

Applicant	<b>B &amp; D Burtt</b> Stubton Lodge, Brandon Road, Stubton, Newark, NG235DA
Agent	Jennifer Peacock, Spawforth Associates Junction 41 Business Court, East Ardsley, Leeds, West Yorkshire, WF3 2AB
<b>Proposal</b>	<b>Variation of condition imposed on S00/0471/71 (hours of operation)</b>
<b>Location</b>	<b>Stubton Clay Ground, Moor Farm Lane, Stubton</b>

<b><u>Site Details</u></b> <b>Parish(es)</b>	<b>Stubton</b> Public footpath crosses site - FP1 Public footpath adjoins site Unclassified road Area of special control for adverts Airfield Zone - No consultation required Drainage - Lincs EA: Flood Risk Zone 2/3 (new bld only)
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## **REPORT**

### The Site and its Surroundings

Stubton Gorse Clay Ground is located to the north of Moor Farm Lane, between Stubton and Brandon. As the crow flies the site is 1100m south east of Fenton, 1800m north east of Stubton and 1900m to the north west of Brandon. Brandon karting circuit is some 600m to the east of the site. The land surrounding the site is agricultural. Access to the site is gained via a long access road serving other rural properties/enterprises.

### Site History

The original planning approval for the use of the site for clay shooting was approved under application S00/0471/71, dated 19 June 2003. This permission allowed for shooting on the site between 10am to 8pm Monday to Friday, 2 weekends per month between 10am and 4.30pm and for a maximum of 50 days per year.

Temporary planning permission was granted on 9 October 2001 for a slight variation in the shooting hours (allowing for an additional hour on Tuesday evenings). This permission was granted for one year only and has subsequently lapsed.

A further application in 2003 (S03/1093/71) sought consent for the modification of the operational hours and was refused on 7 October 2003 for the following reason:

Planning permission is sought for an extension of the operating hours at Stubton Lodge shooting lodge, Brandon. The site is located in an isolated location midway between the villages of Stubton, Fenton and Brandon. The application proposes extending the hours of operation by one hour for two days a week. This would allow for business to operate until 9pm on Tuesdays and 5.30pm on Saturdays. The business has been operating outside the permitted hours and complaints have been received. In the opinion of the Local Planning Authority the operation of the shooting lodge outside the permitted hours would be likely to

give rise to issues of noise and disturbance that would be detrimental to the residential amenities of occupiers of dwellings in nearby settlements. Such a detrimental impact would be contrary to Policy EN1 of the South Kesteven Local Plan.

More recently planning permission (S04/0345/71) was refused for (inter alia) the extension of the operating days and hours of operation, for the following reason:

Consent is sought for the extension of existing buildings, the provision of a 29m tower, improvements to bunding and variations to the existing operation hours at the Stubton Gorse Clay Ground. Permission was refused on 7 October 2003 for a minor variation in operational hours under application S03/1093/71. By virtue of the proposed operational hours that form part of this proposal it is the opinion of the planning authority that the use of the premises outside of the hours originally approved under application S00/0471/71 (dated 19 June 2000) would be likely to give rise to issues of noise and disturbance that would be detrimental to the residential amenities of occupiers of dwellings in nearby settlements. For this reason it is considered that the proposal would be contrary to Policy EN1 of the South Kesteven Local Plan.

## The Proposal

Consent is sought again for the variation of the condition imposed on application S00/0471/71 to extend the hours of operation of the facility. The Agents have provided a daily breakdown of the proposed hours of operation, which can be found as an appendix to this agenda.

The Agents have provided a Planning Support Statement as part of the application, which provides the following breakdown of the proposed hours of operation:

Permission currently permits the ground to be open for a total of 50 days a year from 10am – 8pm Monday-Friday and for two weekends per month between 10am – 4.30pm.

The proposed hours for the clay shooting ground are attached at Appendix 5. The proposed hours seek to re-organise the use of the ground and not to increase the numbers participating in the in the sport at any one time. The proposal seeks for the ground to be open for 260 days a year with a reduction in hours during the winter months. Currently a disabled group utilises the ground on a Tuesday evening until 8pm and it is proposed that this is extended to 9pm to allow for individuals to participate in the sport at a speed they feel comfortable with. Individuals require a different length of time to carry out the sport, extending the opening time for an hour on a Tuesday will allow for every individual to complete the shoot at their own pace.

The proposal seeks the extension of operational times at the Brandon Clay Ground on the following basis:

Mondays (excluding Bank Holidays) -	Closed
Tuesdays	- 10.00 to 21.00 hours
Wednesday to Friday	- 10.00 to 20.00 hours
Two Saturday's/month	- 10.00 to 20.00 hours
Two Sunday's/month	- 10.00 to 20.00 hours
Winter Months (Dec/Jan/Feb)	- Reduced to 5 hours weekdays and 7 hours

## Saturdays and Sundays

Within the winter months the clay ground will be used less frequent and will only open for the occasional corporate days and private lessons.

Concern still has to be raised over the proposal to increase the hours of operational use of the site beyond that already approved. Bearing in mind a recent refusal of planning permission only sought to extend the hours of shooting for an additional 2 hours on Tuesdays and Saturdays, this application to open for 260 days of the year, 210 more days than currently permitted, is clearly objectionable.

The Agents statement concludes that the noise from the site is 'not discernable' in Fenton (paragraph 3.2.9), which is clearly not the case due to the amount of objection to previous applications for this site and the number of complaints that have been made to the planning authority (unauthorised shoots) and Environmental Health Services.

## Policy Considerations

Policy EN1 – Seeks to resist applications that would pollute their surroundings by excessive noise.

PPG24 – Planning and Noise – refers, in Annex 3, to noise from recreational and sporting activities in paragraph 22 as follows:

22. For these activities (which include open air pop concerts), the local planning authority will have to take account of how frequently the noise will be generated and how disturbing it will be, and balance the enjoyment of the participants against nuisance to other people. Partially open buildings such as stadia may not be in frequent use. Depending on local circumstances and public opinion, local planning authorities may consider it reasonable to permit higher noise emission levels than they would from industrial development, subject to a limit on the hours of use, and the control of noise emissions (including public address systems) during unsocial hours.

## Statutory Consultations

Local Highway Authority: No objections.

Community Archaeologist: No objections.

Environment Agency: No comments made.

Environmental Health Services:

I have assessed the accompanying noise consultant's report and have found it unsatisfactory for a number of reasons.

1. The test shoots used a firing frequency of 75 shots in 30 minutes. The Stubton shoot is a major shoot in terms of the Chartered Institute of Environmental Health Guidance document used, and a firing rate of 150 in a 30 minute period would have complied with the guidance.
2. The author of the report claims that the mean shooting noise level (mean SNL) at Fenton during the monitored test was less than 40 dB(A) but produces no evidence to support his claim.

3. The graphical representation of the noise levels obtained at Fenton clearly show more than 80 events where the 50 dB(A) level was breached. None of these is notated so they cannot be identified.

4. The CIEH guidance suggests that major shoots should be monitored on several occasions, not a single occasion as in the accompanying report.

5. The CIEH guidance suggests the following hours of operation:

Monday – Friday	0900 to 1800 max cumulative duration of 4 hours
Saturday	1000 to 1800 max cumulative duration of 3 hours
Sunday	1000 to 1400 max cumulative duration of 3 hours

No use on Bank Holidays

#### Environmental Health Services Recommendations

I have no objections to the construction of the tower.

I would recommend that there is no extension of hours for the shoot.

