



DM.20 11/12

**Development Management
Committee**

14th December 2011

A

Subject: Planning applications for determination

Report by:

Mark Sturgess (Director of Regeneration and Planning)

Contact Officer:

Simon Sharp
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

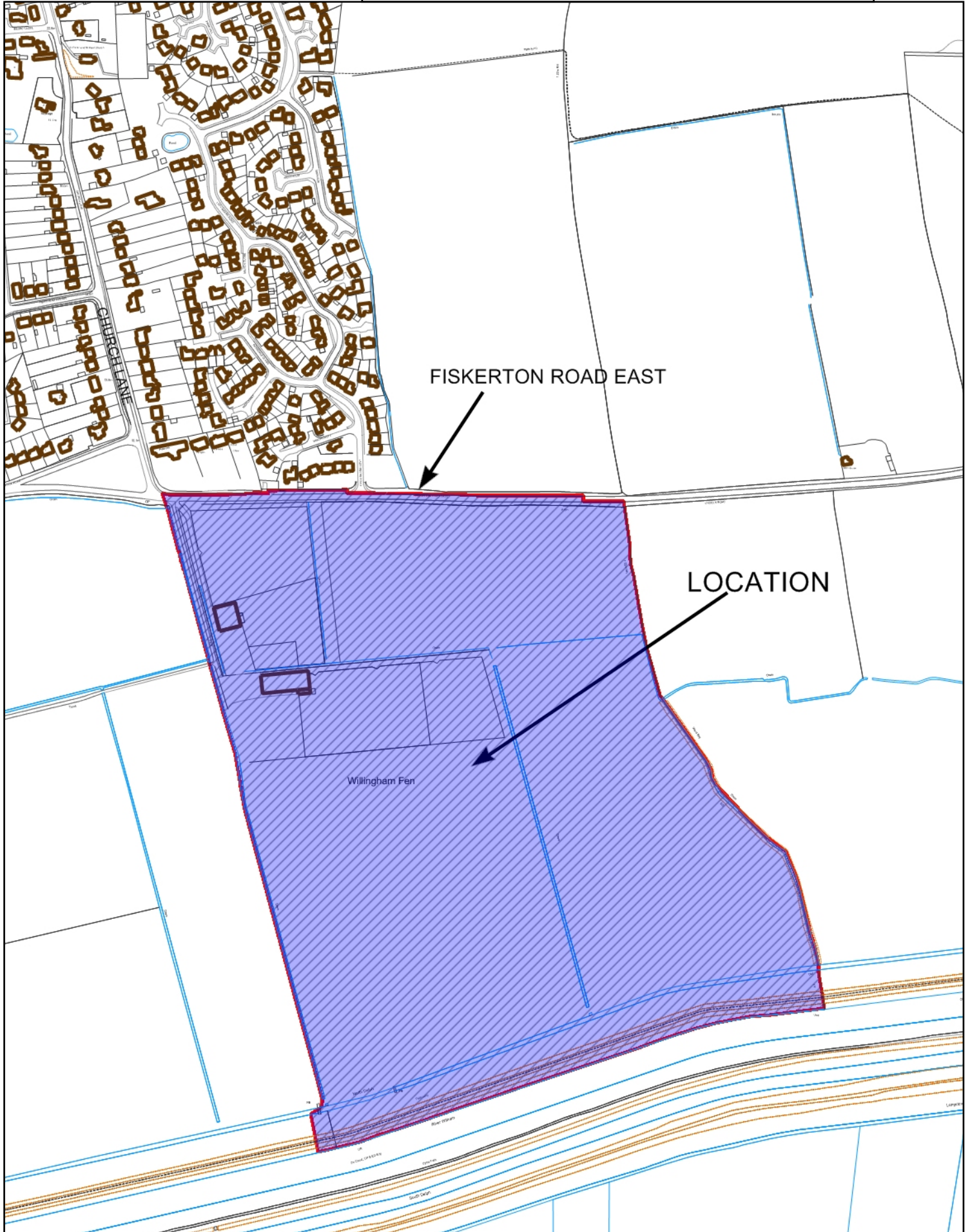
Key Decision:

Yes

☐

No

x



Officer's Report

Planning Application No: 127112

PROPOSAL: Planning application for development of a 220 berth marina with access to the moorings from the River Witham and marina building incorporating a chandlery, workshop, cafe and customer facilities. Also, 40no. 2 bedroom holiday lodges, 24no. bedroom hotel with attached restaurant-bar, landscaping and open space improvements and improved access from Fiskerton Road East incorporating a right turn ghost island.

LOCATION: Fiskerton Road Cherry Willingham Lincoln, Lincolnshire
WARD: Cherry Willingham
WARD MEMBER(S): Councillors Parrott and Welburn
APPLICANT NAME: Mr D Sempers

TARGET DECISION DATE: 06/07/2011
DEVELOPMENT TYPE: Large Major - Other
CASE OFFICER: George Backovic

RECOMMENDED DECISION: That the decision to grant permission subject to the conditions detailed in this report be delegated to the Planning & Development Services Manager subject to the completion and signing of the section 106 agreement.

Introduction

This application was deferred by Members at the November Development Management Committee for a site visit.

The site visit took place on Friday 3rd December 2011

Description

- **Site** - Located in the open countryside, immediately to the south of Fiskerton Road East, opposite Lady Meers Road on the edge of Cherry Willingham. It is currently in agricultural use and located within the Willingham Fen. The total site area is 26 hectares of which 19.52 hectares is in use as farmland. The north western corner of the site is occupied by 2 agricultural storage buildings surrounded by arable farmland and horse paddocks. The eastern and western boundaries of the site are marked by open drains with similar agricultural land beyond. The North Delph acts as the southern boundary and next to it is the River Witham. The Viking Way public footpath is located between the North Delph and the River Witham. The site slopes southwards towards the Witham and levels range between 5m AOD to 7.3m AOD

at its highest point along Fiskerton Road East falling to between 1m AOD and 1.5m to the south.

- **Proposal** – A 220 berth marina is proposed with access from the River Witham. The expanse of enclosed water will cover an area of approximately 58,000 square metres. The space will be created by diverting the North Delph around the new marina and creating a single opening to the river through the existing embankment. A marina building incorporating a chandlery, workshop, and café and customer facilities is to be provided on the western side of the marina and beyond it will be a dry dock which will provide a facility for boat repair and maintenance.

A 24 bed hotel and restaurant is proposed in the north western quadrant of the site, west of the proposed access from Fiskerton Road East.

To the east, 40 cedar clad, 2-bed holiday lodges are proposed linked by a series of informal paths. This and the hotel and restaurant have been described as “enabling development” in order to make delivery of the Marina financially viable as well as contributing to the overall offer of the marina development.

To the south, a substantial wetland habitat is proposed in the form of a roughly linear arrangement of wildlife pounds. Between this and the marina, a large area of land running across the central section of the site is proposed to be left as open space with footpath routes through it and with information boards placed on it relating to the Roman and Saxon finds on the site following archaeological intervention.

A new access to the site will be created from Fiskerton Road. Two pedestrian refuges are proposed to either side that will allow connection to a new pedestrian footway providing access into the site. The footway to the west will join the site at its north eastern corner and will provide a footpath to adoptable standards directly connecting to the Viking Way.

A section 106 agreement is being drafted to include the following obligations:-

- £5,000 traffic calming contribution
- Provision in perpetuity of a public right of way from Fiskerton Road to the Viking Way through a management company or similar.
- Maintenance of public open space via a management company or similar.
- Obligation to conform with the recommendations contained within a travel plan.
- Provision of an area of land made available for ten years for construction of a bridge across the river.

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

The application is 'EIA Development' under the 2011 Regulations and an Environmental Statement has been submitted with the application (although it was prepared under the now superseded 1999 Regulations).

The submitted Environmental Statement accords with the current EIA Regulations in terms of structure; for example it includes the mandatory non-technical summary. The scope of impact considered is also considered appropriate.

Relevant history:

None relevant

New Representations received since the last meeting

The following comments relate to representations received following changes to the scheme:

Cherry Willingham Parish Council - Have also responded largely reiterating their original views (below) but also expressing concern that the revised design is now too large and will be out of character with the area. They are concerned that there appears to be no detailed viability justification for the hotel/pub and an examination of the impact on existing pubs. They feel that the Developer should be required to build a bridge across the River Witham as part of these proposals to counteract any negative effects on the village and to maximise the developments potential

Residents - In total 23 further representations from residents were received. Of these 20 were objections and 3 were in support of the proposals subject to ensuring public access to the river as part of any new approval. The majority of objectors reiterate their original concerns feeling that the amendments do not address them. Concerns are also raised about the revised design of the hotel which is considered too large and stark in appearance.

Traffic concerns remain significant and reference is made to two road traffic accidents that occurred on the 12th and 22nd of September and which resulted in emergency services attending.

Members are advised that the objections do not raise any new material issues that have not been addressed by officers later on in this report.

British Waterways New Marinas Unit - Marinas generate significant and social benefits to the local area. A study produced in 2008 by the British Marine Federation (BMF) illustrates the overall beneficial impact of inland marinas. The findings suggest that every job in the core inland marina sector is associated with a further 10 jobs in the local economy; through tenant businesses, suppliers and as a result of visitor and employee expenditure in the wider economy

The location of the proposed development is unlikely to generate any navigational safety issues. British Waterways supports the proposed development as navigation authority ”

Representations received prior to receipt of most recent amendment (These representations have been summarised below as many comments are relevant to the amended scheme):

Chairman/Ward member(s): Cllr. Irmgard Parrott:

Noted that a petition had been submitted 5 years ago requesting a footpath to the river from the village, this development would secure that amenity as well as developing tourism and providing jobs for the area.

Cherry Willingham Parish Council : “We note the strong feelings of those who oppose the scheme but note also that the majority of residents who have responded to us, both through this consultation and many informal conversations, are in broad support of it. This reflects the views of the Members of the Council that the potential benefits to the village are significant and so they broadly support the application.

However, Members wish to emphasise that these benefits will only be delivered if any planning consent is subject to the following:-

- That access to the river and site amenities is created through legally binding agreements which preserve them in perpetuity for local residents and visitors and that this access should take the form of a public bridleway and that this should be adopted by the County Council under appropriate law. That this access is opened at the earliest safe time and before any other part of the development is opened to the public.
- There should be agreed phasing for the development with the marina being delivered as the initial phase. This is because the other elements of the development proposal are only considered acceptable in the context of the marina itself.
- That further discussions take place between the Parish Council, West Lindsey District Council and Lincolnshire County Council concerning the

already increasing volume and speed of traffic along Fiskerton Road which addresses safety issues for both users and residents of Cherry Willingham. Such increase in traffic volume is acknowledged in the supporting Transport Assessment but no consequential assessment of impact on amenity or character of the village is made.

- The proposed gated village entrance/traffic calming features should be provided prior to any part of the development being first brought into use.
- Identification of and maintenance/management regime for areas to be provided with public access (this should include arrangements for the collection of litter including along the approaches to the development).
- Strategic landscaping to be implemented commensurate with the start of any development
- Construction (traffic) method statement to be agreed.
- Conditions ensuring use of lodges as holiday accommodation only.
- Implementation of the Travel plan. ~

Cherry Willingham PC also held an open-house consultation on this application on the 8th and 9th of April 2011. Residents were asked to fill a form selecting one of two options: - "In principle I/we support the proposals" or "In principle I/we do not support the proposals".

35 forms were received representing 42 people in support and 11 forms were received representing 12 people not in support of the proposals.

The first group were invited to identify the reasons for supporting the plan

These were:

- It will provide an excellent amenity and focal point attracting more visitors to the village providing existing pubs/shops with more potential customers bringing economic benefit to the village and the wider area as well.
- The project will create job opportunities accessible by local residents, including young people, in an area where few currently exist.
- It will enhance recreational opportunities for local residents as well as visitors to the site. Potential for cycling, fishing and boating opportunities. Good landscaping will enhance the landscape and encourage wildlife diversity.

This group was also asked about their concerns and suggestions in the event of permission being granted. These include:

- It should be a condition of planning consent that the public access to the river and open space is opened at the earliest safe time and not later than the site opens to the public and that this access, along with the proposed land for the base of a bridge across the River Witham, is secured under legally binding conditions.
- Road safety issues on Fiskerton Road should be fully addressed especially the speed of traffic entering the planned 40 mph zone. It is

recommended that roundabouts be provided both around the proposed site and at the bottom of Waterford Lane – this is seen as the only effective way to reduce the present excessive speeds in a situation where traffic is already increasing and will increase further. In addition there is concern about pedestrians, especially children, crossing Fiskerton Road to and from the site.

- Concern at the possible use of large vehicles to deliver boats to and from the site.
- That the operators of the site be required to provide adequate site management and security to avoid undue nuisance to local residents especially late at night.
- Granting of planning consent for the site as proposed should not create a precedent for the expansion of the site or adjacent development along Fiskerton Road in either direction.

