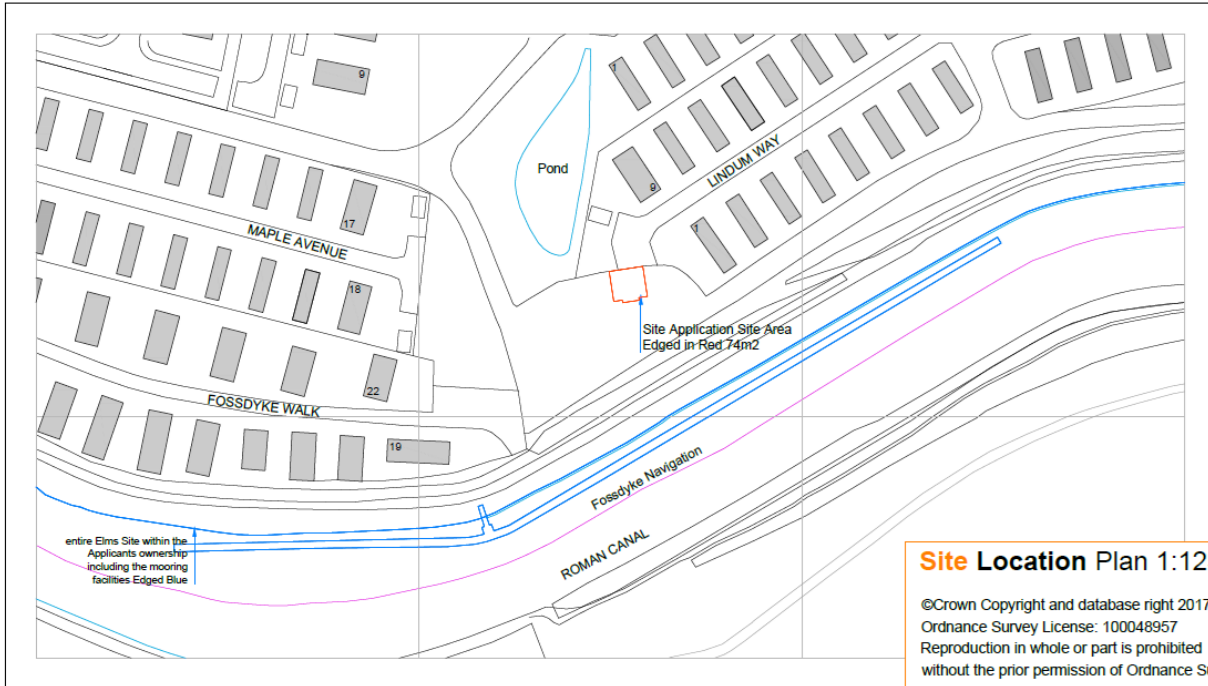
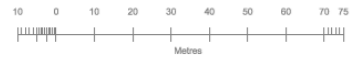


# Site Location Plan



## Site Location Plan 1:1250

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## **Officers Report**

### **Planning Application No: 136636**

**PROPOSAL:** Planning application to erect detached single-storey flat roof building to be used as a bus shelter and sanitary accommodation

**LOCATION:** Lindum Way The Elms Torksey LN1 2ET

**WARD:** Torksey

**WARD MEMBER(S):** Torksey

**APPLICANT NAME:** Mr Stuart Kinch

**TARGET DECISION DATE:** 06/10/2017 (extension until 16 November 2017)

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Abbie Marwood

**RECOMMENDED DECISION:** Grant permission subject to Conditions

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#### **Description:**

The site is located within The Elms Retirement Park at Torksey Lock. It is currently an open parcel of hardstanding used as a minibus pick up area and parking area for visitors, residents and people utilising the moorings. There is a small existing bus shelter to the north of the site, with residential park homes to the north and west of the site and the Fosssdyke to the south of the site. There is a combination of low wall with railing and hedge to the boundaries.

The proposal is for a detached single-storey flat roof building to be used a bus shelter and to provide shower and sanitary facilities for the residents of the park and the users of the moorings on the Fosssdyke.

The application has been referred to Planning Committee due to the applicant being an elected member of West Lindsey District Council.

#### **Relevant history:**

W114/528/81 – Change of use of wasteland to form extension to caravan park: granted

W114/613/88 – Change the use of agricultural land to caravan site: refused

W114/613/89 – Reorganise and extend mobile home park with associated recreational areas: refused

#### **Representations:**

Chairman/Ward member(s):

No representations received

Parish/Town Council/Meeting:

The proposed building will be situated in the heart of a residential Park Home and a number of residents are worried that the presence of non-residents (boaters) will disturb the peace and quiet for which the Elms is renowned, and affect the security of the site. There are some who question the need for sanitary accommodation, when boats, like caravans have these facilities already on board. If there has to be such a building it would be preferable that it be situated away from the centre of the site, in a location which would not disturb residents, as this sort of block will possibly be in use as times when residents want to enjoy the peace and quiet of their surroundings.