#### Caythorpe Parish Council:

The Caythorpe Parish Council has strong objections on the following grounds:

- a. Noise from extra hours would be excessive; especially so during the long summer evenings when Caythorpe residents might well wish to sit and relax in their gardens.
- b. The danger to horses and riders moving along the bridleway immediately alongside the site will be increased if the additional hours of operation are approved (the incident caused by low flying RAF helicopters is brought to mind).
- c. The increase in hours requested are excessive and represent a five fold increase to the present hours of operation. Caythorpe residents (immediately above the Clay Ground on the hill) will be subjected to excessive noise during that part of the day when (in summer particularly) they might reasonably expect to sit and relax in their gardens safe from noise pollution from the shooting.
- d. The infrastructure surrounding the site (particularly the narrow lanes) would be hard pressed to cope with the increase in traffic caused by the additional hours of operation.
- e. An increase in the lumens of light coming from enhanced security lighting around the new and larger site would further increase the light pollution in the Caythorpe area. Indeed, with the Waste Recycling Station to the east of the village and the Stubton Clay Ground and Fulbeck Kart Track to the west, it might be argued that Caythorpe will be surrounded by light pollution.

#### Stubton Parish Council:

I would like to write in support of B&D Burtt Limited's for the erection of a clay pigeon shooting tower and variation of condition S00/0471/71 (Hours of Operation). I would like to make the following points:

1. The 95m tower is situated inside the main wooded area on the site and the surrounding trees are in the region of 75m to 80m high. At its top, the tower is very narrow and will hardly be seen and then only if someone is on the little used public footpath that goes around the wood.
2. In another area of the Parish on the well used Dry Doddington bridleway a mobile telephone mast is situated in the open and with no cover whatsoever and can be clearly seen from the Dry Doddington to Stubton road.
3. I have lived in Stubton for 15 years and at no time has clay pigeon shooting at the site had any effect on my way of life in Stubton or my property. In fact I only very rarely hear shooting at the site and then only if the wind is from the due East which is most unusual. The prevailing wind is from the South west which takes sound away from Stubton. My own calculation is that the site is approximately 1 mile from the village.
4. Organised game shoots have been part of this village for years and still take place today.
5. The biggest noise intrusion, as far as I am concerned, is the East Coast Railway line and normal noise such as cars, motorbikes, barking dogs, the RAF etc.
6. As far as the hours are concerned IT ALLOWS FLEXIBILITY OF USE BUT DOES NOT MEAN SHOOTING EVERY MINUTE OF EVERY HOUR.

To summarise, in my opinion the site is an ideal location, mainly in a wooded area well away from the village in an area which has always enjoyed game and clay pigeon shooting. The development will provide rural employment whilst having little or no impact on the village. Living in the country includes country pursuits. Moving into a country village requires understanding and acceptance of a country way of life, elements of which are very different to life in suburbia.

#### Fenton Parish Meeting:

1. A Parish Meeting was held in Fenton on 5 April 2005 to discuss the above application. Fenton village was united in its objection to the above planning application and I have been instructed to write to point out the parishioners' concerns. This letter is the second in a trilogy dealing with our objections to Mr Burt's applications covering his proposed expansion of the Stubton Clay Pigeon Shoot (Stubton Gorse).
2. Fenton Parish wish to object as strongly as possible to this application, because of the devastating effect such an increase in days and hours would have on our small community. The noise of the shoot is seriously disturbing to a high proportion of the residents of Fenton; allowing its activity to increase would be detrimental to their lifestyle and enjoyment of residential amenity – contrary to policy ENV1 of the local structure Plan and to the Articles 1 and 8 of the Human Rights Act.
3. Professional and impressive as the Planning Support Statement dated March 2005 may appear, the application is based on a number of misrepresentations, the most serious of which is the claim that the noise of the shoot is "not discernible" in Fenton, according to a noise assessment carried out on January 13. It is imperative that the Council realises that this is total nonsense; if the shoot could not be heard in Fenton,

the Environmental Health within the Council would never have received objections or complaints from our village.

4. With an assessment so astonishingly biased in favour of the applicant, one simply has to doubt its fairness; we have only the word of the applicant and his agent as to how this test was carried out, as no council officials or other independent observers were present, and no details of gun or cartridge size, or height or direction of shot are offered.
5. Moreover, the assessment fails to follow CIEH guidelines for the conducting of test shoots, specifically in relation to:
  - 5.1 The number of test shots was not appropriate to a major shoot which, if the application is approved, Stubton Gorse Clay Pigeon Shoot will become.
  - 5.2 No testing was conducted at weekends if a shoot is to take place at weekends; the guidance clearly indicates that this should take place.
  - 5.3 The need to test with a positive wind vector, the test did not take place with a positive wind vector towards Fenton.

Fenton Parish argue that the noise assessment should be completely disregarded by the Council as it fails to comply with the standards laid down by the CIEH for clay pigeon shoots. Fenton Parish reiterates that we can and do hear the shoot in Fenton, and it does disturb us.

6. The application also claims that the noise of the 2 go kart tracks and the army training ground helps to mask the sound of the shooting, this too is a misrepresentation. Over the last few years, while the noise from the clay shoot has been increasing, that from the go karting has steadily diminished, as alterations have been made to engine specifications and various sound reduction measures have been successfully introduced. Also planning officers will be aware that the go karting is only allowed on a set number of days each year, considerably less than those proposed by the clay shoot. Also, for us in Fenton, the low constant whining of go karts at some distance is a far less intrusive noise than the intermittent and reverberating “bang ... bang” of a clay shoot. However, Fenton Parish argue that the comment regarding masking is irrelevant; in essence the proposal to increase the shooting to 260 days will add significantly to the noise level that Fenton Parish has to endure.
7. As for the army training ground, this is clearly distinguishable from the noise of the clay shoot – bursts of rapid machine-gun fire cannot be mistaken for the double “bank” of clay shooting; but the training area is used perhaps only a dozen times a year for activities involving any sound of gunfire. Again this is a very different matter than 260 days a year, 10 hours a day. Councillors should note that the sound assessment on January 13 revealed the sound of geese, an occasional passing car, and renovations at the church as the only background noise in Fenton. This is fairly indicative of the generally peaceful nature of our village, and this is a major reason why the clay shoot is so disturbing for us.
8. Finally, on p.17 of the application, the claim is made that “the proposed development ...(is)... in line with the guidance on the control of noise relating to clay target shooting produced by the CIEH”. This claim is FALSE – a fact which should be made perfectly clear to committee members. The CIEH guidelines contain a number

of important paragraphs directly relevant to Fenton's position with regard to the shoot at Stubton Gorse. The most important, so far as we determine is the one about distance:

- 8.1 "Where shooting takes place on mainly flat open land in the absence of significant sound reflecting media (e.g. rockfaces, major roadways, woodland areas, substantial pools or lakes, large buildings) a noise buffer zone of at least 1.5km in the general direction of shooting and not less than 1km in the rearward arc is advisable. Preferably there should be no line of sight between the noise source and any noise sensitive areas ..." (p.13 'Clay Target Shooting – Guidance on the Control of Noise' published by The Chartered Institute of Environmental Health).
- 8.2 Committee members should note that Fenton is 1.1 km from Stubton Gorse, in the general direction of shooting, on flat land, with no significant sound reflecting media, and with line of sight.
- 8.3 The guidance further advises that where the buffer zone is less than 1.5 km, "the frequency and duration of events may also need to be decreased", and goes on to suggest hours and restrictions that should apply. The restrictions are at odds with those by B and D Burt.
9. Fenton ask that the Committee members take into account the guidance provided by the CIEH which is designed to avoid excessive friction between clay shooting establishments and local communities; its relevance to Fenton's case is clear.
10. The guidance further seeks "to strike an appropriate balance between the rights of those who wish to pursue leisure and sporting interests and the rights of those who seek the peaceful enjoyment of neighbouring land." Fenton Parish trust that this will also be the Council's aim.
11. Fenton Parish contend that this application fails to follow CIEH guidelines on either buffer zones or on frequency and duration of shooting. We further contend that it will inevitably interfere with the rights of Fenton residents peacefully to enjoy their own homes and hereby contravene Articles 1 and 8 of the Human Rights Act. On behalf of Fenton, we request that you reject this application.
12. Liberally scattered throughout the Planning Support Statement dated March 2005 are references to disabled shooting and the need to extend shooting by an hour to accommodate their requirements. Surely, the requirements of the disabled shooters could equally be addressed by starting their period of shooting an hour earlier, thereby removing the need to extend the hours on a Tuesday. Moreover, the document has patently failed to provide any reasons or justification why the extension of hours and erection of a tower is a prerequisite before the disabled group locate their headquarters into the shoot.
13. I would be grateful if you would ensure that our objections and representations are included in the pack that is distributed to the members of the Development Control Committee.