Comments were also sought from people not in support and they were asked to identify why they opposed the plan. In summary these were:

- Not convinced village needs such a facility and could become a white elephant
- Questioned the deliverability of the suggested economic and amenity impacts and whether they would outweigh the detrimental impact on the nature of the village as a community and on the standard and quality of life of individual residents
- Concerns expressed about the quality of life for residents especially those adjacent the site and along Fiskerton Road from increased light, noise, vibrations and dust from the site and additional traffic including concerns about the ever increasing volume of and speed of traffic with the detrimental effects on road safety
- Concerned about the adequacy of assessment of increased flood risk and environmental impacts arising
- Could set a precedent for further expansion

Fiskerton Parish Council (adjoining parish) – “The Parish Council's main concern is the effect that this proposal could have on the flood plain of the Witham which in the past has been effective in containing flood water when the banks of the Witham/Barlings Eau have burst. The proposal could:

- Reduce the capacity of the flood plain and the effectiveness of the North Delphi's drain away water
- Increase the risk of flooding to the west of the site;
- Create a precedent for further developments on the flood plain:

The flood plain contains virtually no buildings between Lincoln and Bardney. It provides uninterrupted views across along the Witham Valley. The development will be a considerable visual intrusion from all directions and will create a barrier across the green corridor out of Lincoln and disrupt the movement of wildlife. There will be an increase in traffic, particularly turning

traffic along the Lincoln to Fiskerton road.

The plans to facilitate a potential crossing point of the river Witham which would connect to the water rail should be part of the application or there will be many families on bikes using a very dangerous road from Cherry Willingham to Fiskerton to gain access to the Water Rail Way.

The pub and hotel will take trade away from the surrounding villages
A similar marina was created at Short Ferry. Demand for moorings was so low the marina was drained and filled with caravans.”

Local residents: Comments have been received from

- Nos. 3, 5, 16, 18, 20, 23, 25 Fiskerton Road;
- “Petworth” on Fiskerton Road
- “Cereza” and “Tanglin” on Fiskerton Road East;
- Nos. 14, 19, 20, 24, 33, 34, 39, 49, 50, 51 and 52 Church Lane;
- Nos. 10, 24, 54, 75, 87, 97, 107 and 115 Lady Meers Road;
- Nos. 2, 7, 8 and 9 Ash Grove;
- Nos. 32, 35, 48 and 51 Laburnum Drive ;
- Nos. 1, 7, 11 and 17 Heathcroft;
- Nos. 2, 27 and 97 Waterford Lane;
- Nos. 80, 91 and 93 Minster Drive ;
- No. 28 Ancaster Close ;
- No. 31 High Street;
- No. 3 Becke Close;
- No. 1 Holly Close;
- No. 15 Middleway;
- No. 3 Fern Grove;
- No. 7 Larkin Avenue;
- No. 34 St. Marks Avenue;
- No. 62 Rudgard Avenue;

In total there are 84 signatories. 76 oppose the development and 8 support the development. Objections raised:

- Will significantly increase the risks of accidents on this very busy stretch of road where the speed limit is regularly ignored. Road traffic accidents have occurred as recently as 26.03.11 and 09.04.11. No mention is made of double fatality less than 2000 metres from the site on 12/12/2008.
- Pedestrian safety will also be compromised as there is no footpath providing access from Church Lane to Lady Meers and onto Fiskerton Road
- Question assumptions in Transport Assessment including traffic count which was carried out prior to the Lady Meers Road junction being opened onto Fiskerton Road East
- Insufficient infrastructure in place to serve the village of Cherry Willingham which could not cope with the demands of such a huge

development and the burden would fall on local council tax payers to make good the damage to the roads

- Will have a damaging impact on existing views of the countryside and the peaceful and quiet nature of the village which is part of its attraction and the reason homes were purchased in this area.
- Wildlife, flora and fauna will be damaged and the countryside eroded.
- Increased levels of air and noise pollution during and after the building works phase from traffic, construction vehicles, hoteliers, lodges and people using the restaurant / café once the complex is built. Light pollution will be a problem
- increased risk of antisocial behaviour
- There are already 2 marinas and there is no demand for this type of facility as boating is declining -Narrowboat World (March 2010)
- Increased risk of flooding by building on the flood plain
- No benefit to local people only to wealthy people
- Does not comply with the East Midlands Regional Plan, or policies STRAT 12 or NBE 20 of West Lindsey Local Plan First Review 2006 as it detracts from the existing rural character of the area
- Unsustainable location with poor transport links
- Will take trade from the village
- Negative impact on house prices
- No Right of Way being established as part of the proposals
- Loss of Agricultural Land
- White Elephant

LCC Highways: No objections in principle, subject to the following details being resolved and agreed:-

1. Details of the width and connection of the proposed cycleway / footpath through the site between Fiskerton Road East and public Footpath 102 (Viking Way))
2. Securing of adequate land for a potential crossing point over the River Witham
3. Technical specification and plans in relation to the two pedestrian crossing points and the proposed junction arrangements providing access to the site. Accept that this can be provided by imposition of a suitably worded planning condition.
4. Investigation of potential to provide additional footpath provision within the Church Lane gyratory.
5. Construction Management Plan
6. A financial contribution of £5,000 to be secured through a Section 106 agreement to be used by the Highways Authority (LCC) for a proposed scheme of traffic calming.

7. The submitted Travel Plan has been checked and accepted by LCC. A planning condition will be required to ensure implementation.
8. Details required by Public Rights of Way Officer in connection with bridge structure and treatment of Viking Way.

Environment Agency: Originally objected to the proposals as a non mains foul drainage scheme was proposed. This is no longer the case and so the objection has been formally withdrawn subject to the imposition of the following conditions relating to.

1. Surface water drainage scheme for the site based on sustainable drainage principles
2. Appropriate foul drainage provision to be agreed.
3. Compliance with the submitted Floor Risk Assessment.

The EA also note that a sequential approach with regard to fluvial flooding has been applied to the site.

The Witham Third District Internal Drainage Board - The Board maintained watercourse, "The Green" crosses the site. Should the proposed development be approved, most of the dyke will be removed and its drainage function will have to be met by a new system installed by the developer. A further Board watercourse, the North Delph, crosses the site orthogonally to the alignment of The Green. The North Delph is shown as being diverted around the proposed marina. For the sake of continuity the Board should retain responsibility for the realigned length. The board has the following requirements in this regard.

- Minimum 6m wide access to both sides.
- The marina will accept any material removed from the Delph on to the drain side. If disposal is required elsewhere, then that would be at the owners' expense, whether carried out by the Board or a third party.
- The access from North West corner of the site must be suitable for tracked machines.
- Access is to be unobstructed and available at all times.
- Any access crossings to the North Delph are to take the form of clear span bridges, bank top to bank top; and be maintained by the marina.
- All utility crossings of the North Delph to be at least 1.5m below the proposed bed level with suitable protection measure between the service and the bed of the watercourse (e.g. concrete slab).
- Prior board consent must be obtained for any proposal involving watercourses on this site

British Waterways - No objections to the proposed development, subject to the imposition of suitably worded conditions relating to the following matters:

1. Landscaping strategy to minimise impact of large areas of hardstanding proposed.
2. Materials palette
3. Lighting
4. Any bridge design will have to confirm to BW requirements.

LCC Archaeology: Archaeological evaluation was undertaken in 2009 across the site in order to support the planning application for the marina and associated leisure facilities. The south eastern area of the site was identified as of highest archaeological potential. This area is designated as an 'area set aside for archaeological interest' by the current planning application. As a result the level of archaeological input is deemed to be that which can be dealt by condition attached to a planning consent:

Natural England: We have considered the proposal and supporting documents against the full range of Natural England's interest in the natural environment. NE is of the opinion that the development will not have a detrimental impact on the natural environment providing the development is delivered in line with the proposals in the ecology Report in the Environmental Statement (ES).

We support the proposal in the ES on future water vole survey and appropriate mitigation should a colony be found.

Lincolnshire Wildlife Trust - Strongly support proposed habitat creation and enhancements proposed, such as planting of native hedgerows and trees, creation of water bodies for wildlife and wildflower meadow creation. Support the need for further water vole surveys to ensure that mitigation for this species is implemented if appropriate. LWT make detailed comments on the Landscape strategy in relation to the use of appropriate native species. Recommend that provision for bats and birds is made as part of the overall development.

Provided the recommendations in the Environmental Statement (ES) are followed there should not be any significant negative impacts on protected species as a result of the development.

Ministry of Defence (aircraft safeguarding): The application falls within the bird strike safeguarding zone for RAF Waddington.

The principal concern of the MOD regarding this application relates to the creation of large areas of open water and habitat which have the potential to attract bird species (such as geese and gulls) considered hazardous to aircraft increasing the risk of a bird strike incident.

To help reduce the risk of a bird strike incident the applicant should design the proposal to be as unattractive to hazardous species as possible. The MOD sets out a detailed series of measures to help achieve this including: the erection of signage to actively discourage the general public from feeding birds; the use of self closing bins; designing ponds with steep banks planted with a continuous

border of vegetation. A bird management plan is considered essential and the MOD sees this as being delivered by a Section 106 legal agreement

Subject to the scheme incorporating these detailed suggestions the MOD has no safeguarding objection.

LCC Tourism Development Manager/Economic Regeneration

- A Lincolnshire Waterways Development Framework was developed by Lincolnshire County Council (LCC), British Waterways (BW) and the Environment Agency (EA), with the support of a wide range of local authorities and organisations in 2002. In 2003 a Memorandum of Understanding was signed between LCC, BW & EA and the Lincolnshire Waterways Partnership (LWP) was formed.
- It seeks to develop Lincolnshire waterways as a tourist resource, whilst retaining and enhancing the many features of natural and historical importance.
- It seeks to provide new facilities for local communities and to support the development of new businesses in the county..
- From a strategic point of view both EA and BW welcomes off line marina development. Off-line marinas provide much more secure moorings, in the sense that boats cannot break loose in times of winter flood and be swept downstream causing possible damage to the flood defence at Grand Sluice, Boston.
- The LWP is not keen on boats moving away for the winter as boats sometimes remove to other waters for the winter and do not then return to Lincolnshire, causing an overall loss of potential tourism expenditure
- The provision of off-line marinas is a LWP priority in both safety and economic terms and currently there are no marinas between Lincoln and Boston. There are in fact only two off-line marinas in the whole county, Burton Waters and the Brayford Pool, both at Lincoln. Brayford Pool is not off-line in the true sense of the word, having all the appearance of a marina basin, but being on the river, in fact.
- The LWP is aware that the poor facilities on the Brayford Pool caused some boaters to relocate and that these boats are now moored outside Lincolnshire. The Marina at Boston is in name only, actually being on-line riverside mooring.
- There is both a shortage of off line moorings in Lincolnshire and nationally, so much so that BW set up a New Marina Unit to help prospective marina businesses (Inland Marina Investment Guide). All the work of the LWP in terms of improving the quality of the waterways infrastructure has been to support existing waterside businesses and to encourage new business start ups. Therefore new marina's have been a LWP priority for both safety and regeneration reasons; we believe that until a new marina is provided, Lincolnshire will not see the setting up of a

hire boat business. There are many privately owned boats in Lincolnshire but no hire boats within the county.

- The LWP were concerned about this situation and British Waterways commissioned Strutt Parker to investigate possible Marina sites on the River Witham.
- We continue to believe that the Cherry Willingham site provides an excellent site for a marina and fits with our Development Framework. The site is large enough and can provide the requisite security that modern boaters require. Advice from the BW Marina Unit is that marina's should provide a 'destination' and offer other facilities which this application seeks to do. It is well placed on the Lincolnshire Waterway system and as they travel at 4mph boaters require regular facilities. It is a on the wish list of LWP & County Highways to provide a pedestrian bridge at Cherry Willingham giving access to Water Rail Way; we don't currently have the funds to provide this bridge but are committed to it in principle. Such a bridge would serve both the village and the marina.
- We consider the distance from the Brayford Pool as an advantage; the LWP would prefer the Pool to become more of a destination for visiting boats rather than as a marina for storing boats, the Pool currently provides a low level of service for boaters and there is little opportunity in terms of space to improve this situation. The LWP intends making some investment on the Brayford Pool in partnership with the Brayford Trust, but this will be purely to provide mooring facilities for visiting boats as the current provision is non existent.

Economic Development (WLDC): Support the proposals. The development of new visitor facilities in a rural area, the attraction of private sector investment and the creation of job opportunities for the local community are all considered key factors to promote a sustainable business environment.

Estimate of jobs created considered over optimistic due to use of a statistical scenario rather than a direct forecast approach (based on the number of effective jobs created as result of the project). A more realistic scenario is that up to 25 new jobs would be created as a result of these proposals not including employment opportunities during the construction phase.