#### Local residents:

Two objections from local residents have been received from:

- 14 Maple Avenue and 12 Maple Avenue

Their comments, in summary:

#### Security

- allowing non-residents access to the middle of the site together with associated pets and potential litter problems
- diminish the safety and security of vulnerable residents
- this building is for non-residents who could be wandering the park at all hours
- the building would be better suited near the main office where they have 24hr CCTV and able to monitor activity

#### Noise

- Noise as residents we respect others regarding peace and quiet, will there be the same conditions on non-residents.

#### LCC Highways & Lead Local Flood Authority:

No objections

#### Archaeology:

No objections

Environment Agency: Withdrawn initial objection subject to the imposition of the following condition:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by ARQ Design revised October 2017 and the following mitigation measures detailed within the FRA:

The flood resilience measures specified in section 6 of the FRA shall be implemented.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied

within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason**

To ensure that the development is resilient to flooding at set out in Paragraph 59 of the National Planning Policy Framework.

Canal and River Trust:

No representations received

Trent Valley IDB:

The board maintained Darnsyke an open watercourse, exists in close proximity to the site and to which byelaws and the land drainage act 1991 applies. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

**Relevant Planning Policies:**

National guidance

National Planning Policy Framework  
National Planning Practice Guidance

Local Development Plan

Central Lincolnshire Local Plan (2012-2036). Relevant Policies are listed below:

LP1: Presumption in Favour of Sustainable Development

LP14: Managing Water and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

**Main issues**

- Principle of Development
- Flood Risk
- Residential Amenity

**Assessment:**

*Principle of Development*

The proposal is for the construction of a single storey flat roof building to provide a bus shelter and toilet/shower facility. It would replace an existing bus shelter located within The Elms residential park. This area is used for vehicle pick up, parking and turning generating its own activity and noise. Similarly, the addition of a toilet and shower is not deemed to significantly alter the character or nature of the area. It is considered that the location within an existing residential area would be acceptable.

*Flood Risk*

The site is within close proximity to both the River Trent and the Fossey Canal and falls within Flood Zone 3, although this area benefits from flood defences. A Flood Risk Assessment has been provided as part of the application which demonstrates that the building will be constructed using flood resilient materials, with services above 1m above the finished floor level of 3.85m AOD.

The development is located on an area of existing hardstanding which drains into the adjacent pond. This arrangement will not be affected by the proposal.

It is considered that the proposed development would be in accordance with Policy LP14: Water Management and Flood Risk.

#### *Residential Amenity*

Objections have been received from local residents in relation to the impacts the proposal may have on site security and noise.

The application site is located on an existing car park area within the residential park. The nearest residential unit is to the north-east on Lindum Way, and these are separated by a 2m high hedge.

The applicant has clarified that the proposed toilet and shower would be for boaters mooring on the Fossey who already have access to the area to park their cars. Boaters are under contract not to bring pets or to access other areas of the park. In addition to this contact details are held for the boaters and they have keys and barrier cards to enter the park. This arrangement would not change as a result of this proposed development. The toilet block will be locked at all times and only boaters who have been authorised will have keys. The bus shelter will remain for the residents of the park only and the improvements are intended to provide better shelter and lighting in winter months and bad weather.

Given the area, is already used for a mini bus pick up/ drop off, car park and turning area, it is not considered that the addition of a replacement bus shelter (albeit larger) and the toilet and shower unit would generate significant activity sufficient to raise an objection on amenity grounds.

The proposed building would not have an adverse effect on the character of the area and would relate well to the surroundings. It would not adversely affect neighbouring properties through overshadowing, loss of privacy or loss of light. It is therefore considered that the proposal would be in accordance with Policy LP26: Design and Amenity.

#### **Conclusion**

The decision has been considered against Policy LP1: Presumption in Favour of Sustainable Development, Policy LP14: Water Management and Flood Risk and Policy LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan, and guidance contained within the National Planning Policy Framework.

In light of this assessment it is considered that the proposal would not harm the character and appearance of the area and would not have a significant impact on the living conditions of neighbouring occupiers. The extension would not have a detrimental impact on highway safety or Flood Risk.

**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

**RECOMMENDATION: Grant 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:**

None.

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

2. 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: ARQ/1149/01 dated 03 August 2017. 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 and to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by ARQ Design revised October 2017 and the following mitigation measures detailed within the FRA:

The flood resilience measures specified in section 6 of the FRA shall be implemented and the mitigation measures shall be fully implemented prior to first being brought into use and retained thereafter.

**Reason**

To ensure that the development is resilient to flooding at set out in Paragraph 59 of the National Planning Policy Framework and in accordance with LP14 of the Central Lincolnshire Local Plan.

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

None.