Hough on the Hill Parish Council:

Hough on the Hill Parish Council has not changed its stance from that of the previous application in 2004 and objects strongly to any extensions of hours.

In coming to this conclusion, the PC acknowledges the need for farmers to diversify, but not at the detriment of the quality of life of local residents in surrounding villages. The Structure Plan states this as one of the items in Policy T8 ... "do not ... cause unacceptable disturbance to local communities ..." which IS NOT supported, in the view of the PC. The results of the Noise Monitoring Tests carried out to prove that the Clay Pigeon Shooting does not cause unacceptable disturbance to the local communities, prove nothing. They were carried out in a westerly wind in only 2 of the affected villages. The PC considers more accurate results would be obtained from tests conducted in all different wind conditions/directions in all the surrounding communities. T8 also states that noisy sports should not "significantly affect woodland and wildlife habitats". The PC considers that there would be little wildlife left in the area to enjoy the habitat with the noise of 260 days a year shooting.

The application refers to Policy Recommend 9 (Local Plan 2001-2011), First Stage Deposit Draft) ... "areas adjacent to existing noise-generating activities are likely to be more acceptable locations ... for activities involving noise and disturbance". SKDC is well aware that Brandon village in this Parish, already suffers from unacceptable noise pollution due to the close proximity of the 2 Karting tracks and residents DO NOT want their quality of life further eroded by clay pigeon shooting for up to 11 hours a day, 260 days a year. The PC strongly objects to this recommendation being used to support this application.

The previous application dated 24 March 2004 applying for 272 days of shooting was refused. Hough on the Hill Parish Council urges SKDC to refuse this application also."

## Representations as a result of publicity

The application has been advertised in accordance with established procedures and representations have been received from interested parties.

The following issues were raised:

- a) Unauthorised shooting already takes place, breach of existing planning conditions.
- b) Increase in levels and times of noise and disturbance.
- c) Impact on residential amenity.
- d) Contrary to EN1 of the South Kesteven Local Plan.
- e) Increase in traffic and visitor levels.
- f) Proposal does not conform to Chartered Institute of Environmental Health guidance on Clay Target shooting.
- g) Disturbance to pets, horses and wildlife.
- h) Bunding has not reduced sound levels.

## Planning Panel Comments

19 April 2005 – The application be referred to the Development Control Committee for consideration.

## Applicants Submissions

The following information has been provided in support of the application as included in the submitted Planning Support Statement:

a) Diversification of the rural economy.

The Clay Shooting business supports this issue as it creates employment, recreation and enjoyment within the countryside for both local people and visitors. The company has successfully diversified into a business that is compatible with the nature of the surrounding area whilst also allowing a traditional countryside sport to remain. The applications reinforce this objective as the proposals will ensure increased and permanent employment for local residents, increased enjoyment for a range of people and a base for a disabled shooting club. PPG17 comments that proposals for farm diversification involving sports and recreational activities should be given favourable consideration (Para 26).

Diversification into non-agricultural activities is supported under guidance set out in PPS7 which recognises that such activities are vital to the continuing viability of many farm enterprises. PPS7 indicates that local authorities should be supportive of well conceived farm diversification schemes for business purposes and highlights that businesses should be allowed to adapt to new and changing markets. Paragraph 34 states that planning authorities should recognise that leisure activities are vital to many rural economies and that these industries are a significant source of employment and help to support the prosperity of country towns and villages and sustain historic country houses, local heritage and culture. Where facilities require new buildings PPS7 paragraph 36 notes that new buildings may be justified in the countryside where the required facilities are needed in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites for re-use.

The need for the erection of the tower and extended opening hours has been recognised in order for the business to expand and develop to a professional standard. The disabled shooting club also require these additions to be made prior to them locating their headquarters at the ground. Paragraph 8.3 of the local plan refers to recreation proposals in rural areas stating that if there is a need for them, (in that they provide for the local population or to accommodate sports such as motor, air and shooting which normally require a rural location) then they will be considered sympathetically.

The Rural Action Plan for the East Midlands (Summer 2000) highlights that sporting facilities make a key contribution to the quality of life in rural areas and that not only do they support economic development and tourism but also act as generators of jobs and income. The document also mentions that sporting facilities have the potential to make a major contribution to the rural economy. The expansion of Brandon shooting ground is a sporting facility that can generate permanent jobs and income for local people, provided that permission for the proposed tower and extended hours is granted.

The proposed works for the Brandon Shooting Ground are also supported by Defra. Mr Burt has received and continues to receive funding through the Rural Enterprise Scheme (RES). The Rural Enterprise Scheme provides assistance for projects that help to develop more sustainable, diversified and enterprising rural economies and communities. Its coverage is wide ranging but the primary aim is to help farmers adapt to changing markets and develop new business opportunities. RES also has a broader role in supporting the adaptation and development of the rural economy, community, heritage and environment. The scheme supports a broad spectrum of potentially eligible activities including those designed to produce a commercial return.

b) Supporting outdoor recreation

The Clay shooting business supports this issue as it offers a traditional rural outdoor sport for local people and visitors. Paragraph 8.17 of the Local Plan recognises that the District is poorly provided with outdoor recreation and open space for either organised sports or informal activities. The applications reinforce this objective as they seek to offer the sport to an increased range of people which in turn will ensure the continuity of this outdoor sport in the vicinity. Permitting development for the proposed galvanised tower and extended opening hours at Brandon Shooting Ground would provide an excellent opportunity for recreation at a professional standard and a disabled shooting group's headquarters to be located within the district.

The proposal is supportive of the Rural White Paper in that it offers the opportunity for adventure and sport and helps in creating a diverse and rural economy that provides opportunities for all. The White Paper seeks to encourage more people with disabilities to visit the countryside and participate in country activities. The Review of the White Paper 2004 raises concerns about the lack of diversity of people using the countryside which has led to a search for ways to encourage more people to participate in countryside activities. Brandon Shooting Ground poses an excellent opportunity for a diverse range of people to become involved in an outdoor countryside activity, especially once permission is achieved for the erection of the tower and extension to the opening hours which will allow a disabled shooting club to locate their headquarters here.

c) Protect and conserve the environment

Since the diversification into clay shooting the business continues to protect and enhance the environment. Policy EN1 of the Local Plan notes that all developments must seek to protect, enhance and conserve the visual amenity value of the environment. Conservation has been an important element which has been implemented in the evolution of the business. The proposed tower will follow the company's desire to protect and conserve the environment in that it will respect the local plans requirements. The tower will have minimal visual impact as it will be located within the treed area and constructed from materials which respect and complement the surrounding environment.

d) Protecting residential amenity

The Clay Shooting business supports this issue through the continuation of working in line with local, regional and national guidance to develop the business in a way that has minimal impact on the locality. Paragraph 6.25 of the first deposit draft local plan notes that areas adjacent to existing noise generating activities are likely acceptable locations for activities that involve noise and disturbance. Brandon Clay Shooting Ground is located within close proximity to a karting track and MOD land which is often utilised for shooting practice and these operations therefore soften the impact on residential amenity. The proposal for the erection of the tower and extension of opening hours should therefore be considered in this context.