City of Lincoln Council - No objections to the proposal in principle. In determining the application it may be helpful to assess the impact of the proposals on the Brayford Pool. It would also be helpful from a leisure and tourism perspective if the waterways network and linkage to existing facilities available at Brayford Pool and Burton Waters could be promoted.

North Kesteven District Council: In light of the separation distance between the proposed marina site and the closest NKDC settlement of Washingborough, the proposed development is considered to be unlikely to have a material impact on the District or its residents. In our opinion, the

submitted Landscape and Visual Impact Assessment accurately assesses the impact from the closest viewpoints to the site within Washingborough village, and its conclusions with reference to the significance of residual impacts at Secondary Viewpoints 1 - 5 are accepted.

The Development Plan

- **East Midlands Regional Plan 2009**

Policy 27 Regional Priorities for the Historic Environment
 Policy 28 Regional Priorities for Environmental and Green Infrastructure
 Policy 29 Priorities for enhancing the Regions Biodiversity
 Policy 33 Regional priorities for Strategic River Corridors
 Policy 42 Regional priorities for Tourism

All available at

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#strat1>

STRAT 3 – Settlement hierarchy
<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#strat12>

SUS 4 – Cycle and Pedestrian Routes in Development Proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus2>

CRT 9 – Public Rights of Way
<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt19>

CRT 20 – Watercourse Corridors
<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm#crt19>

NBE 10 – Protection of landscape character in development proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 13 – Nature Conservation in Wildlife Corridors
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 14 – Waste Water Disposal
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 20 – Development on the Edge of Settlements

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

CORE 10 – Open Space and Landscaping within Developments

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

National and other policy 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 4 - Planning for Sustainable Economic Growth (2010)
<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
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>
- PPS 9 - Biodiversity and Geological Conservation (2005)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>
- PPG13 – Transport (2001 revised 2011)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1758358.pdf>
- PPG 17 – Planning for Open Space, Sport and Recreation
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/ppg17.pdf>
- PPG 24 – Noise
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/156558.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>
- West Lindsey Corporate Plan 2011-2014
<http://www.west-lindsey.gov.uk/your-council/how-the-council-works/key-plans-policies-and-strategies/corporate-plan/105221.article?tab=downloads>
- Waterways for Tomorrow (DEFRA 2000)
<http://archive.defra.gov.uk/rural/documents/countryside/waterways/waterways-for-tomorrow.pdf>
- Policy Advice Note: Inland Waterways – Unlocking the Potential and Securing the Future of Inland Waterways through the Planning System (Town and Country Planning Association 2009)
<http://www.tcpa.org.uk/data/files/InlandWaterways.pdf>
- Waterways 2025 - Our Vision for the Shape of the Waterways Network (British Waterways 2004)
http://www.britishwaterways.co.uk/media/documents/Waterways_2025.pdf
- Your Rivers for Life – A Strategy for the development of Navigable Rivers 2004-2007 (Environment Agency 2004)
http://www.east-northamptonshire.gov.uk/downloads/Environment_Agency_Navigation_Strategy.pdf
- Lincolnshire Waterways Partnership Development Framework (2002)
- 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>

Main issues

- Whether there is a strong enough case for a new Marina to be able to balance the policies that restrict development in the open countryside
Whether other alternative sites have been explored
- Necessity of including hotel, restaurant and holiday lodges?
- Highway Safety
- Visual impact
- Residential Amenity
- Flood risk and drainage

- Aircraft Safeguarding
- Ecology
- Archaeology
- Loss of agricultural Land

Assessment

Principle - the case for a Marina - STRAT 12 is a prohibitive policy controlling development in the open countryside. However it allows development which meets objectives supported by other plan policies. The visitor economy is of significant importance to West Lindsey and development which would boost tourism and provide new employment is supported by other development plan policies including policy 42 of the Regional Plan.

In this case the driver for this development is a response to a need identified for “off line” moorings at a regional level. An off line mooring is simply one that is not located on the river, whereas an on line mooring takes place on the river itself. In strategic terms this is supported by British Waterways and the Environment Agency as such moorings are not able to break loose in times of flooding and result in damage further downstream.

The shortage in supply of moorings nationally led British Waterways to set up a New Marinas Unit in 2006 and produce an Inland Marinas Investment Guide with the aim of providing an additional 11,700 off line moorings throughout the canal and navigable river network by 2015. The new marinas unit have confirmed that, nationally, approximately 5000 new moorings have been created and that they are close to meeting current demand. Their preference is to provide more moorings as this allows boaters more freedom rather than being tied to a single berthing point. This is particularly relevant in the summer peak season when boaters are looking for places to moor up before continuing their journey. If marinas are at capacity then this causes log jams on the network as people are unable to moor in appropriate locations.

A recent appeal decision in respect of a Marina proposal seems to point to oversupply of moorings nationally. However the figures have been skewed heavily by significant investment in certain concentrated parts of the network. For example, there has been significant investment in the West / Central Midlands area which is not the case in the Lincolnshire Area.

At regional level the Lincolnshire Waterways Partnership (LWP) was formed in 2003 (Comprising representatives of Lincolnshire County Council, British Waterways and the Environment Agency) with the aim of providing a coordinated approach to the development of the water corridor giving “Lincolnshire the edge in waterway related tourism”. The visitor economy is of significant value locally and regionally and is the second largest economically important industry in Lincolnshire with a worth of £971 m in 2009 (Visit Lincolnshire in partnership with East Midlands Tourism)).

The provision of off line Marinas is a LWP priority in both safety and economic terms and Members are referred to the summary of points made by LCC's Tourism Manager regarding the importance of "off-line" moorings. The objective of delivering a marina is also recognised in the Witham area priorities contained within the Council's own Corporate Plan.

There are only two off line Marinas in Lincolnshire; Burton Waters and Brayford Pool .

Burton Waters (located to the west of Lincoln along the Fosdyke navigation to the east of Saxilby) includes significant housing, shops, offices, sports and leisure facilities. It has a marina and boatyard facilities including new and used boat sales and maintenance and operates close to capacity (The case officer contacted Burton Waters on 31st October who confirmed they only had 6 moorings available). It is also not strictly off-line.

Brayford Pool is located in the centre of Lincoln at the point where the Fosdyke Navigation enters the city and meets the River Witham. The former chandlery, fuelling and boat building and maintenance facilities have ceased to operate and as the LWP points out above "the 'Pool currently provides a low level of service for boaters and there is little opportunity in terms of space to improve this situation." It is an objective of the LWP that the 'Pool caters for day visitor moorings with the permanent moorings relocated elsewhere. This cannot occur at the moment due to the absence of off-line moorings on the River Witham.

There are also currently no marinas between Lincoln and Boston. This is considered important due to the current ongoing work with the Fens Waterways Link. This is a major project to connect the rivers Witham, Glen, Welland, Nene and Ouse. The Link will connect the cathedral cities of Lincoln, Peterborough and Ely, and the market towns of Boston, Spalding, Crowland and Ramsey and create a new cruising ring through Lincolnshire and the Fens, opening up almost 150 miles of waterways in the east of England. The first major step in the Fens Waterway Link was the reopening of 19 miles of navigation from the tidal section of the Witham, known as The Haven, in Boston along the Black Sluice Navigation in 2009. This work will generate new demand for moorings and facilities to the east of Lincoln and will provide more opportunities for tourism and the accompanying economic benefits.

Accordingly officers are of the view that there is a case for providing a new marina. The next questions that need to be addressed are whether this site is appropriate (looking at alternative sites) and whether the hotel and lodges are justified as part of the desired mix of facilities which should be available at a marina and/or are needed as enabling development to make the marina delivery viable

With regard to possible other alternative sites, British Waterways commissioned consultants to investigate possible marina sites on the River Witham. The investigation was not restricted to finding just a single site as the length of the Witham and the speed of boats (not normally in excess of 5 mph) provides the desire to have more than one off-line mooring on the river.

However, it was realised that, in terms of sustainability and given that it would be a destination in its own right, a location in Lincoln should be assessed first (such locations providing the opportunity to redevelop previously developed land and providing opportunities to walk or cycle into the centre or access public transport). There are two potential sites close to the centre of Lincoln: the former power station, Spa Road and the Bifrangi factory site, Spa Road.

Taking each in turn:

The former power station has been a regeneration priority for the City of Lincoln for over two decades and has been looked at by various funding organisation such as English Partnerships and the East Midlands Development Agency (EMDA). A detailed site investigation was undertaken in the early 1990s which outlined all the issues that would need to be dealt with as part of any redevelopment proposal. This included serious land contamination from the previous uses including tar pits, major underground structures which are partly operational with active easements and the presence of active power transmission equipment that would have to be removed. These constraints have not been proven capable of resolution to date. Removing the power transmission issues alone requires investment in excess of £10 million (1990s prices). The level of investment required is beyond the scope of viable development proposals considered to date including a high density housing development proposal that secured planning permission. This in isolation would render any marina undeliverable. In addition, the site was considered too small by the new Marinas Unit. Officers accept that this site is not suitable.

The Bifrangi factory site is identified for development in the City of Lincoln Local Plan within Policy 102. It requires that development can only be delivered when improved road access is made available unless it is developed as a rail related siding/facility. At the moment the site is land locked with access only available from the adjoining heavy industrial operations. There are also archaeological constraints associated with this site. In addition to these constraints the site and its immediate industrial surroundings would not be conducive to tourism and leisure related activities. Officers accept that this site is not suitable for a marina.

Further eastwards and south of the River Witham is Washingborough which is located in North Kesteven. In terms of sustainability, the adopted North Kesteven Local Plan (2007) draws up two hierarchies of settlements - one for the Lincoln Policy Area and one for the remainder of the District. Washingborough is identified as second-tier "Service Village" and is considered as a second choice for development behind the suburbs of North and South Hykeham. There are several potential sites. However, all face constraints. The flood plain extends to existing housing which leaves little or no scope for any ancillary and supporting infrastructure to be located within Flood Zone 1, which would undermine the viability of any proposals. In addition to these constraints, the area is acknowledged to be of national importance archaeologically containing a well preserved section of the Car Dyke, a Roman canal. The Car Dyke is a designated Scheduled Monument and it is considered unlikely that a marina development could be delivered

without harm to this nationally important heritage asset. Officers accept that this site would not be considered suitable for a marina.

This leaves an area to the north of the Witham, in West Lindsey District, but close to Lincoln. This includes the application site. The West Lindsey Local Plan First Review 2006 (saved Policies) STRAT 3 sets out four hierarchies of settlements so that any new development can be appropriately located. The decision of where to place the settlements within the hierarchy is based on the size of the settlements, their facilities and services and public transport provision and accessibility to major towns in the District and to Lincoln. The hierarchy is based upon a combination of these factors. At the top of the hierarchy are the Towns of Gainsborough, Market Rasen and Caistor. The “second tier” are “Primary Rural Settlements” which are described as “key service centres” meeting most of residents day to day needs and of those villages in its hinterland. Cherry Willingham is designated as a Primary Rural Settlement and, whilst the site is outside of its settlement limit, it adjoins that limit and is the nearest site to such a settlement that includes river frontage and land beyond areas at high probability of flooding. Furthermore, the Viking Way runs to the south of the site and provides a connection to Lincoln. The Waterways Partnership also commented that the current site provides an excellent site for a marina and fits with their Development Framework. The site is large enough and can provide the requisite security that modern boaters require. Finally, although the report commissioned by British Waterways did raise an issue regarding the impact on archaeology, this matter has been addressed through the proposed layout as will be discussed later in this report.

Necessity of including hotel, restaurant and holiday lodges - With regard to the level of development proposed, the advice from the British Waterways Marina Unit is that marinas should provide a 'destination' and offer other facilities. The facilities need to cater for a number of groups to fulfil the requirements of a fully functional marina. These include, tourist visitors who own their own boat or who have hired a boat elsewhere who may need access to a shop with groceries, toilets and shower facilities, water and electricity top up, pump out, marine diesel/petrol, access to somewhere for dog walking, a meal out and a “destination” of interest. Tourist visitors who want to hire a boat or boat owners who want to keep their boat at the marina may, in addition to these facilities, require boatyard, chandlery and winter boat storage and boat lift services. They may also desire access to a destination for dining or staying overnight when their boat is being repaired or serviced. There are also tourists who may not want to stay on a boat but may want to have access to day boats, or have brought their own canoes or dinghies or fishing tackle with them and desire accommodation close to the water, such as a hotel or holiday lodges. Finally there are day trippers and local residents seeking access to the marina for recreation and a restaurant and toilet facilities will be important in addition to access to the marina, waterfront and Viking Way,

Some of the facilities for people arriving by boat can, and are provided within Cherry Willingham itself, such as grocery stores. Therefore, it is important that there are footpath and cycleway linkages between the site and the village

centre so that people can access these facilities, not only to maximise sustainability but also to respond to the fact that many people arriving by boat will not have access to a car. These same linkages will allow villagers to access the site without reliance on their cars. An examination of facilities within Cherry Willingham also reveals that not all the desirable facilities which should be found in a marina are available and therefore should be provided on site. This includes the hotel and holiday accommodation.

