd Huts

The proposed shepherd huts are self-contained units on wheels that provide the occupants with a heated space containing beds, kitchenette, toilet/shower, table and chairs. The fresh and foul water tanks within the units are to be filled/emptied by a member of staff.

Highways

No objections have been received from the highways team however they did request a frontage footway from the access point to the existing footway near to the access point to Little London Caravan Park. An amended plan has been received which shows a footpath from the development site towards Torksey Lock near to the bus stops.

Impact on the Open Countryside

Concerns were raised from the initial plans submitted that the building was too large. These concerns were relayed to the agent and amendments were received for a reduced building. The building is still large however the amendments are a significant improvement.

It is noted that the site has permission for a large agricultural building. This was 6.5m in height. The proposal at its highest is 8.6m which is the height of an average two storey dwelling. It is therefore felt that the height of the proposal would not be detrimental. Objections have been received that the proposal would be out of character with the area however this is not the case. There are other two storey property in the vicinity. The proposed building also has single storey elements to reduce the impact.

Concerns have also been raised that the shepherd huts are not attractive and would be out of character for the area. It must be noted however that the area

is dominated by caravans and the shepherd huts will be of a different form however they are modest in scale and their materials are more suited to an open countryside location. It is considered that they would not have an adverse visual impact in this and the addition of landscaping which will be required by condition will help assimilation in this rural landscape location.

Residential Amenity

Due to the isolated nature of the proposal it is not considered that the proposal would give rise to any concerns in relation to noise, light and air pollution, nor harm the amenity of local residents.

There is no evidence that the proposal would give rise to crime and this is not a material planning consideration

No objections or concerns have been received from the Public Protection team.

Economic Benefit

With regards to the employment expectations, it has been stated by the objectors that no employment will be created. It was requested that the employment figures be clarified. The agent confirmed that direct employment in the shop/café and relating to the leisure huts will vary seasonally, but would be at a lower level in the initial start-up period i.e. whilst the huts are being brought in and added to as the demand grows.

The business is likely to start will 2 full-time posts – 1 for maintenance and administration of the huts and the fishing side of the business, and 1 to run and administer the shop and related activities in the new building. It is expected that this would at least double to 4 or 5 posts once everything was complete and up and running.

In addition, there would be jobs in cleaning, catering and serving. Again it's likely that there would be relatively few to start around 2-3. It is also expected that the part-time posts will be affected by seasonal variations in on site activity. Part-time working could also significantly rise in peak times.

The part-time workers would be expected to be primarily drawn from the local population.

The proposal would also have short term benefits for the economy during the construction phase.

Flood Risk

The site lies within Flood Zone 3a of the EA Flood Zone maps and the West Lindsey SFRA. Due to the nature of the proposal being classed as a “more vulnerable” use, a sequential test is required to be passed. The EA in their consultation response have stated that subject to confirmation that the sequential and exceptions test are passed then, they would be happy with the imposition of a condition requiring the submission of an adequate flood risk management/evacuation plan.

The submitted FRA however did not address the issue of the sequential test, therefore further information was requested. Information was submitted to justify the location of the development. As the proposed development was intrinsically linked with the diversification and expansion of the existing business leisure/tourism use and development on the site, a pragmatic approach to the sequential test is required.

As the proposed use of land and the service building is being proposed because of the existing business on the site and would be linked to it, it is considered , there is no option to locate elsewhere.

The applicants have stated that sequentially this proposal can only be located on the site proposed, otherwise it would fail to improve the existing fishing facilities at Locklands Lake. In addition, the shepherd's huts are proposed in this location to diversify the visitor accommodation available to those wishing to stay close to the fishing and other attractions provided in Torksey and Torksey Lock.

It is considered that whilst there may be other locations for this type of development at lower risk of flooding, this is not possible as it is fundamental to the expansion of the existing business. It is therefore considered that the sequential test has been passed.

Other matters

It is not the place of the planning system to protect existing businesses from competition – a noted concern of the objectors.

The proposed opening hours are as follows –

Cafe:

Mon - Sat: 07:00 - 09:30 and; 17:30 - 19:00 (residents / fisherman only). 09:30 - 17:00 (general public)

Sunday: 08:00 - 10:00 (residents / fishermen only). 10:00 - 17:00 (general public) ..

Evening meals: Mon - Sat: 19:30 - 21:00 (last orders). No Sunday evening service.

Shopping:

Mon - Sat: 09:00 - 17:00

Sunday: 10:00 - 17:00

The hours are deemed acceptable

Conclusion

The proposal has been considered against the Development Plan namely policies LP1: A Presumption in Favour of Sustainable Development, LP7: A Sustainable Visitor Economy, LP13: Accessibility and Transport, LP14:

Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP26: Design and Amenity and LP55: Development in the Countryside in the Central Lincolnshire Proposed Submission Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The proposal would expand an existing business, offer facilities to the visitors and the local community and would not be detrimental to highway safety.

Recommendation: Grant permission subject to the following conditions –

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

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

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

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

2. No development shall take place until, a scheme of landscaping including the retention of the existing hedge—as shown on plan TMA/1042/05 Revision B dated 20OCT14 and infill with native species, details of the size, native species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development within this open countryside location is provided in accordance with Central Lincolnshire Local Plan policy LP17.

3. No development shall take place until details of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out only using the materials approved

Reason: To ensure a satisfactory external appearance of the development in accordance with the National Planning Policy Framework and policy LP26 of the Central Lincolnshire Local Plan.

4. 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.

The archaeological site work shall be undertaken only in full accordance with the approved scheme and the local planning authority shall be notified in writing of the intention to commence the archaeological investigations at least 14 days before the said commencement.

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

5. 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 4 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

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

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

6. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 4.

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

7. Following the archaeological site work referred to in condition 6 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

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

8. The report referred to in condition 7 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

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

9. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: TMA/1042/03 Revision A dated 20OCT14, TMA/1042/04 Revision A dated 20OCT14 and TMA/1042/05 Revision B dated 20OCT14. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

10. Prior to the use of the development the footpath shall be completed in accordance with TMA/1042/05 Revision B dated 20OCT14 and retained thereafter.

Reason: In the interests of pedestrian and highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.

11. There shall be no more than 37 shepherd huts on the site. The shepherd huts shall be positioned in accordance with TMA/1042/05 Revision B dated 20OCT14.

Reason: In the interests of visual amenity in accordance with LP26 of the Central Lincolnshire Local Plan.

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

12. None of the units of holiday occupation hereby permitted shall be used:

a) at any time for the purpose of a main residence or for the provision of permanent residential accommodation;

b) other than to provide short term holiday accommodation such that no person or persons shall occupy any unit(s) either singly or collectively for any

period in excess of six weeks per calendar year, unless prior agreement of the Local Planning Authority is first received in writing; and

c) other than as part of self-contained holiday units

Reason: The site is located in open countryside where strict controls exist in relation to the location of new housing development in the interests of sustainable development in accordance with policies LP1 and LP55 of the Central Lincolnshire Local Plan.

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