The proposed development and previous works at Brandon Shooting Ground are in-line with guidance on the control of noise relating to clay target shooting produced by The Chartered Institute of Environmental Health. The guidance aims to strike an appropriate balance between the rights of those who wish to pursue leisure and sporting interests and the rights of those who seek the peaceful enjoyment of neighbouring land.

The refusal of a full planning application in June 2004 recommended that a noise assessment be carried out to assess the actual level of disturbance that may be caused from the proposal. The company has employed a specialist noise consultant to address the issue of noise in order to show that the noise from the proposed hours of operation and the erection of a 95ft galvanised tower would not adversely affect surrounding areas and residents. The noise assessment is attached at Appendix 6.

Results from the assessment carried out by Kirby Charles Associates indicates that the noise generated by the operation of the proposed clay traps and winches on the 95ft galvanised tower would not cause annoyance or disturbance to nearby residents. The assessment of the test shoots showed that the noise levels recorded at Fenton and Stubton villages would be unlikely to cause annoyance or disturbance to these residents. Maximum noise levels recorded during the assessment were attributable to the occasional vehicle on the main road, the occasional plane and the occasional train and also nearby geese, workers hammering and a resident using a garden vac. The overall conclusion of the assessment found that the noise generated by clay target shooting at Brandon Shooting Ground would be unlikely to be detrimental to the amenity of nearby residents.

PPG24, paragraph 2 notes that noisy activities should be located away from noise sensitive land uses. Brandon Shooting Ground respects the guidance set out in PPG24 in that the site is isolated from surrounding town and villages and other sensitive land uses. Mr Burt has developed the business successfully in a way that respects the surrounding nature of the environment.

From the information provided above it is clear that the application proposals are in line with the development plan and have plan led presumption in their favour. There is no demonstrable harm relating to noise or disturbance and therefore the applications should be supported. The business is supported by Defra and shooting for disabled which reinforces the importance of the business to the local community.

The proposal is in line with local, regional and national policy therefore the Local Planning Authority should grant planning permission for the erection of the tower and extended operational hours.

## CONCLUSION

The proposals represent an excellent opportunity for outdoor recreation and hence comply with the planning policy context as established by the adopted South Kesteven Local Plan, Regional and National Policy Guidance.

The proposals conform to local, regional and national policy, as they support rural diversification and outdoor recreation and protect and conserve the environment and residential amenity.

In conclusion we have shown that the proposals:

- Meet the requirements of PPS7, PPG17 and Policy T8 of the Structure Plan.
- Provide an opportunity to create permanent employment for local people. Due to the changes within agriculture and farming Mr Burt is looking to retain the present labour force and increase employment opportunities within the rural area.
- Will allow the sport to be enjoyed by a range of people including those with disabilities.

- Will allow the traditional countryside sport to remain without harming local wildlife. The proposal will support the future security of a business which continues to protect the rural wildlife.
- Respect residential amenity and surrounding land uses.

In these circumstances, it is considered that the application proposals have been justified in relation to the relevant planning policies contained in the development plan and national planning guidance and other material considerations. We therefore request that officers and members support both applications.

**RECOMMENDATION:** That the development be Refused for the following reason(s)

1. Consent is sought for the variation to the existing operational hours at the Stubton Gorse Clay Ground to allow the use to operate for up to 260 days of the year. Permission was refused on 7 October 2003 for a minor variation in operational hours under application S03/1093/71 and under a further application (S04/0345/71) on 18 May 2004. By virtue of the proposed operational hours that form part of this proposal it is the opinion of the planning authority that the use of the premises outside of the hours originally approved under application S00/0471/71 (dated 19 June 2000) would be likely to give rise to issues of noise and disturbance that would be detrimental to the residential amenities of the occupiers of dwellings in nearby settlements. For this reason it is considered that the proposal would be contrary to Policy EN1 of the South Kesteven Local Plan and the national planning guidance contained in PPG24.

**The above application was scheduled to be considered at the Development Control Committee on 17 May 1005 but was deferred at the request of the applicant prior to the meeting in order that they could attempt to counter the recommended reasons for refusal.**

At the time of drafting this report the agents for the application had not submitted any additional information. It is understood that they have met with Officers from Environmental Health and are in the process of preparing a supporting statement in order to address the potential noise issues associated with the site and the suggested reasons for refusal.

The Agents have been given until 9 September 2005 to provide this information in order that it can form part of the consideration of the application.

Since the previous report was prepared additional representations have been received from the following (no new issues have been raised):

- J Roberts, The Willows, Main Street, Fenton
- H Wilson, The Home Farm, Stubton
- A Gallon, Fallows End, Fulbeck
- B Baker, Corner Cottage, Main Street, Fenton

In addition to the above a letter of support for the application has been received from:

- C Wright, Part Cottage, Stubton

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Applicant	<b>Mr R A Curtis</b> 4, Alexandra Close, Long Bennington, Newark, NG235DH
Agent	
Proposal	<b>Change of use for training of off-road driving techniques</b>
Location	<b>Gorse Lodge, Stubton</b>

<b><u>Site Details</u></b>	
<b>Parish(es)</b>	<b>Stubton</b> Public footpath crosses site - FP1 Unclassified road Area of special control for adverts Airfield Zone - No consultation required Drainage - Lincs

## THE REPORT

### The Site and its Surroundings

The site is located to the north of Stubton Gorse Farm. Members may recall a number of previous planning applications on the adjacent land in relation to Stubton Gorse Clay Ground.

The application site lies between Stubton and Brandon, approximately 1100 metres south east of Fenton and approximately 1900 metres to the north west of Brandon. Brandon karting circuit is approximately 800 metres to the east of the site. Access to the site is via a long access serving other rural properties and enterprises.

### Site History

The original planning permission for the use of the adjacent site including the area of land which is the subject of this planning application for clay shooting was approved by planning permission S00/0471 date 19 June 2003. This permission allowed for shooting on the site between 10am and 8pm Monday to Friday, 2 weekends per month between 10am and 4.30pm and for a maximum of 50 days per year.

Temporary planning permission was granted on 9 October 2001 for a variation in the shooting hours (allowing for an additional hour on Tuesday evenings). This permission was granted for one year only and has subsequently lapsed.

A further application in 2003 (S03/1093/71/) sought consent for the modification of the operational hours and was refused on 7 October 2003 for the following reason:

Planning permission is sought for an extension of the operating hours at Stubton Lodge shooting lodge, Brandon. The site is located in an isolated midway between the villages of Stubton, Fenton and Brandon. The application proposes extending the hours of operation by one hour for two days a week. This would allow the business to operate until 9pm on Tuesdays and 5.30pm on Saturdays. The business has been operating outside the permitted hours and complaints have been received. In the opinion of the Local Planning Authority the operation of the shooting lodge outside the permitted hours would be likely to give rise to issues of noise and disturbance that would be detrimental to the residential amenities of occupiers of dwellings in nearby settlements. Such a detrimental impact would be contrary to Policy EN1 of the South Kesteven Local Plan.

More recently planning permission (S04/0345/71) was refused for (inter alia) the extension of the operating days and hours of operation, for the following reasons:

Consent is sought for the extension of existing buildings, the provision of a 29m tower, improvements to bunding and variations to the existing operation at the Stubton Gorse Clay Ground. Permission was refused on 7th October 2003 for a minor variation in operational hours under application S03/1093/71. By virtue of the proposed operational hours that form part of this proposal it is the opinion of the planning authority that the use of the premises outside of the hours originally approved under application S00/0471/71 dated 19th June 2000) would be likely to give rise to issues of noise and disturbance that would be detrimental to the residential amenities of occupiers of dwellings in nearby settlements. For this reason it is considered that the proposal would be contrary to Policy EN1 of the South Kesteven Local Plan.

S05/0357 – Variation of condition imposed on S00/0471 – Hours of Operation is a current application and is considered elsewhere in this report.