Such elements of the proposal are also considered to be required as enabling development to ensure that the development is financially viable; the studies by British Waterways indicate that a marina development cannot operate viably without complimentary facilities to make it a “destination.” Furthermore, such development is required due to the substantial investment required at the outset in terms of the engineering and construction costs for the marina basin itself. In this regard, it is acknowledged that the main objectives are to secure the marina itself and deliver sustainable linkages to and from it. However, the hotel and lodges will also need to be delivered at a relatively early stage to enable the development as a whole to be viable. It is suggested that the phasing can be controlled by condition, to permit early delivery of the hotel and lodges but not allow a developer to walk away from the site and not deliver the marina and footpath links.

Finally, it is considered that some of the uses, such as the chandlery, need to be limited to a certain size. Otherwise, as a town centre use, they could be contrary to the sequential approach advocated by PPS4 (locating town centre uses in town centres) if their size grew beyond that indicated on the proposed plans. This can be achieved by condition.

Highway safety and modal split – These are considerations outlined in PPS1, PPG13 and policy STRAT1 of the Local Plan First Review.

There are no objections in principle to the proposals from LCC Highways on the grounds of highway safety subject to the submission of technical details including the required visibility splays, width and radii of curves at the junction of the vehicular access with Fiskerton Lane East. This will ensure that all highway users can enter and exit the site safely.

However, in addition to the access works, traffic calming is required due to the nature of the existing highway near to the proposed access and the comments of residents and the parish councils about accidents in the past and the current unacceptable highway conditions are noted in this regard. A section 106 agreement will be required in order to deliver the financial contribution of £5,000 for the traffic calming scheme.

Sustainability is a material consideration and the maximising of non-car trips is desirable. The footpath linkages to the village are important here as is the ability for visitors to have clear and accessible information as to how to access all facilities including the Viking Way, marina, public open space, hotel and the village itself. In this context it is considered that such information and the ability to maintain as low a car usage as possible through a Travel Plan must be secured through the Section 106 agreement. It is suggested that such a Travel Plan need not set targets for modal split, nor penalties if the

percentage of non-car journeys is not met. However, it should include mechanisms as to how information can be conveyed and updated to future users of the development to encourage them not to use the car. Modal split and penalty clauses are not considered appropriate as it is accepted that many visitors, including those hiring boats or coming to their own boat or staying at the hotel or lodges will come by car given the relative lack of public transport in the area and the need to carry items with them. In this regard, it is not considered that the level of development proposed could justify the creation of a new, or diversion of an existing bus service.

A construction management plan is required to ensure that construction traffic is routed away from the main body of the village and that there is provision of facilities such as wheel washing to prevent mud from accumulating on the highway. This can be secured by condition.

The plans have been amended so that the orientation of buildings (in terms of the entrances into them) and interconnecting pathways across the site, reflect projected desire lines.

In the context of the desire to maximise the sustainability of the site, it is noted that the parking provision accords with the standards outlined in PPG13 (the standards within the Local Plan were not saved and the Regional Plan refers to PPG13).

Comments have been received questioning the assumptions in the Transport Assessment (TA) particularly the traffic count which the objector states were carried out prior to Lady Meers Road junction being opened onto Fiskerton Road East. The TA confirms that the traffic counts were undertaken on 31st March 2010 and 8th May 2010, however it is considered that any additional movements from the estate would only have a negligible impact on the wider highways network.

Finally in response to representations received, these letters mention the objective of securing a pedestrian and cycleway bridge across the River Witham connecting Cherry Willingham and the application site with the Water Rail long distance cycleway along the old railway line and Washingborough. Such an aim is commendable and supported in principle but, given the costs of constructing such a bridge (in excess of £1m), the scale of the development proposed and that the bridge is not actually required to make the development acceptable, it is considered that a requirement for its provision (or a contribution towards its provision) would not meet the tests outlined in the Community Infrastructure Regulations (Reg 122) (2010). However, it is noted that the applicant is proposing in the section 106 agreement to safeguard an area for the bridge to land should it ever be built. This unilateral undertaking is permitted by the Community Infrastructure Regulations (2011) but no weight should be afforded to it as a material consideration when determining the application.

Visual Impact – The site is on the border of the Lincoln Fringe and Fenland character areas as defined in the West Lindsey Landscape Character Assessment, although its character is more akin to the latter. The Supplementary Planning Guidance recognises the importance of silhouettes

of agricultural buildings and the need for tree planting. Policy CORE10 of the Local Plan Review cites the need for open space and trees within development sites whilst policy NBE20 of the same plan states that developments should not be permitted which detract from the rural character of the settlement edge.

In this context, it is noted that the site is predominantly gradually sloping countryside on the village fringe, at its northern end sloping down to flat land adjacent to the River Witham. The open and relatively flat character means that views are available of it from nearby locations. Some views also restricted by hedgerows that line portions of the field boundaries in the surrounding landscape.

Views from the north are principally screened by the settlement of Cherry Willingham itself. Views from Fiskerton Road East are limited by a dense hedgerow along the northern boundary although this road is at an elevated level and views are available through a gateway in the north western corner of the site. Furthermore, it is noted that the hedge will be lost as part of the required access works. Views across the fields from the east are much more open and unrestricted. Individual trees and small sections of hedgerow or shrub planting break up direct views of the site. Due to the relatively flat nature of the landscape it is difficult to distinguish the existing site from the surrounding field system. From the west views of the site are clear in the short distance. Again, due to distances from the footpath to the site, views are restricted. From the south views of the site will primarily be from the elevated Viking Way footpath rather than from the Navigation itself, which will largely be screened by the existing flood defence embankment.

Given the nature of the landscape here, integration rather than outright screening is considered the better approach to take, given that the level of planting required to achieve significant screening is likely to rather stand out in itself. The original designs for the hotel and restaurant proposed in the north western corner of the site have been changed and moved further into the site. The buildings proposed are now much more agrarian in character, and are intended to reflect a grouping of agricultural buildings in a nineteenth century model farm consisting of 2 storey threshing barns flanked by single storey cattle shelters and cart sheds that have been the subject of modern intervention providing a circulation link and additional functional accommodation. Interest is created through the variation in roof height and massing. Ridge Heights are 4.6 m, 5.1m, 7.6m and 9.2 m respectively. A simple materials palette is proposed. The main facing material is red brick with a grey fibrous cement slate as the roofing material. The modern interventions are predominantly glazing framed by and enclosed between sections of untreated oak. One such link connects to a new building that is to be faced in buff brick with a red clay pantile roof providing additional hotel accommodation. Parking is provided to the front and side of the building which correlates with the uses of the building. The entrance to the hotel is from the front whilst the restaurant entrance is on the side further within the site. The boundary with Fiskerton Road needs to be the subject of new landscaping given the aforementioned loss of the existing boundary hedge and there will be additional groups of trees to the front of the hotel behind which one of the parking areas is to be located. It is considered that the design of the buildings and the judicious use of landscaping including screen planting will allow the rural

setting to absorb the impact of this new built form within its wider landscape. The landscaping need to be the subject of a condition to ensure the right mix of native species is proposed and implementation occurs within the first planting season.

The holiday lodges, which are single storey wooden structures, by nature of their scale and simple appearance are more readily assimilated into the wider landscape. They are to be located to the east of the hotel beyond the main access into the site within an area enclosed by screen planting and within proposed groups of trees to create an informal woodland setting through which would run a series of informal paths linking the lodges with the wider site. They are not considered to have an unacceptable impact on the character or appearance of the wider area.

The creation of a large expanse of water with the marina basin will be most prominent to users of the Viking Way which will be in an elevated position above the marina. A large expanse of water containing moorings and boats is not considered to represent an unattractive appearance. However, areas of hard standing are concentrated on the western edge of the marina basin which is a function of its intended use as a dry dock and boat maintenance area and which also houses the main marina buildings. The design strategy behind the buildings is to create a selection of simple volumes which refer to traditional waterfront buildings such as water mills and wharf side warehouses. The three principal volumes are the workshop on the west side adjacent the boat storage yard and car park; the boaters accommodation including a wc /shower block and laundry on the east side facing the moorings and a central section for a chandlery, office and café which faces both the entrance to the building on the south and also the wharf frontage open space looking over the marina basin and visitor berths. The buildings are considered to represent a successful contemporary take on a traditional building form. The area of hard standing can be broken up by use of landscaping and this can be controlled by condition.

The buildings will have a localised impact although wider more restricted views will be available from further afield. It should be noted that the site is not included within any national landscape or local landscape designation. Accordingly, the visual impact of the proposals is considered to be acceptable.

Details of lighting have not been submitted as part of the application although a lighting strategy has been submitted which sets out the principles for providing light to the site. The intention is to utilise low level lighting to minimise light spill and light pollution and to give consideration to the impacts of lighting on local wildlife particularly bats which often use waterway corridors for migratory purposes. A detailed lighting scheme will be conditioned.

Residential Amenity - Potential impacts on residential amenity could arise from the construction phase of the development proposals given the proximity of a number of dwellings to the application site, including on the intended access route along Fiskerton Road East. This can be controlled by imposition of a condition requiring a Construction Management Plan. In the same interest, it is considered that the hours and days of construction should be

limited especially given that heavy plant is likely to be required for the engineering operations. In this regard there is not much potential for sound attenuation between the site of the marina excavations or the closer still hotel buildings and lodges.

Concerns have been raised about the potential for increased noise and disturbance from users of the restaurant, hotel and lodges. The use of holiday lodges is not normally considered to give rise to unacceptable levels of noise and disturbance. In this particular case the lodges are located to the east of the hotel beyond the main access into the site within an area enclosed by screen planting and the nearest lodge would be over 50 metres away from Fiskerton Road East which forms the northern boundary of the site.

The hotel and restaurant have been set further back within the site to reduce possible noise and disturbance and have been designed so that the entrance to the restaurant and most of the car parking is provided to the side of the hotel moving it away from the frontage with Fiskerton Road East.

Comments have been made about the increase in traffic along this stretch of the road as a result of the development. However this will be experienced against the background of existing road traffic noise and it will also move further away from existing housing as it enters the site. This is not considered a reason to withhold consent.

Obtrusive and unsympathetic lighting has the potential to harm amenity in a number of ways. However in accordance with the comments on the previous section ,a detailed lighting scheme will be secured by condition.

In summary, the development proposed would not have unacceptable impacts on residential amenity and would accord with the principles of policy STRAT1 and national guidance contained within PPG24.

Flooding and drainage - There are three different issues that need to be considered relating to flood risk and drainage; the sequential preference for sites to be developed not at high risk of fluvial flooding (Annex D of PPS25 applies), the need for sustainable drainage techniques to be employed (PPS25 applies) and the need for foul water to be disposed of via the public sewer if practicable (circular 3/99 applies).

- *Fluvial flooding* - The site is within flood zones 1 2 and 3 as defined by the Environment Agency's Flood Risk Maps. The development has been designed in accordance with a sequential approach in that the "more vulnerable" development of the hotel is located in Flood Zone1. The lodges which are also "more vulnerable" are located primarily within Flood Zone 1 with some located within Flood Zone 2. It is considered that those in flood zone 2 are acceptable as the area of search for sequentially preferable sites should be limited to the site itself and not the district as a whole. This is because locating them elsewhere would mean that they could no longer be the required enabling development. Furthermore, locating them all within flood zone 1 would increase the density within this area which would be detrimental to the character of the area.

The Marina itself is classed as a “Water Compatible” and is located within Flood Zone 3 whilst the “less vulnerable” workshop and café are located in Flood Zone 2. These are all compatible in terms of acceptable risk and the type of development proposed.

The application has been accompanied by a Flood Risk Assessment which incorporates detailed mitigation measures and which shows the development will not lead to an increased risk of flooding either on or beyond the site boundaries. The Environment Agency raises no objection to the proposals subject to the imposition of suggested conditions which will be attached as part of any consent. Accordingly there are no flood risk grounds to withhold the granting of consent.

Breach modelling was also carried out to ascertain whether the proposed new flood banks would increase the risk of flooding to existing development. This was shown not to be the case as the nearest housing on Fiskerton Road East was some distance away on higher ground).