## The Proposal

The proposal relates to change of use for the land to be used for the training of off road techniques. The applicant has submitted the following information with the planning application.

### Use of Site – Gorse Lodge

It is proposed to use areas of Gorse Lodge for running training courses in off-road driving techniques. The types of vehicles involved will be discussed in the section headed “Description of Equipment” but will include 4x4 cars, off-road buggies, and quad bikes, all of which will be instructed on in small numbers and under expert supervision.

No clients will be allowed to use vehicles unsupervised, all relevant safety equipment will be provided, on-going risk assessment will be used to satisfy Health and Safety requirements.

Use of vehicles will be as non-damaging to the environment as possible, both in terms of direct damage, and in terms of noise problem also. (See equipment section)

In using these vehicles, areas will be chosen not only for the safety of our clients, but also with due consideration to our neighbours.

### Description of equipment to be used – Gorse Lodge

All vehicles to be used in conjunction with the off-road driving techniques at Gorse Lodge will be four-stroke petrol engine or diesel engine wherever possible. The company will have its own vehicles which will be maintained to our high standards, thus guaranteeing control of emissions and noise. Again St. GEORGE’S will be very strict in terms of vehicles allowed to use the site. The noise speed should be certainly no more than which St GEORGE’S creates already at PFI and far less than that which occurs during Gorse Lodge’s busier days, and indeed less than agricultural usage. The vehicles which the company envisages using include Landrovers, quads, off-road buggies. All training will be instructed in small numbers and clients will always be supervised by a responsible trained instructor.

On certain occasions, a client (such as Environment Agency or Police) may wish to use their own vehicle, these will generally always be a 4x4 car type vehicle and as such subject to vehicles regulations (in keeping with roadworthiness). St GEORGE’S will exercise strict control over which vehicles will be allowed on to its site.

Some companies offer “Pay and Play” time to members of the public to use their sites. St GEORGE’S will NOT be offering this facility, thus ensuring our high safety standards and a complete control over the numbers and types and “roadworthiness” of vehicles allowed on to our sites.

#### Site use on Daily Basis – Gorse Lodge

We should like approval which allows us to offer training on a daily basis. Due to other commitments within the business (motorcycle training, trailer training) it will not be possible to actually do this, time having to be spread over each area. We are embarking on this expansion in order to provide us with work opportunities particularly through the less-busy winter period.

Most days will involve a number of different activities and may use some or all of the vehicles at some point. To lessen the effect of any noise or environment damage, we envisage having regular breaks and include such activities as team-building exercise/games which involve no vehicular use. Exercise such as these may include a treasure hunt on foot, or games which revolve around one small area.

Of the vehicle activity mentioned, all will be at low speed, designed to be unobtrusive and non-damaging, not only to the environment, but also the clients themselves! The maxim “As slow as possible, as fast as only necessary” will be followed. We will be offering the chance to experience these vehicles safely, responsibly, and in a controlled environment.

This is not for spectators, so the only people we need to cater for in terms of access and parking will be those clients directly using our facilities. Existing parking will be utilised, as will existing access. Traffic movement and parking will not be changed dramatically from that which already uses Gorse Lodge. If necessary, we are prepared to bring vehicular traffic in from A17 thus solving any concerns regarding extra traffic flow through Stubton and Fenton.

There are to be no permanent buildings added within this proposal, and no groundworks to be undertaken. This will have no real impact on the surrounding area. We are aware of a bridleway running across the width of our site, and can confirm that this will be left clear and unused (save for occasional crossing).

## Policy Considerations

Policy EN1 – Seeks to resist planning applications that would pollute their surrounding by excessive noise.

Policy EN2 – Seeks to resist development in the open countryside except for uses that cannot reasonably be located elsewhere.

## Statutory Consultations

Local Highway Authority – No objections

Community Archaeologist – No objections

Head of Environment Health Services – A noise report is required

Lincolnshire Fieldpaths Association –

We have concerns that the use of a site for off road driver training would produce conflicts with the path users and even a danger to them. The applicant states that the path will be crossed only for the purposes of access from one part of the site to another, and not as part of any driving course or training ground. If this condition forms part of any consent it would meet our concerns.

#### Lincolnshire County Council – Footpaths

In the absence of further information it is expected that the definitive line and customary width of the path will not be affected by any proposed development.

During any works allowed by this proposal, users of the Public Right of Way should not be inconvenienced or exposed to hazard by any such works.

#### The Ramblers Association

I have now spoken to the applicant regarding the use of the site in relation to the adjacent public rights of way. I have his assurance that the public rights of way will be safeguarded whilst their training sessions are in progress.

#### North Kesteven District Council

A summary of their main concerns are listed below:

1. The application is not supported by a detailed noise or ecology assessment.
2. The proposal appears unclear as to the manner in which driver will operate.
3. Assessment of the proposed use on the local network of public rights of way must be undertaken.

#### Parish Council

##### Caythorpe Parish, Brant Broughton and Stragglethorpe, Hough on the Hill

1. Vehicles would cross the bridleway. Who would monitor it?
2. The noise of off road training would create a dangerous area for horses.
3. The road through Stragglethorpe would be subject to an increase in traffic.
4. Who will monitor the statement that persons will not be allowed to 'pay and play'?
5. The vehicle would be likely to produce deep rutting and eventual flooding.
6. A noise report is vital.
7. The vehicle activity will be a low speed would defeat the object of having the course in the first place.
8. Proposal will ruin the area for people waking and exercising their animals.
9. Proposal will result in increased traffic movements on the existing highway network.

#### Representations as a result of publicity

The application has been advertised in accordance with established procedures. Representations have been received from interested parties.

A summary of their main concerns are listed below:

1. The use of the site will inevitably lead to an increase in noise pollution. For villagers the noise will be relentless with Kart days, clay shooting days, motorbike training.
2. Conflict with the character of the area which is essentially rural to a noise pocket to be avoided.
3. Vehicles at low speeds going up and down inclines would produce irritating noise pollution.
4. The surrounding area almost totally consists a small lanes completely unsuitable to an increase in traffic.
5. A bridleway runs across the site. What provisions will be made for the safety of people using the bridleway? How would the bridleway be protected from damage?
6. There is a clear risk from very damaging light pollution if some activities continue into the night in winter months.
7. Increased traffic flows along the existing highway network and conflict with existing road.
8. Is there no limit to the expansion allowed on the site?

Other comments have been made in relation to the adjacent PFI Circuit which is not the subject of this application

## Planning Panel Comments

The application is to be determined by committee.

The applicant has been requested to provide additional detail regarding the proposed use, specifically:

1. Provide a noise report.
2. Provide evidence as to the nature and intensity of the proposed use.
3. How the training will be supervised.
4. Undertake a detailed assessment of the sites, ecology, particularly the woodland area.

At the time of drafting this report the requested information has not been received from the applicant. Any additional information provided will be reported verbally to the committee.

In light of the above comments it is considered that the use may be acceptable. However, until such as time as the requested information is received it is not considered that a full and proper assessment of the proposal can be undertaken. It is therefore recommended that the application is deferred for consideration at a future planning committee on receipt of the additional information.

**RECOMMENDATION:** The planning application is deferred for consideration at a future planning committee following receipt of the requested information.

\* \* \* \* \*

NR.3 **S05/0893/21**

Registration Date: 30-Jun-2005

Applicant	<b>Country Field Village Homes</b> Portland Chambers, King Street, Southwell, Notts, NG23 0EH
Agent	Rosamund Nicholson Knapeney Farm, Ossington Lane, Ossington, Newark, Notts, NG23 6ND
<b>Proposal</b>	<b>Variation of condition 6 of planning permission S04/1829/21)</b>
<b>Location</b>	<b>24, Doddington Lane, Claypole</b>

<b>Site Details</b>	
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<b>Parish(es)</b>	<b>Claypole</b> C Class Road Area of special control for adverts Drainage - Lincs
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## **REPORT**

### **The Site and its Surroundings**

Members may recall that outline planning permission was granted for residential development of the above site on 20 January 2005 (Planning Reference: S04/1829). This planning application has been made to vary Condition 6 of this outline permission which states:

“The siting of any dwellings on the site shall take the form of road frontage development which should avoid any built forms within the western half of the site”.

This planning condition was attached to the outline permission to provide a break between any built form and the open countryside to the south and west.

The applicant has submitted a block plan identifying a hatched area of land in which no development would take place. Thereby defining the area of land which could be developed. The layout, density and issues of highway safety relating to the development are not the subject of this application. This would be defined by the submission of reserved matters at a latter date.

### **Site History**

Outline Planning Permission was granted for residential development.  
Planning Ref: S04/1829/21.

### **Statutory Consultations**

Local Highways Authority – No observations

Parish Council

A summary of the Parish Council comments are listed below:

The Parish Council unanimously objects to the proposal. Under existing guidelines there is a limit of 5 dwellings off a private road.

The existing village is twice the size it should be given the existing infrastructure.

Concerns regarding the existing drainage system within the village.

Removal of Condition 6 would have the effect of allowing double the number of properties on the site which is in itself contrary to the number of properties off a private drive.

Claypole is a non-sustainable village.

Safety issues regarding Doddington Lane.

### **Representations as a result of publicity:**

1. The application has been advertised in accordance with established procedures and representations have been received from interested parties.

The a summary of the issues raised are listed below:

1. Lincolnshire has already met its housing requirements up to 2021. Claypole is not listed as a sustainable village and cannot cope with further housing development.
2. Houses built on this site should not pass either forward or backward of the existing road frontage in order to maintain the existing appearance of the area and to retain many of the mature trees.
3. The hatched area of the site does not represent Condition 6 as it does not prevent development in one half of the site and does not promote road frontage.
4. Road safety issues – the access to the site is very close to a 90 degree bend.
5. The scale and density of the development is out of context for a small village and rural community.
6. Since the last major development by Bovis Homes the village school is already over-subscribed.
7. The condition is there to ensure that the appearance of the area is maintained.
8. Any houses should be along the road frontage as this prevails in Doddington Lane. Built forms should not be allowed to encroach either forward or backward into the site beyond the neighbouring houses.
9. The access being a private drive limits the sites development potential.
10. The hatched area does not constitute half of the site nor block development on the western half of the site. It does not ensure that development takes place as road frontage.
11. Development here will create additional parking, waiting and manoeuvring of passing vehicles adjacent to the site access and in front of a sharp bend to the detriment of highway safety.
12. There is a pedestrian access to Moore Close opposite this development. The number of cars should be kept to a minimum.

## Planning Panel Comments

To be determined by Committee.

## Policy Considerations

Planning Guidance PPG3 and Policies EN1 and H6 of the South Kesteven Local Plan are relevant.

The principle of the residential development of the site is defined by outline planning permission S04/1829/21.

## Conclusions

The residential development of the site is already established by the outline planning permission granted on 20 January 2005. This application relates to the varying of Condition 6 of this permission. Matters regarding the layout and density of development of the site will be the subject of the submission of reserved matters within the statutory time period set out by the outline permission.

In light of the above comments the application to vary Condition 6 of the outline permission is considered acceptable.

## **Summary of Reason(s) for Approval**

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance note(s) PPG3 and policies EN1 and H6 of the South Kesteven Local Plan. The issues relating to pedestrian/highway safety, drainage, sustainability and layout/design are material

considerations but, subject to the condition(s) attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

**RECOMMENDATION:** That the development be Approved subject to condition(s)

1. The hatched area on the submitted plan shall not contain any built development and shall form a landscaping belt in accordance with details to be submitted to and approved in writing by the local planning authority to screen the development and provide a gentle transition between the built environment and the open countryside to the west and south of the application site. Planting shall be carried out in accordance with the approved details.

The reason(s) for the condition(s) is/are:

1. Road frontage development prevails within this area and the local planning authority wish to ensure that no new development projects out beyond the line of frontage development already established within this area.

\* \* \* \* \*

NR.4 **S05/0955/55**

Registration Date: 14-Jul-2005

Applicant	<b>Mr P Lefrenais, Kean Homes</b> Edgefield House, Vicarage Lane, North Muskham, Newark, Notts, NG23 6ES
Agent	JWA Architects Ltd Robert Tresham House, Clipston, Market Harborough, Leics, LE16 9RZ
<b>Proposal</b>	<b>Erection of four dwellings</b>
<b>Location</b>	<b>Crosburn House, Main Street, Long Bennington</b>

<b><u>Site Details</u></b> <b>Parish(es)</b>	<b>Long Bennington</b> C Class Road Curtilage Listed Building Area of special control for adverts C9 Area Conservation Policy Drainage - Lincs
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**REPORT**

**The Site and its Surroundings**

The application site is located to the rear of Crossburn House and currently forms gardens land to serve that dwelling. Crossburn House is a grade II listed building.

Access to the site is gained via an existing narrow private drive, bordered by dense hedging to both sides. Immediately to the north of the access is a pair of semi-detached cottages with the south facing gable wall adjoining the access.

The site borders agricultural land to the south (with a recent planning permission to redevelop to provide 15 dwellings), garden land to the north and EN6 land to the east. The land and barn immediately to the west of the site is in the ownership of the applicant and is the subject of discussions with the Planning Authority for a scheme of residential conversion.

## Site History

Planning permission was refused for the erection of 4 dwellings on the same site, under application S04/1881/55, on 7 February 2005. The refusal was based primarily on issues of access, due to the restricted width of the access track, its proximity to the dwellings either side and the increased use of the access. A second reason for refusal related to development on 'greenfield' land as opposed to Brownfield/garden land.

## The Proposal

Following the refusal of planning permission meetings have been held with the applicants in order to establish the acceptability of a resubmission application if the issues raised in the previous reason for refusal could be addressed.

Firstly, it has been established that all the land is garden land owned and controlled by the applicant. This makes a proposal to develop the site a 'brownfield' proposal, therefore, overcoming the 2nd reason for refusal on the previous application.

At a site meeting it was established that, if measures could be introduced to protect the adjacent property from additional noise and disturbance from an increased use of the access then the proposal would be more acceptable to the planning authority.

Permission is now sought for the erection of 4 dwellings on the site with an improved access provision. The details of the application are as follows:

- Access into the site would be in the same location and allow for improved visibility splays at the edge of the footpath to enable emerging drivers better visibility along the footpath.
- A 4.1m wide access road would be provided which would be brought 2m away from the adjacent cottage to the north.
- The 2m wide 'buffer' would be given/sold to the owners of 42 Main Street, along with a small section of land at the rear of their garden, and would be bordered with a new 1.8m high brick wall, which would screen the access road from that dwelling and reduce the noise levels from passing vehicles and pedestrians.
- The existing hedge towards the frontage of the access, on the northern side, would be retained and supplemented with additional planting. The hedge on the southern side would be re-established closer to the listed building to allow for the increase in drive width to 4.1m.
- The existing wall within the extensive garden area would be removed and the proposed dwellings would be evenly spaced around a central turning area.
- The proposed dwellings are large, having 5 bedrooms to the first floor and 2 further bedrooms in the roof void, but are sited on spacious plots and are well distanced from the site boundaries so as not to impact on the surrounding area.

## Policy Considerations

Policies H6 and EN1 of the South Kesteven Local Plan (1995) allows for residential proposals that do not adversely impact on the form and character of the area.

## Statutory Consultations

Directorate of Highways and Planning – Request 2 conditions and 2 ‘notes to applicant’ on any approval.