- *Surface water drainage* - The development of the site will increase the proportion of impermeable areas leading to an increase in surface water run off from the site. Infiltration and the implementation of an appropriate drainage system will be required to deal with this. However, the percentage of the site that will remain permeable is significant and includes the central area between the hotel and the marina. The inclusion of these areas and the areas of water within the site lead one to conclude that a sustainable surface water drainage scheme can be implemented without reliance on draining water into the mains sewers.
This issue can be controlled by a condition to ensure that the surface water is managed in a sustainable manner, not merely restricting the run-off rate off the site but also maximising permeability on the site and/or the recycling of water rather than just storing it on site.
- *Foul drainage* - Foul drainage will be connected to the existing public sewer in accordance with circular 3/99.

Aircraft Safeguarding - The MOD raises no objection to the proposals subject to agreeing a Bird Management Plan which will be conditioned.

Ecology - A detailed ecological report, including a protected species survey, was carried out and submitted as part of the Environment Statement (ES). None of the existing habitats are of significant nature conservation interest. The majority of the flora is composed of plants which are common and widespread species of farmland, grassland, scrub and wetlands, and only four species are of nature conservation interest were detected. The site has no significant populations of protected species or other fauna interests, and it has a bird breeding community which is typical for the habitats and which includes small numbers of UK and Lincolnshire Priority species. The development would result in a small number of impacts on habitats and on components of the breeding bird community. However, it is considered that the mitigation measures proposed including new habitat creation and enhancements such as

planting of native hedgerows and trees, the creation of water bodies for wildlife and wildflower meadow creation would potentially represent a gain for wildlife in general and result in gains in terms of bio diversity. National guidance contained within PPS9 states that such biodiversity enhancement is a material consideration. It will also enhance the effectiveness of this site as part of a wildlife corridor along the Witham (policies NBE13 and CRT20 of the Local Plan Review apply).

To address the conclusions of the habitat survey; there needs to be an additional survey for water voles (a protected species)

Archaeology – Comprehensive archaeological investigation including trial trenches across the site was carried out in 2009 and these were reported to LCC (Archaeology). As can be seen from the comments above archaeological interests can be secured by the use of planning conditions which will be imposed as part of any consent.

Loss of Agricultural Land - The presence of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a) is a consideration that should be taken into account alongside other sustainability considerations when determining planning applications (Para 28, PPS 7).

To add further context to this, it should be noted that the proposal falls just below the size threshold (that is considered significant) in terms of loss of agricultural land that triggers a statutory consultation with DEFRA.

In this particular case the land in question falls predominantly within grade 3a (approximately 90%) and is classed as “good”. On balance the benefits of the proposal are considered to outweigh the loss of agricultural land in this instance. Accordingly officers are of the opinion that does not represent a reason to withhold consent.

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, 29 - Priorities for enhancing the Regions Biodiversity, 33 - Regional priorities for Strategic River Corridors and 42 Regional priorities for Tourism and West Lindsey Local Plan First Review 2006 policies STRAT 1 - Development Requiring Planning Permission, STRAT 3 – Settlement hierarchy, STRAT 12 - Development in the open countryside, SUS 4 – Cycle and Pedestrian Routes in Development Proposals, CRT 9 – Public Rights of Way, CRT20 - Watercourse corridors, NBE 10 – Protection of landscape character in development proposals, NBE 13 – Nature Conservation in Wildlife Corridors, NBE 14 – Waste Water Disposal and NBE15 - Water Quality and Supply 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) as well as against all other material considerations. These include national policy contained within the Draft National Planning Policy Framework (2011), PPS 1 - Delivering Sustainable Development (2005), PPS 4 - Planning for Sustainable Economic Growth (2010), PPS 5 – Planning for the Historic Environment (2010), PPS 7 – Sustainable Development in Rural Areas, PPS 9 - Biodiversity and Geological Conservation (2005), PPG13 – Transport (2001 revised 2011), PPG 17 – Planning for Open Space, Sport and Recreation, PPG 24 – Noise, PPS 25 – Development and Flood Risk (2010) and the Good Practice Guide on Planning for Tourism (2006) and other policy documents including the West Lindsey Corporate Plan 2011-2014, Waterways for Tomorrow (DEFRA 2000), Policy Advice Note: Inland Waterways – Unlocking the Potential and Securing the Future of Inland Waterways through the Planning System (Town and Country Planning Association 2009), Waterways 2025 - Our Vision for the Shape of the Waterways Network (British Waterways 2004), Your Rivers for Life – A Strategy for the development of Navigable Rivers 2004-2007 (Environment Agency 2004), Lincolnshire Waterways Partnership Development Framework (2002) and the Local Plan First Review - Supplementary Planning Guidance (SPG) Adopted countryside Design Summary

These other considerations are afforded significant weight in the consideration of this application and as a result the development is considered to be acceptable subject to conditions and the signing of a section 106 agreement. There is no desire if not need to locate a marina with the mix of uses proposed in this area. The development proposed would, subject to conditions and the signing of the section 106 agreement, be sustainable, well designed, it would preserve visual and residential amenity and not adversely affect highway safety. Biodiversity would be enhanced.

Recommendation: That the decision to grant permission subject to the conditions detailed in this report be delegated to the Planning & Development Services Manager subject to the completion and signing of the section 106 agreement.

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 commence until a scheme for surface water disposal for the whole development reflecting the principles of sustainable drainage and including an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority (LPA).

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).

3. No development shall be commence until a scheme for the provision of foul water drainage has been submitted to and approved in writing by the Local Planning Authority (LPA).

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with PPS 25 and with West Lindsey Local Plan First Review 2006 Policies STRAT 1 and NBE 14

4. No development shall take place until, a scheme of soft landscaping including details of proposed contours, of the size, species , position and density of all planting including written specifications of cultivation and other operations associated with plant and grass establishment; has been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure a satisfactory landscaping scheme is provided that helps to integrate the development within this open countryside setting and in the interests of biodiversity and nature conservation in accordance with Planning Policy Statement (PPS) 9 and with policies STRAT1 and CORE 10 of the West Lindsey Local Plan First Review 2006 Policies

5. No development shall take place until a scheme of hard landscaping works including means of enclosure; proposed finished levels , car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures (. furniture, refuse or other storage units) has been submitted to and approved in writing by the Local Planning Authority (LPA)

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

6. No development shall take place in respect of the Hotel and Restaurant shown on the approved plans until details of all external and roofing materials and window frames to be used have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

7. No development shall take place in respect of the Holiday Lodges shown on the approved plans until details of all external and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

8. No development shall take place in respect of the Marina Buildings shown on the approved plans until details of all external and roofing materials, and windows and door openings, including the proposed colour and finish to be used, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

9. No development shall commence until a phasing programme for the whole of the development hereby approved has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is delivered in a structured and planned way that allows delivery of the key elements of the proposal, that were accorded significant weight in the decision to approve the development, in a timely manner without compromising the financial viability of the proposals and in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

10. 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: 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 (2010). Specifically the site has been identified as an area of known Bronze Age archaeology.

11. 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 10 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 (2010). Specifically the site has been identified as an area of known Bronze Age archaeology.

12. No development shall take place until a scheme for the lighting of all roads, parking areas, footpaths, buildings and open spaces (if applicable) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light pollution and potential glare in order to safeguard the amenity of residents opposite the site, to reduce the prominence of the site which is located in the open countryside and to protect the character of the canal corridor and to accord with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

13. No development shall take place until details of a scheme showing provision for birds and bats within the approved development have been submitted to and approved in writing by the Local Planning Authority

Reason: In the interest of nature conservation in accordance with West Lindsey Local Plan First Review 2006 Policy NBE 10 and PPS 9.

14. No development shall take place until a water vole survey including details of mitigation measures if required, has been submitted to and approved in writing by the Local Planning Authority.

Reason: to safeguard wildlife in the interests of nature conservation in accordance with West Lindsey Local Plan First Review 2006 Policy NBE 10 and PPS 9 and to make adequate provision for species protected by the Wildlife & Conservation Act 1981.

15. No development shall commence on site until further details relating to the footway and uncontrolled pedestrian crossings shown on AECOM Drawing 60147465-P-001B including materials, specification of works and construction method have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

16. No development shall commence on site until further details relating to the proposed ghost island junction arrangement shown on AECOM Drawing 60147465-P-001B including visibility splays, lane widths, turning length, deceleration length and direct taper length have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

17. No development shall commence on site until further details relating to the footway / cycleway through the site between Fiskerton Road East and public footpath 102 (between North Delph and River Witham) including materials, specification of works and construction method have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

18. No development shall commence on site until details of the design, construction and materials to be used for the bridge crossing the marina entrance onto the River Witham have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the local character and distinctiveness of the Waterways corridor and to accord with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

19. No development shall commence on site until details of a Bird Management Plan outlining measures to reduce the risk of bird strike incidents at the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of aviation safety in accordance with Circular 1/03

20. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise, dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- The means of access and routeing for demolition and construction traffic.

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

21. No development shall take place until further details of the moorings shown on the approved plans including design, materials and specification have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the site and surrounding area and to accord with West Lindsey Local Plan First Review 2006 policy STRAT1.

22. No development shall commence until a schedule of landscape maintenance for a minimum period of five years from the completion of the development has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant loss is overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1 and CORE 10.

23. No development shall commence on site until a detailed specification of the proposed archaeological information boards to be provided on the site, including their number, location and appearance has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to be able to interpret the significance and sensitivity of the site, which has been identified as an area of known Bronze Age archaeology, and in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010).

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

24. Other than to satisfy the requirements of condition 3 above in relation to foul water drainage, the development shall proceed in complete accordance with the submitted Flood Risk Assessment (FRA), dated October 2010, undertaken by Aecom and the mitigation measures detailed within the FRA. The applicant shall confirm to the Local Planning Authority that this has taken place within one month of completion.

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).

25. The Hotel and Restaurant development shall be carried out using the external facing and roofing materials and window frames as agreed by the Local Planning Authority and referred to in condition 6.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

26. The Holiday Lodge development shall be carried out using the external facing and roofing materials as agreed by the Local Planning Authority and referred to in condition 7.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

27. The Marina Buildings development shall be carried out using the external facing and roofing materials and window frames as agreed by the Local Planning Authority and referred to in condition 8.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in

accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

28. The development shall be carried out in complete accordance with the phasing programme agreed by the local planning authority as referred to in condition 9.

Reason: To ensure that the development is delivered in a structured and planned way that allows delivery of the key elements of the proposal, that were accorded significant weight in the decision to approve the development, in a timely manner without compromising the financial viability of the proposals and in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

29. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 10.

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 (2010). Specifically the site has been identified as an area of known Bronze Age archaeology.

30. Following the archaeological site work referred to in condition 10 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: 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 (2010). Specifically the site has been identified as an area of known Bronze Age archaeology.

31. The report referred to in condition 29 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: 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 (2010). Specifically the site has been identified as an area of known Bronze Age archaeology.

32. The lighting scheme shall be carried out in complete accordance with the details approved and referred to in condition 12 and retained thereafter..

Reason: To minimise light pollution and potential glare in order to safeguard the amenity of residents opposite the site, to reduce the

prominence of the site which is located in the open countryside and to protect the character of the canal corridor and to accord with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

33. The provisions for birds and bats shall be implemented as approved and referred to in condition 13 before the first use of any of the buildings hereby approved and retained thereafter.

Reason: In the interest of nature conservation in accordance with West Lindsey Local Plan First Review 2006 Policy NBE 10 and PPS 9.

34. Any water vole mitigation works required shall be implemented in accordance with the details approved and referred to in condition 14 before the first use of any of the buildings hereby approved.

Reason: In the interest of nature conservation in accordance with West Lindsey Local Plan First Review 2006 Policy NBE 10 and PPS 9.

35. The footway and uncontrolled pedestrian crossings shall be implemented in full accordance with the approved details as referred to in condition 15 and retained thereafter.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

36. The proposed ghost island junction arrangement shall be implemented in full accordance with the approved details as referred to in condition 16 and retained thereafter. .

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

37. The footway / cycleway through the site between Fiskerton Road East and public footpath 102 (between North Delph and River Witham) shall be implemented in full accordance with the approved details as referred to in condition 17 and retained thereafter. .

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

38. The proposed bridge shall be implemented in full accordance with the approved details and referred to in condition 18 and retained thereafter. .

Reason: In the interests of protecting the local character and distinctiveness of the Waterways corridor and to accord with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

39. The Moorings shall be implemented in full accordance with the details as agreed by the Local Planning Authority and referred to in condition 21 and retained thereafter.

Reason: In the interests of the visual amenity of the site and surrounding area and to accord with West Lindsey Local Plan First Review 2006 policy STRAT1.

40. Demolition and/or Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; and at no time on Saturdays, 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 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:

41. 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 2 has been fully completed and it shall thereafter be retained in perpetuity.

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).

42. The Buildings 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 3 has been fully completed and retained thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with PPS 25 and with West Lindsey Local Plan First Review 2006 Policies STRAT 1 and NBE 14

43. The Chandlery / A1 Retail element of the Marina Building shall be limited to the area hatched on the attached plan only.