Community Archaeologist – No objections

Environment Agency – No comments made

Parish Council –

1. Access to the development.  
The access to this site from Main Road is narrow and long and will no doubt be a source of noise pollution to the existing adjacent properties.  
This proposed development is by its position ‘backland’ development.
2. Drains and Sewage.  
Long Bennington is on a clay bed that is largely impervious to water. This has caused problems in the past when new developments have altered the natural water flow. We are aware that currently surface water from new developments is to soakaways. These have not all proved effective.  
There are problems with surface water drains on Main Road and both Anglian Water and Severn Trent are investigating. Early indications are that many of the old culverts have collapsed or become blocked.  
SKDC should be aware of our concerns on this matter and report their findings to this Council, in particular the congestion of old drainage systems.
3. Amenities  
School.  
A new site is already being sought for the school as its present situation restricts growth. The new developments already taking place in the village will stretch its resources, which will be further exacerbated if Foston and the other adjacent villages expand. We have the support of these villages in requesting that developments should be refused until this amenity has been improved.  
  
Surgery.  
A new doctors surgery is proposed. It is envisaged this will not be available until mid-2006 at the earliest. With the other developments in the village, new patients are being refused until this happens. We have the support of the adjacent villages in requesting that further developments be refused until this amenity has been improved.
4. The Council cannot accept that this is a brown field site as suggested by this application.”

## Representations as a Result of Publicity

- The application has been advertised in accordance with established procedures and representations have been received from interested parties.

The following issues were raised:

- No drastic change from application previously refused
- Impact on village drainage/infrastructure
- Increased traffic at narrow entrance, highway safety, danger to small children

- Backland development
- Impact of dwellings, 3-storey in height
- Possible overlooking/loss of privacy
- Precedent
- No details provided for the conversion of the barn (separate application)

In addition to the above a letter in support of the application was received from the occupiers of 42 Main Road stating that the objection raised to the previous application had now been addressed to their satisfaction.

## Planning Panel Comments

24 August 2005 – Defer the proposal to the Development Control Committee for consideration.

## Applicants Submissions

“As with our previous application as submitted in December 2004, and as further discussed at our recent meeting, it was generally accepted that the means of access, both in terms of safety (a Highway Authority matter) and the issue of amenity, unacceptable noise and disturbance to the adjoining residents has been satisfactorily addressed within the current proposals and as you will see from the supporting information in the letter that has been received from the adjoining neighbour.

In principle the masterplan of the proposed development is designed so as to retain the existing garage block to be refurbished for the retained use of Crosburn House (subject to a separate application) whilst maintaining the Courtyard arrangement with a gated entrance via a re-aligned private drive to assist in the restrictions of views into the proposed site, so as to protect the setting of Crosburn House from Main Street.”

## Conclusion/Summary/Recommendation

It is considered that the revisions made to the proposal, following the refusal of planning permission in February of this year, are sufficient to warrant a recommendation for approval in this instance.

### **Summary of Reason(s) for Approval**

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note(s) 3 and policies H6 and EN1 of the South Kesteven Local Plan and adopted supplementary planning guidance on 'Backland Development'. The issues relating to infrastructure, highway safety, visual impact, privacy, backland development and precedent are material considerations but, subject to the condition(s) attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

**RECOMMENDATION:** That the development be Approved subject to condition(s)

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.

3. No development shall take place until there has been submitted to and approved in writing by the District Planning Authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.
4. The screen walls shown on the submitted plan shall be erected at the same time as the associated dwellings.
5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.
6. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number H5999/11 Rev. C dated 30 June 2005. (Please note that this road is a private road and will not be adopted as a highway maintainable at the public expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.)
7. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.

The reason(s) for the condition(s) is/are:

1. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policy/ies \*\* of the South Kesteven Local Plan.
2. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
3. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. These features make an important contribution to the appearance of the area. Their retention will maintain the appearance of the area and help assimilate the development with its surroundings and in accordance with Policies H6 and EN1 of the South Kesteven Local Plan.
5. To provide a satisfactory appearance to this residential estate by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy H6 of the South Kesteven Local Plan.
6. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policy EN1 of the South Kesteven Local Plan.
7. In the interests of safety of the users of the public highway and the safety of the users of the site, and in accordance with Policy H6 of the South Kesteven Local Plan.
8. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety amenity and commerce of the residents of this site, and in accordance with Policy H6 of the South Kesteven Local Plan.

Note(s) to Applicant

1. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 553170 for appropriate specification and construction information.

- This road is a private drive and will not be adopted as Highway Maintainable at the public expense (under the Highways Act 1980) and, as such, remains the responsibility of the individual property owner.

\* \* \* \* \*

NR.5 **S05/1010/02**

Registration Date: 25-Jul-2005

Applicant	<b>Mr Mick Garwood</b> Ancaster Service Station, Willoughby Road, Ancaster, GRANTHAM, NG32 3RT
Agent	
Proposal	<b>Erection of dwelling</b>
Location	<b>Ancaster Service Station, Willoughby Road, Ancaster</b>

<b><u>Site Details</u></b> <b>Parish(es)</b>	<b>Ancaster</b> A Class Road Radon Area - Protection required Minerals Consultation Area - MC1 Area of special control for adverts EN3 Area of great landscape value Airfield Zone - No consultation required Drainage - Lincs
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## **REPORT**

### The Site and its Surroundings

The application site is located on the south side of Willoughby Road, virtually opposite the entrance to Woodland Waters recreational area and some 540m to the west of the Ancaster traffic lights. 250m to the east of the site is the Lincolnshire County Council Highways Depot and the hamlet of West Willoughby is just over 1km to the west.

The area that forms this application site is currently used for the storage of hire vehicles and is directly associated with the workshop, petrol station and existing bungalow immediately to the west.

### Site History

S99/0013/02 – Sought consent for the erection of an additional dwelling on the premises. Outline planning permission was refused on 16 February 1999 for the following reason:

- The proposal involves the erection of a dwelling on a plot of land adjacent to the east of Ancaster Service Station. Policy 7A of the Alteration No 1 to the Lincolnshire Structure Plan and Policy H10 of the South Kesteven Local Plan state that new residential development in the open countryside will not normally be permitted unless there is an essential need in relation to agricultural/forestry. No such justification exists with regard to this application. Such a proposal would therefore be contrary to local planning

policies, which are to direct new residential developments towards established settlements and protect the countryside from sporadic development. A bungalow exists to the south of the service station, which has previously been occupied in association with the garage.

An appeal was lodged against this reason for refusal, which was dismissed by the Planning Inspectorate on 22 November 1999. In considering the appeal the Inspector stated:

‘Despite the existence of a small number of buildings the surrounding area is clearly rural and I am satisfied that it is properly classed as open countryside in the sense that the term is used in Policies 7A and H10. Since the new dwelling is not needed to house a farm or forestry worker I am satisfied that your proposal is contrary to these policies’. (Paragraph 4)

‘I have no doubt that a dwelling would add to the security of the service station. However, I am not satisfied that the argument is of itself sufficient to overcome the policy objection to the proposal, especially when a wide variety of surveillance and other security equipment is available. In this particular case the weight I give to the security argument is also reduced by the presence of an existing dwelling’. (Paragraph 6)

‘Allowing policies against such development to be breached on one occasion would make it more difficult to uphold them in the future, with the result that the original harm would be compounded’. (Paragraph 7)

‘I have no doubt that your business provides a service to the local community and provides local employment. Nevertheless I can see no convincing reason why refusal of the appeal proposal would force its closure or even significantly prejudice its continued well-being’. (Paragraph 8)

S05/0094/02 – Sought consent for the erection of an additional dwelling on the site. Outline Planning Permission was refused on 14 March 2005 for the following reasons:

1. The proposal involves the erection of a dwelling on a plot of land adjacent to Ancaster Service Station. Planning permission was refused for a dwelling in this location under application no. S99/0013/02 and subsequently dismissed at appeal on the 22 November 1999. Policy 7A of the Alteration No. 1 to the Lincolnshire Structure Plan. Policy H10 of the South Kesteven Local Plan and National Planning Guidance offered in PPS7 state that new residential development in the open countryside will not normally be permitted unless there is an essential need in relation to agricultural/forestry. No such justification exists with regard to this application. Such a proposal would, therefore, be contrary to national and local planning policies, which are to direct new residential development towards established settlements and protect the countryside from sporadic developments. A bungalow exists to the south of the service station, which has previously been occupied in association with the garage.
2. The proposed site is in an area that is devoid of any essential services and is considered to be a location that cannot sustain any such development without the need for future occupants to rely on the use of the motor vehicle. It is not, therefore, considered to be a sustainable location for further development and the proposal would be contrary to national planning guidance contained in RPG8 – Regional & Spatial Strategy (2002), PPS7 – Sustainable Development in Rural Areas (2004), PPG3 – Housing (2000), PPG13 – Transport (2001) and Policies S1, S2 and S4 of the Lincolnshire Structure Plan Draft Deposit (2004).