Reason: For the avoidance of doubt as to what is authorised by this permission and to control the level of permitted A1 retail floorspace in an out of town centre location, in accordance with the requirements of PPS 4.

44. All planting, seeding or turfing comprised in the approved details of soft landscaping (referred to in condition 4) shall be carried out in the first planting and seeding season following the occupation of the building(s) 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 and shall thereafter be retained in perpetuity.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant loss is overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1 and CORE 10.

45. The approved hard landscaping details referred to in condition 5 shall be implemented in full prior to the bringing into use of the hereby approved development.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

46. The public restaurant and bar hereby permitted shall not be open to customers outside the following times: 07.00 am to 11.00 pm Mondays to Saturdays (inclusive) and between the hours of 10 am and 10 pm on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of nearby residents in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT1.

47. Prior to the bringing into use of the development the access, parking, turning and servicing areas shown on the approved plan(s) shall be provided in a bound material (with the parking bays marked out on the ground) and thereafter shall be made available at all times in perpetuity for their designated purposes.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

48. The lodges shall be occupied for holiday purposes only and shall not be occupied as a persons sole, or main place of residence

Reason: The site lies within the open countryside where permanent residential development would not normally be permitted in accordance with Policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and PPS 7.

49. The owners or operators shall maintain an up to date register of the names of all the owners/occupiers of individual lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: The site lies within the open countryside where permanent residential development would not normally be permitted in accordance with Policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and PPS 7.

50. No mooring hereby permitted shall be occupied by any vessel that is used as a principal private residence.

Reason: The site lies within the open countryside where permanent residential occupation would not normally be permitted and the marina moorings have been designed to facilitate increased tourist use for the benefit of the local economy in accordance with Policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and PPS 7.

51. The area of public amenity space hereby approved as cross hatched on the approved layout plan and which is to be provided as a wildflower meadow area shall be made available within 12 months of the opening of the first buildings being occupied. Once this area has been made available for public use it shall be retained in that form thereafter.

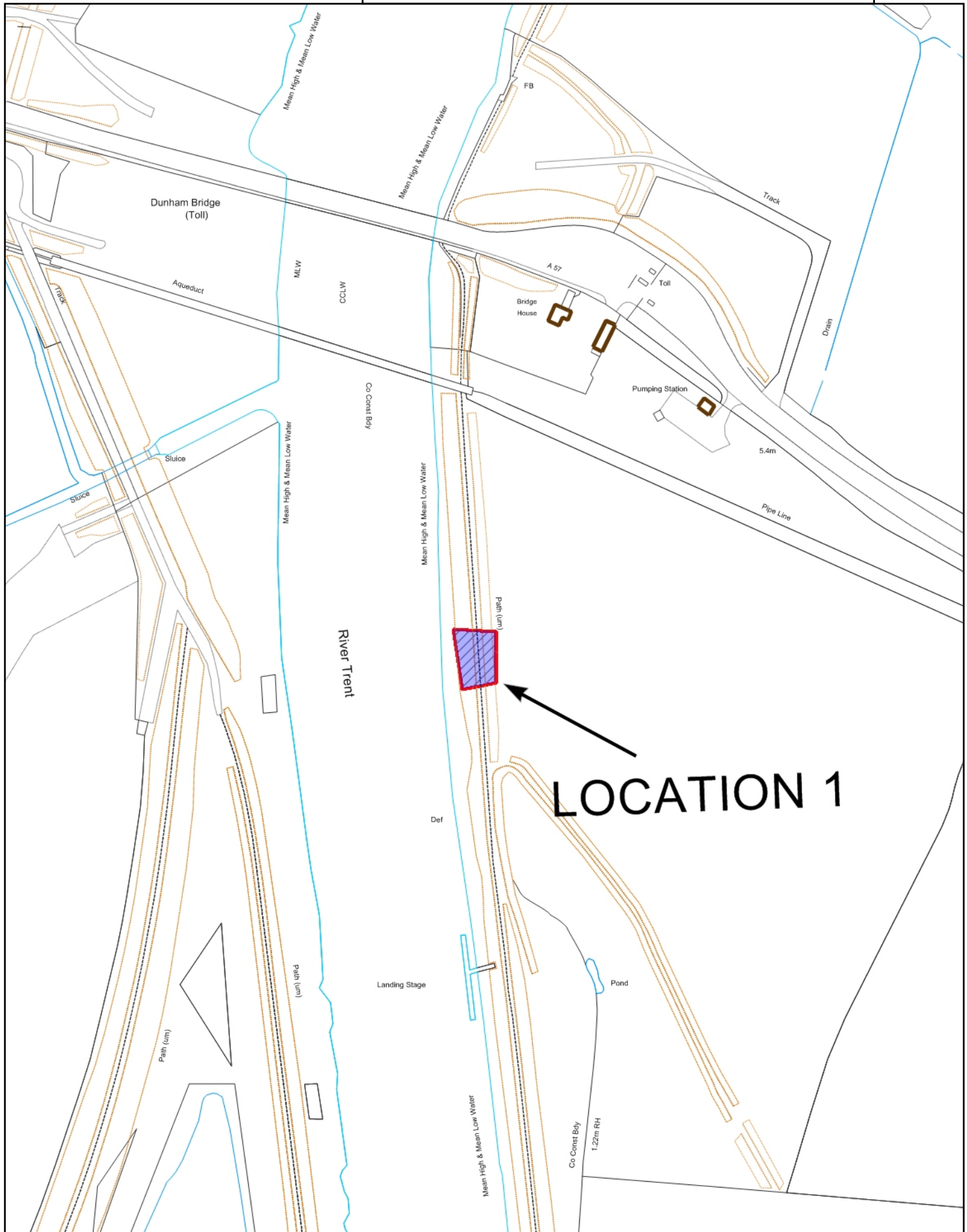
Reason: To ensure an appropriate level of public open space is provided within the development, to ensure the appropriate balance between built and natural environment and to enhance biodiversity in accordance with PPS9 and policies NBE13, CRT20 and CORE10 of the West Lindsey Local Plan First Review 2006.

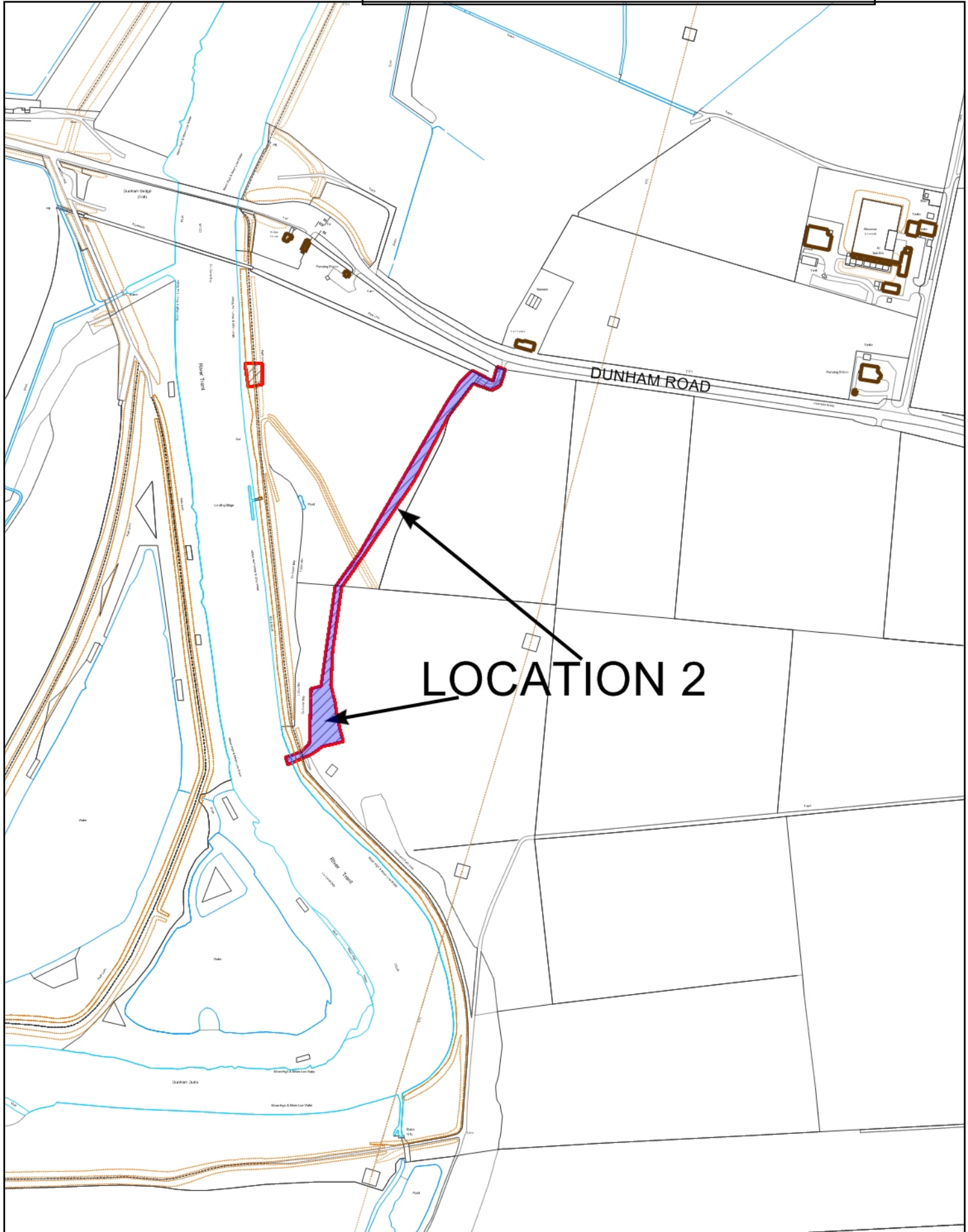
52. Prior to the bringing into use of the development hereby approved the archaeological information boards referred to by condition 23 shall be erected on the site in accordance with the approved details and maintained thereafter in perpetuity.

Reason: In order to be able to interpret the significance and sensitivity of the site, which has been identified as an area of known Bronze Age archaeology, and in accordance with Planning Policy Statement 5 – Planning for the Historic Environment (2010).

53. Prior to the bringing into use of the development hereby approved the approved bird strike management plan referred to by condition 19 shall be implemented in full.

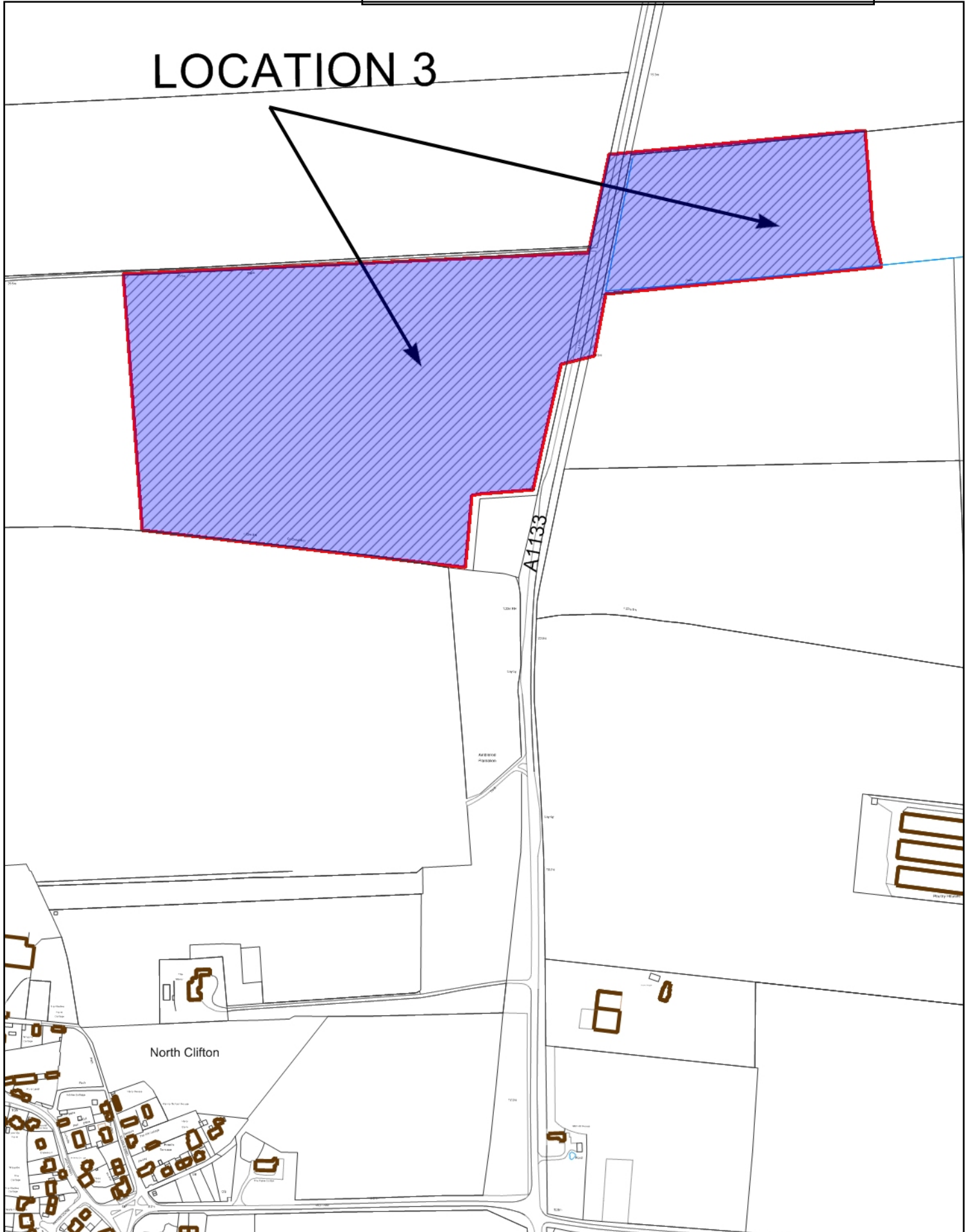
Reason: In the interests of aviation safety in accordance with Circular 1/03