## The Proposal

By way of a resubmission the applicant still seeks consent for the erection of a dwelling on the site. Substantial information has been submitted in support of the application in order that, notwithstanding the policy resistance, a further dwelling is permitted on the site to improve the general security of the site, to house employed family members and to aid in the running of the company.

The applicant has provided a supporting statement, which can be found in the 'Applicants Submissions' section of this report. In addition, the Parish Council and Douglas Hogg MP, both raising no objections to the proposal, have provided letters of support.

In order to further highlight the need for improved security on the site, to address the Inspectors concerns raised in paragraph 6 referred to above, documentation has been received from Grantham Police listing some 49 incidents, in varying forms, that have occurred at the premises since the applicant occupied the premises in 1992.

The petrol station is open from 0700 to 2100 with the vehicle hire, car sales and workshop open from 0830 to 1700. The premise currently employs 5 members of staff, all of which are family members and all the family members currently occupy the existing bungalow on the site. The occupation of the existing bungalow is not linked to the petrol station or workshop by planning condition or legal agreement.

## Policy Considerations

Policy 7A of the Alteration No. 1 to the Lincolnshire Structure Plan, Policy H10 of the South Kesteven Local Plan and National Planning Guidance offered in PPS7 state that new residential development in the open countryside will not normally be permitted unless there is an essential need in relation to agricultural/forestry.

RPG8 – Regional & Spatial Strategy (2002), PPS7 – Sustainable Development in Rural Areas (2004), PPG3 – Housing (2000), PPG13 – Transport (2001) and Policies S1, S2 and S4 of the Lincolnshire Structure Plan Draft Deposit (2004) – all seek to resist development in open countryside locations where future residents would rely on the use of the motor vehicle.

## Statutory Consultations

Parish Council – No objections to raise.

Directorate of Highways and Planning – Request 2 conditions on any approval.

Community Archaeologist – No comments made.

Environment Agency – No comments made.

## Representations as a Result of Publicity

None

## Planning Panel Comments

16 August 2005 – The application be determined by the Development Control Committee.

## Applicants Submissions

“Please find enclosed the reasons why I should be granted planning permission to build a bungalow on the east side of Ancaster Service Station. If planning were granted this dwelling would be attached to the business.

We note that the highways have built a roadway coming out on the A153 and a building is to be erected for the gritter lorries, which is clearly in open countryside. Thus they have the go ahead, but it appears Wootten Trailers lost his business as they were turned down for permission to build a road and now the highways have built a road, one rule for one and one rule for another.

In a letter from Mr Arrowsmith in the appeal he says that a wide supply of surveillance and security equipment is within our site, thus refusing planning permission. Since then we have been abused, robbed, ram raided and SHOT at, so how does the surveillance and security equipment protect us, trying to offer a service to customers. Cars come on the forecourt throughout the night, which we hear, so since our last armed robbery, we cannot get a proper night's sleep with the worry that someone will have another go at robbing us.

We have had enough of being upstanding and honest people of this community paying our due's to society e.g. Taxes, rates etc. and feel that we are now at the end of the tether. To continue in this business we need planning permission for own piece of mind and security and would like your backing Mr Hubbard on this proposal, as the support of Ancaster Parish Council, Douglas Hogg, Graham Wheat and the entire community, understands all the damage to our business we are receiving from these criminals.

The two-bedroom bungalow on the westside of the service station is not adjacent to the business, where as planning permission for a new bungalow would be in attachment to the business only.

In the media it was announced the Ancaster had been opened for building within the open countryside and has now been stopped again for future development. You told me that there was a limited amount left of open countryside , I can't remember the figure you told me exactly but was going very rapidly. I now wish to apply for one of these places so I can build a dwelling on the east side so I can protect my business with the every increasing crime.

When police are called they don't turn up till after the event and we have to deal with the criminals ourselves, endangering our own lives.

Since we moved here in 1992 I have collected nearly 10 million pounds from sale of fuel Government Tax. I have also paid into South Kesteven Council in business rates and personal rates approximately £78,000 plus.

I have seen Turnbolls pit, which is now Woodland Waters, turned around into a holiday park and camping site which has had the erection of lodge cabins for the public. To the present day the park is extremely busy with people and traffic, both of which move all through the day and night. This also disturbs us although we have tolerated this because we appreciate both angles hassle and noise. This in turn has had a major increase in business turnover we can't always have it one way.

The only problem I have is being turned down for a bungalow on the other side of Ancaster Service Station with the ever increasing crime does not help us out. I have numerous amount of paperwork of the crimes and incidents that have occurred at Ancaster Service Station since 1992 for you to see that the appeal should of never have been turned down on the grounds of sufficient security.

The appeal officer said we had sufficient security and alarms, this is clearly NOT the case as the crime record on Ancaster Service Station form 1992, and that I need to have a

bungalow passed and built for two main reasons, one to protect Ancaster Service Station from major crime and kept to a minimal and two to house my eldest son and eldest daughter to protect the business and to help run the company. My son and daughter would live in this bungalow due to the fact that they can not afford to buy their own houses at today's present market. This would be in order for us to survive and keep the insurance premium minimal.

I must also inform you that not one Member of our local community has objected for this planning not to take place.

Please allow us to have planning permission to build a dwelling to help with the above.”

## Conclusions/Summary/Recommendation

From the police reports provided it is clear that the site has been the target of many incidents of crime over recent years. Whilst being sympathetic to this situation the planning application has to be considered on its own merits and in light of current planning policies and it is for these reasons that, notwithstanding the additional information supplied, this application cannot be supported by the planning authority.

**RECOMMENDATION:** That the development be Refused for the following reason(s)

1. The proposal involves the erection of a dwelling on a plot of land adjacent to Ancaster Service Station. Planning permission was refused for a dwelling in this location under application no S99/0013/02 (subsequently dismissed at appeal on 22 November 1999) and, more recently, under application S05/0094/02 on 23 March 2005. Policy 7A of the Alteration No 1 to the Lincolnshire Structure Plan, Policy H10 of the South Kesteven Local Plan and National Planning Guidance offered in PPS7 state that new residential development in the open countryside will not normally be permitted unless there is an essential need in relation to agriculture/forestry. No such justification exists with regard to this application. Such a proposal would, therefore, be contrary to national established settlements and protect the countryside from sporadic development. A bungalow exists to the south of the service station, which has previously been occupied in association with the garage.
2. The proposed site is in an area that is devoid of any essential services and is considered to be a location that cannot sustain any such development without the need for future occupants to rely on the use of the motor vehicle. It is not, therefore, considered to be a sustainable location for further development and the proposal would be contrary to national planning guidance contained in RPG8 - Regional & Spatial Strategy (2002), PPS7 - Sustainable Development in Rural Areas (2004), PPG3 - Housing (2000), PPG13 - Transport (2001) and Policies S1, S2 and S4 of the Lincolnshire Structure Plan Draft Deposit (2004).

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