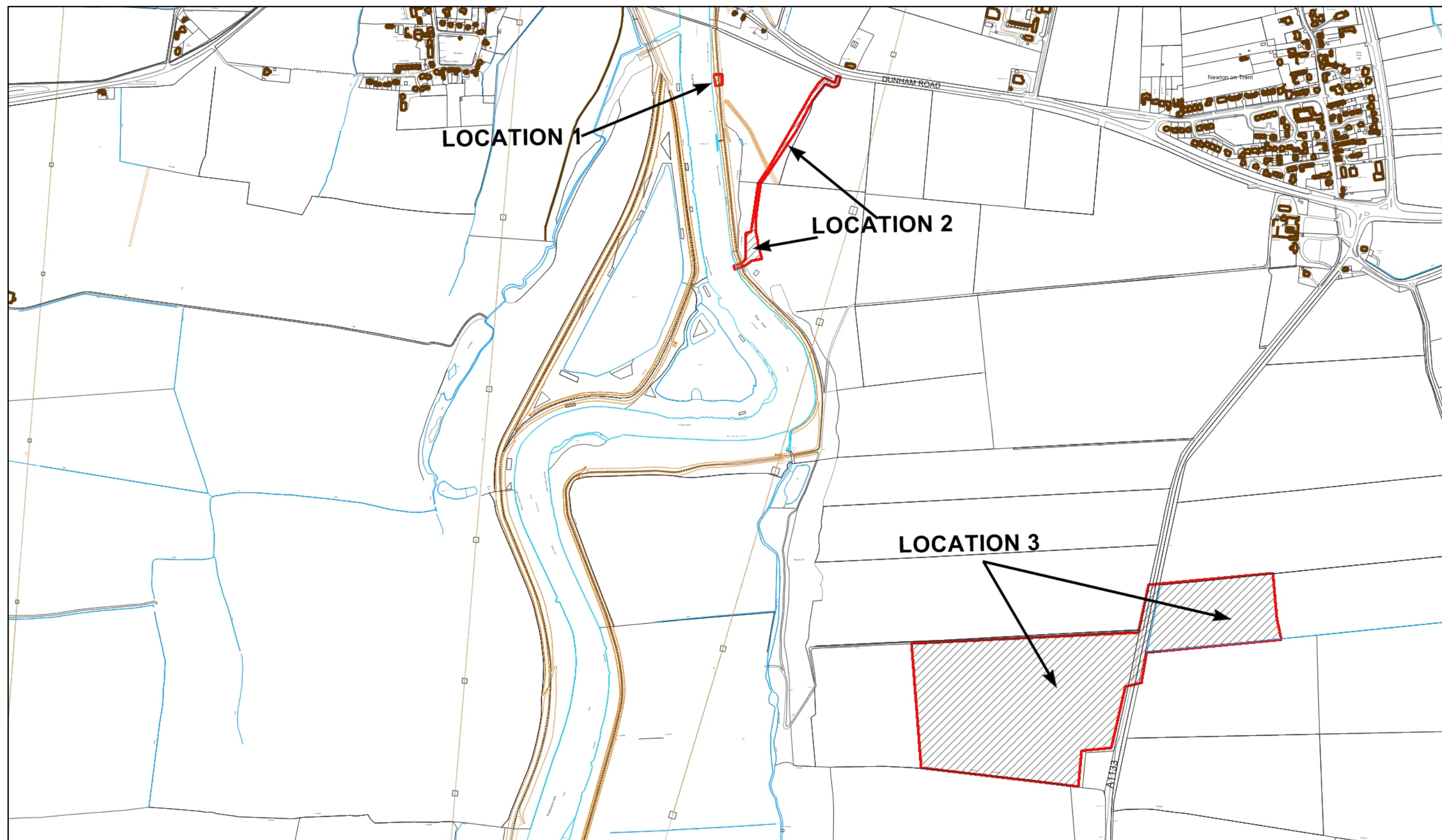






LOCATION 3





Officer's Report
Planning Application No: 127585

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

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: Grant permission subject to conditions.

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 37m x 95m and be 13.5 high. In addition there is proposed a microstainer building (11m x 13m x 9.9m high), two concrete tanks (15m x 40m x 5.2 high), an artificial earth mound (65m x 34m x 5.5m high) containing disinfection pipes, a concrete treated water reservoir (43.5m x 18.5m x 5.1m above ground level), a pumping station (25m x 10m x 9.6m high), 2 x 5.7m high vessels, wastewater tank (20m x 30m x 7.4m high above ground level), filter press building (15.9m x 17.1m x 12.3m high), liquid waste lagoon (20m x 30m) and surface water attenuation pond (32m x 32m).

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)

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.

Representations (other statutory and non-statutory consultees)

These 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://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

27. Regional Priorities for the Historic Environment

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

32 A Regional Approach to Water Resources and Water Quality

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>

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). 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 Nottinghamshire. Anglian Water looked at a number of alternative locations including sourcing from the Foss Dyke, the River Witham or from other existing water treatment works and/or reservoirs. Having assessed the location now 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 1 as defined by the Environment Agency (least 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 within flood zone 1.

This is not to say that other locations may not be suitable and that, following consideration of site specific issues discussed below, there may be reasons for withholding permission here. However, 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 undesigned assets and divide those remaining undesigned 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 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 a 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 with a roof height of 13.5m above ground level (equivalent to a four to five storey building). 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.

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, following a modelling exercise, considered to be in flood zone 1, the zone at least probability of flooding. This siting therefore accords with the sequential test outlined in PPS25 and no exception tests 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.

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

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 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 in accordance with drawing WAT-05046-LNCW-SS-PLG-039A Rev A dated 22nd July 2011.

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 accesses to Newark Road, Newton on Trent (A1133) have been completed in accordance with drawing WAT-05046-LNCWW-SS-PLG-049A Rev A dated 22nd July 2011.

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. No development of the water treatment works hereby approved shall take place until, a scheme of landscaping for the landscaping corridor annotated on drawing WAT-05046-LINCWW-SS-PLG-067 Rev A dated 22nd July 2011, including details of the size, species and position or density of all trees to be planted (to include native species, bird and bat boxes), 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 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.

10. Notwithstanding the details indicated on drawing WAT-05046-LINCWW-SS-PLG-079 Rev A dated 22nd July 2011, 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.

11. No development of the raw water reservoir hereby approved shall take place until a scheme of landscaping for the landscaping areas annotated on drawing WAT-05046-LINCWW-SS-PLG-064 Rev A dated 22nd July 2011, including details of the size, species and position or density of all trees to be planted (to include native species, native wildflower mixes, skylark plots), 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 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.

12. No development of the pumping station hereby approved shall take place until, a scheme of landscaping screening for this element of the development, including details of the size, species and position or density of all trees to be planted (to include native species, bird and bat boxes), 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 provide adequate screening for the pumping station from the public access land and River Trent is completed, to ensure an appropriate mix of the natural and built environment, to enhance biodiversity and in accordance with policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statement 9.

13. No development within the water treatment works site hereby approved as detailed on drawing WAT-05046-LINCWW-SS-PLG-067 Rev A dated 22nd July 2011 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:

14. 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.

15. Following the archaeological site work referred to in condition 14 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.

16. The report referred to in condition 15 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.

17. 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.

18. 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

19. 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.

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

- Water treatment works as per drawing WAT-05046-LINCWW-SS-PLG-067 Rev A dated 22nd July 2011.
- 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 and 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.

21. 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:

22. 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.

23. All planting, seeding or turfing comprised in the approved details of landscaping for the landscaping corridor as referred to by condition 9 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.

23. The attenuation pond indicated on drawing WAT-05046-LINCWW-SS-PLG-079 Rev A dated 22nd July 2011 shall be completed as per this drawing as amended by the details referred to in condition 10 and thereafter retained.

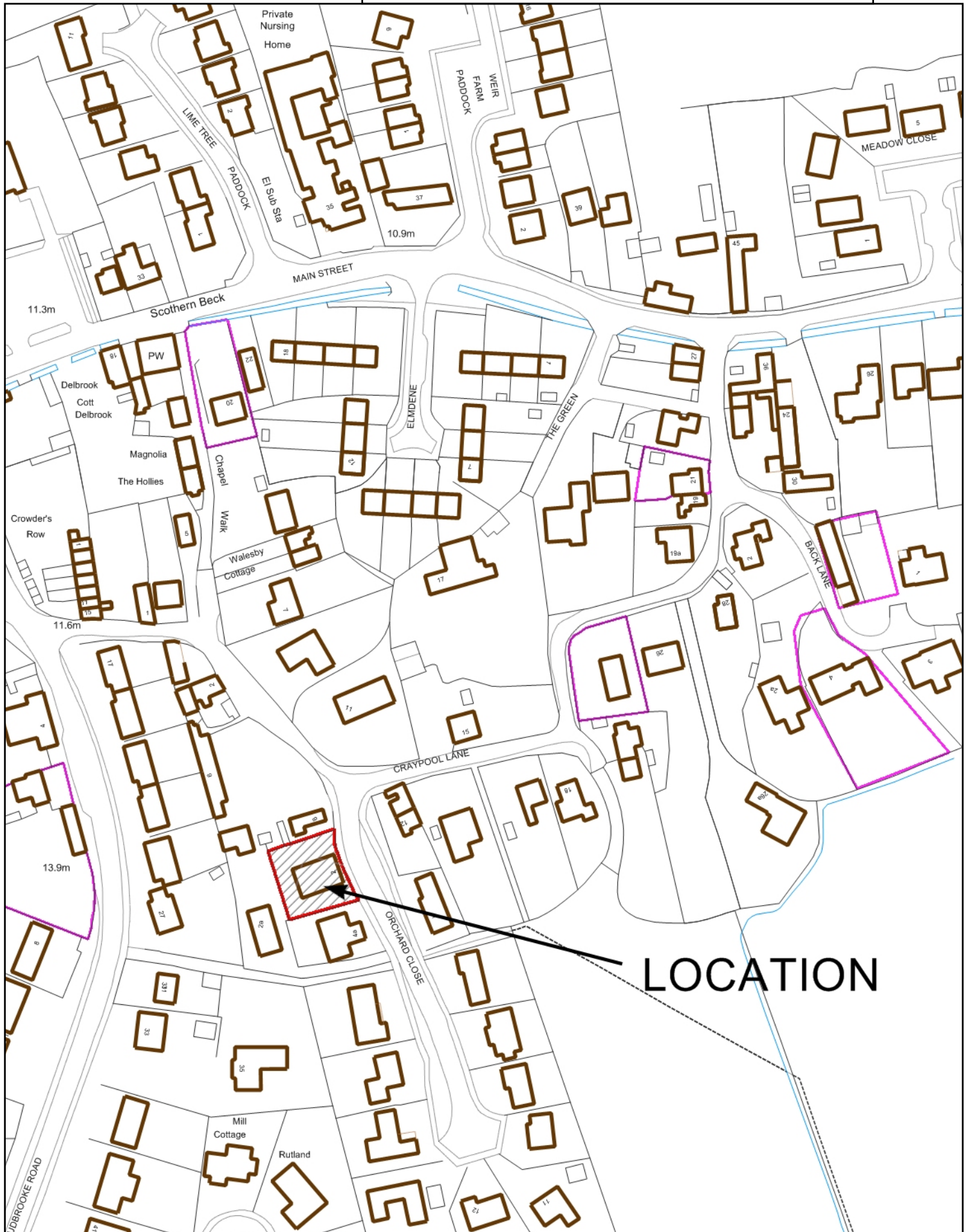
Reason: In the interests of biodiversity and to accord with Planning Policy Statement 9.

24. All planting, seeding or turfing comprised in the approved details of landscaping for the landscaping areas as referred to by condition 11 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 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.

25. All planting, seeding or turfing comprised in the approved details of landscaping for the landscaping areas as referred to by condition 12 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 pumping station from the public access land and River Trent is completed, to ensure an appropriate mix of the natural and built environment, to enhance biodiversity and in accordance with policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and Planning Policy Statement 9.



Officer's Report

Planning Application No: 127850

PROPOSAL: Planning Application for change of use from A1 - shop and post office - to residential use

LOCATION: 2 Orchard Close Scothern Lincoln, Lincolnshire LN2 2XB

WARD: Sudbrooke

WARD MEMBER(S): Cllr S Curtis

APPLICANT NAME: Mr & Mrs DPJ Cawsey

TARGET DECISION DATE: 16/12/2011

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Kirsty Catlow

RECOMMENDED DECISION: Grant permission, subject to conditions.

Site Description:

The application site comprises of a detached property located at the entrance of a residential cul-de-sac in the village of Scothern. The property is in residential use, save for two rooms at ground floor level at the front of the property, which comprise of a former shop and ancillary store. The shop has not been in use since 1999.

Proposal:

The application seeks planning permission to change the use of the former shop / post office to residential use. The shop would be converted to a sitting room to serve the existing dwelling.

Relevant history:

M05/P/1330 – Planning application for alterations and extensions and change of use from a shop to residential. Refused and dismissed on appeal. Appeal decision attached as Appendix A to this report.

120161 – Planning application for alterations and extensions. Granted 15.10.07.

Representations:

Chairman/Ward member: No representations received to date.

Scothern Parish Council: No representations received to date.

Local residents: No representations received to date.

Environmental Protection: Advise that the site is located within 250m of an area of potential contamination.

Relevant Planning Policies:

The Development Plan

- East Midlands Regional Plan

Policy 24 Regional Priorities for Rural Diversification

http://www.leics.gov.uk/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>

CRT 4 Protection of Community Post Offices, Convenience Stores and Public Houses

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

Other Relevant Planning Policy and Guidance

- PPS 1 Delivering Sustainable Development
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>
- PPS 4 Planning for Sustainable Economic Development
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement4.pdf>
- PPS 7 Sustainable Development in Rural Areas
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>
- 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>

Main issues:

- Principle of losing a Community Facility
- Amenity
- Other Issues

Assessment:

Principle of losing a Community Facility - Policy CRT 4 of the Local Plan states that planning permission will not be granted for new development which results in the loss of a community post office, essential community convenience stores or public houses unless; a suitable and convenient alternative facility is available nearby either within the same settlement or a neighbouring settlement; it can be demonstrated that the facility is no longer economically viable in the long term and reasonable efforts have been made to market the property; the proposed use would have significant alternative benefits to the local community.

In terms of suitable and convenient alternative facilities, whilst there is a successful public house and garden centre in the village of Scothern, both of which serve food, there are no convenience shops or post offices located in the village. The closest facilities are located in the following surrounding settlements;

Dunholme (2km away) has a village shop with post office, public house, hairdressers and pharmacy.

Sudbrooke (2km away) has a village store and tea room.

Barlings (2km away) has a post office.

Welton (3km away) has a post office, two convenience stores, nursery, newsagents, florist, chip shop and a vets.

Nettleham (4km away) has a supermarket, post office, newsagents and off licence, book shop, florist, tea shop and hairdressers.

Given the level of convenience shopping and post office provision in neighbouring villages, it is considered that there are suitable alternative facilities to serve the residents of Scothern.

In terms of the economic viability of the facility, two letters have been submitted in support of the application.

The first letter from the applicants states; *'The shop and post office was put on the market for a substantial period of time before closing in 1999 due to being unable to sell as a going concern. Since this time we have also tried to sell the property without success. It is now 12 years since the shop closed.'*

The second letter from the former owner and sub-postmistress of 25 years states; *'I can assure you that over the last few years of trading this was not economically viable. Before I closed in 1999 I was unable to sell the property as a business as the takings of the shop and the Post Office salary were far*

too low. My family had been in business in Scothern for almost a century so I feel I am more than qualified to say that this village shop cannot compete with the supermarkets.'

Based on the information provided, Officers are satisfied that reasonable efforts were made to market the property. Given the small scale nature of the settlement and the level of shopping provision in larger neighbouring settlements it is unlikely that a convenience shop and post office would be economically viable in the long term.

In terms of significant alternative benefits, the proposed change of use to residential would be in keeping with the character and nature of the surrounding area. It would not however have any tangible benefits to the community.

Despite the fact that an appeal was dismissed in 2004 on the grounds that a change of use from shop to residential would conflict with Local Plan Policy CRT4, it is considered that 7 years on, there are suitable alternative services in the neighbouring villages to serve the residents of Scothern and in economical terms there is no reasonable prospect of the retail use resuming.

For the reasons outlined above, officers are of the opinion that withholding planning permission in this instance would be unreasonable.

Amenity -The property is located at the entrance of a residential cul-de-sac and is surrounded by dwellings. As such the proposed change of use to residential would respect the character of the surrounding area and would not be detrimental to amenity.

Other Issues - Given that this application is for a change of use only, with no buildings works involved, ground contamination is not considered to be an issue.

Conclusion and Reason for Approval:

Having regard to Policies STRAT 1 and CRT 4 of the West Lindsey Local Plan First Alteration June 2006, Policy 24 of the East Midlands Regional Plan and guidance contained within PPS 1, PPS 4 and PPS 7 it is considered that there are suitable and convenient alternative facilities in neighbouring villages to serve the residents of Scothern and the retail/post office use of the premises has no reasonable prospect of resuming. Furthermore, the proposal would not harm the character or residential amenities of the area. As such planning permission should be granted.

Recommendation

Grant 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).



Appeal Decision

Site visit made on 16 October 2006

by **Anthony J Wilson** BA(Hons) MA DipLA MRTPI

an Inspector, appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
Tel: 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date: 30 October 2006

Appeal Ref: APP/N2535/A/06/2017660

2 Orchard Close, Scothern, Lincoln, LN2 2XB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs D Cawsey against the decision of West Lindsey District Council.
- The application Ref: M05/P/1330, dated 25 November 2005, was refused by notice dated 1 February 2006.
- The development proposed is the alterations and extension to the existing dwelling at first floor level and the change of use of the shop at the front to residential use.

Procedural Matters

1. The conversion of the floorspace of the shop into a series of habitable rooms, linked to No 2, has already taken place. Although this part of the development for which permission is being sought is retrospective, I shall proceed to deal with the appeal on the basis of the description set out in the bullet points above.
2. Although this appeal has been linked administratively with the appeal against the refusal of permission for dwelling in the garden of 2 Orchard Close (Ref APP/N2535/A/06/2017662), and there is some overlap of the material issues, I propose to deal with the two appeals separately and to issue separate decisions

Decision

3. I dismiss the appeal.

Reasons

Change of use of the shop

4. I am in no doubt that small, local retail premises provide a very valuable service to the rural communities of the District, especially for those villages that are relatively remote from major shopping centres. I also commend the Council's commitment to the retention of community convenience stores, as set out in Policy CRT 4 of the recently adopted West Lindsey Local Plan First Review (2006). This policy reflects Policy MIC 4 of the recently adopted Lincolnshire Structure Plan (2006) and mirrors national policy concerning such matters set out in Planning Policy Statement 6: Planning for Town Centres. The development plan policy therefore merits full support. Equally, I recognise that it is not the purpose of the planning system to force failing business enterprises to continue trading when they have become uneconomic or unsustainable. However, there is a due process to be followed.

DECISION NOTICE



5. Whist I can understand that the shop and post office would have fallen temporarily out of use following the retirement of its former owner, the circumstances which led to its permanent closure are unclear. No information has been submitted with the application to indicate the levels of turnover/profit/ income for the most recent period when the shop and post office was still trading. Moreover, notwithstanding the statements made in the appellants' appeal submissions, there is no evidence before me to demonstrate that the combined retail/residential property was marketed as a viable business concern by the previous owner, under what terms, or over what period. Neither have I been provided with any information to explain why, following its purchase as a mixed use residential/retail business property, it was never brought back into its previous use by the appellants. Nor do I have any indication that the property has subsequently been offered for sale by the appellants, either as a separate retail unit or jointly with the associated residential accommodation. On the basis of the information currently before me, therefore, the requirements of sub-section ii of Policy CRT 4 have not been met.
6. Although there are no other shops in the village, I understand that there are small convenience stores in other settlements in the locality, including Nettleham and Sudbrooke, the closest being some 1.5km away. I have not been advised of the location of the nearest operational post office. In order to gain access to services equivalent to those offered by the Scothern store, even to meet the most basic shopping needs, residents would therefore have to make journeys out of the village and, realistically, only if they have access to a private car. I do not consider that this would represent a sufficiently convenient alternative to the presence of the shop in Scothern to meet the terms of sub-section i of Policy CRT 4. Clearly there are no alternative benefits to the local community that would arise from the conversion of the shop to private domestic accommodation, as required by sub section iii. The change of use would therefore conflict with all aspects of the relevant local plan policy.
7. It is also significant that a previous application by the appellants to take the shop out of retail use was refused planning permission as long ago as March 2004. The decision notice clearly sets out the reasons for refusal and includes very specific references to the relevant emerging development plan policies that contain the tests to be met in order to justify the alternative use of the shop. I am satisfied, therefore, that the appellants should have been fully aware of the policy requirements and of the need for any subsequent application to be properly supported by the necessary information and justification.
8. I have had regard to the appellants' comments concerning the cul-de-sac location of the shop and the difficulties that this presents for retailing use. However, in the absence of any evidence to the contrary, it appears to me that the shop ceased trading due to the retirement of the owner rather than as a result of poor, local trading conditions.
9. I am aware that the significant unauthorised building works have been undertaken within the retail part of the property and that these may have been in place for a while. However, neither this, nor any other matter that has been raised in relation to this part of the application, carries sufficient weight to justify setting aside up to date development plan policy.

Alterations and extension

10. Part of the current proposal would remove the south-facing bedroom windows from No 2 in order to overcome the previous Inspector's concern that its upper floor outlooks would unacceptably compromise the privacy and amenity of the proposed new dwelling in its

garden (Ref: APP/N2535/A/04/1169742). The replacement window to an enlarged bedroom 2 would be placed in the gable end of the existing house and would overlook the rear garden of No.2A. I acknowledge that there is already a window of modest size serving the smallest upper floor bedroom in the same gable wall and that this window already permits some views down into the rear garden of No.2A. Nevertheless, I share the neighbours' genuine concern that the relocation of a large window serving a main bedroom would increase the overlooking of their rear garden. In addition, I can appreciate their feelings of unease that they would be far more aware of being overlooked by the presence of the proposed large window positioned directly above their garden.

11. I can also understand their exasperation that, in attempting to solve the overlooking issue in relation to an appeal on the adjacent site, the appellants would be merely shifting a recognised, material problem on to their property. Although it no longer explicitly forms a part of national planning policy, nevertheless, I consider that good neighbourliness and fairness remain amongst the yardsticks against which development proposals can be measured. I consider that the proposals for the revised fenestration to No 2, specifically brought about in an attempt to secure development of its garden, would fail to follow either of these guiding principles.

12. I have considered whether the appellants' offer to accept a condition to use opaque glazing for this window would alter my conclusions. However, I consider that such a large bedroom without any natural outlooks would seriously diminish the living conditions that would be offered the occupiers of No 2 by this enlarged principal bedroom. I also consider that a condition requiring such restricted circumstances on the future occupiers of this dwelling in perpetuity would fail to meet the test of reasonableness set out in Circular 11/95: The Use of Conditions in Planning Permissions. I acknowledge that, as the present occupiers of No 2, the appellants might regard the reduced amenity of the house as acceptable. However, I have also taken into account the fact that future occupiers might hold very different opinions.

13. I do not share the Council's concern that the addition of the upper floor above the existing flat roofed part of the property would harm the appearance of the host building. Nor do I consider that the enlarged building would look out of place at the entrance to a cul-de-sac of modern dwellings, although it would be readily apparent on the approach to the site from the more traditional parts of the village from the west. However, I agree with Council that the proposals relating to the rearrangement of the main upper floor windows, and the proposed tile hanging over the blocked up openings, would appear particularly contrived and would give one of the main elevations of the dwelling a very poor appearance. Whilst this might not in itself justify the refusal of permission for this part of the proposal, I consider that the harmful impact that the window alterations would have upon the privacy and amenity of the occupiers of the neighbouring bungalow leads me to conclude that this part of the appeal should also fail.

Anthony J Wilson

INSPECTOR