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| PL.06 12/13 |
| Planning Committee |
| Date 22 August 2012 |

Subject: Planning applications for determination

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| Report by: | Director of Regeneration and Planning |
| Contact Officer: | Nick Ethelstone Area Team Manager 01427 676629 |
| Purpose / Summary: | The report contains details of planning applications that require determination by the committee together with appropriate appendices |

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal:
None arising from this report.

Financial :
None arising from this report.

Staffing :
None arising from this report.

Equality and Diversity including Human Rights :
The planning applications have been considered against 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:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

Key Decision:

Yes

No

Executive Summary

Item 1 Planning Application No: 128813

PROPOSAL: Planning application for replacement and relocation to ground floor of 3no. gas boilers and replace existing flue with 3no. 150mm diameter flues through roof at the rear

LOCATION: Trinity Arts Centre Trinity Street Gainsborough Lincolnshire DN21 2AL

RECOMMENDED DECISION: Grant Planning Permission

Item 2 Planning Application No: 128386

PROPOSAL: Listed Building Consent for replacement and relocation to ground floor of 3no. gas boilers and replace existing flue with 3no. 150mm diameter flues through roof at the rear

LOCATION: Trinity Arts Centre Trinity Street Gainsborough Lincolnshire DN21 2AL

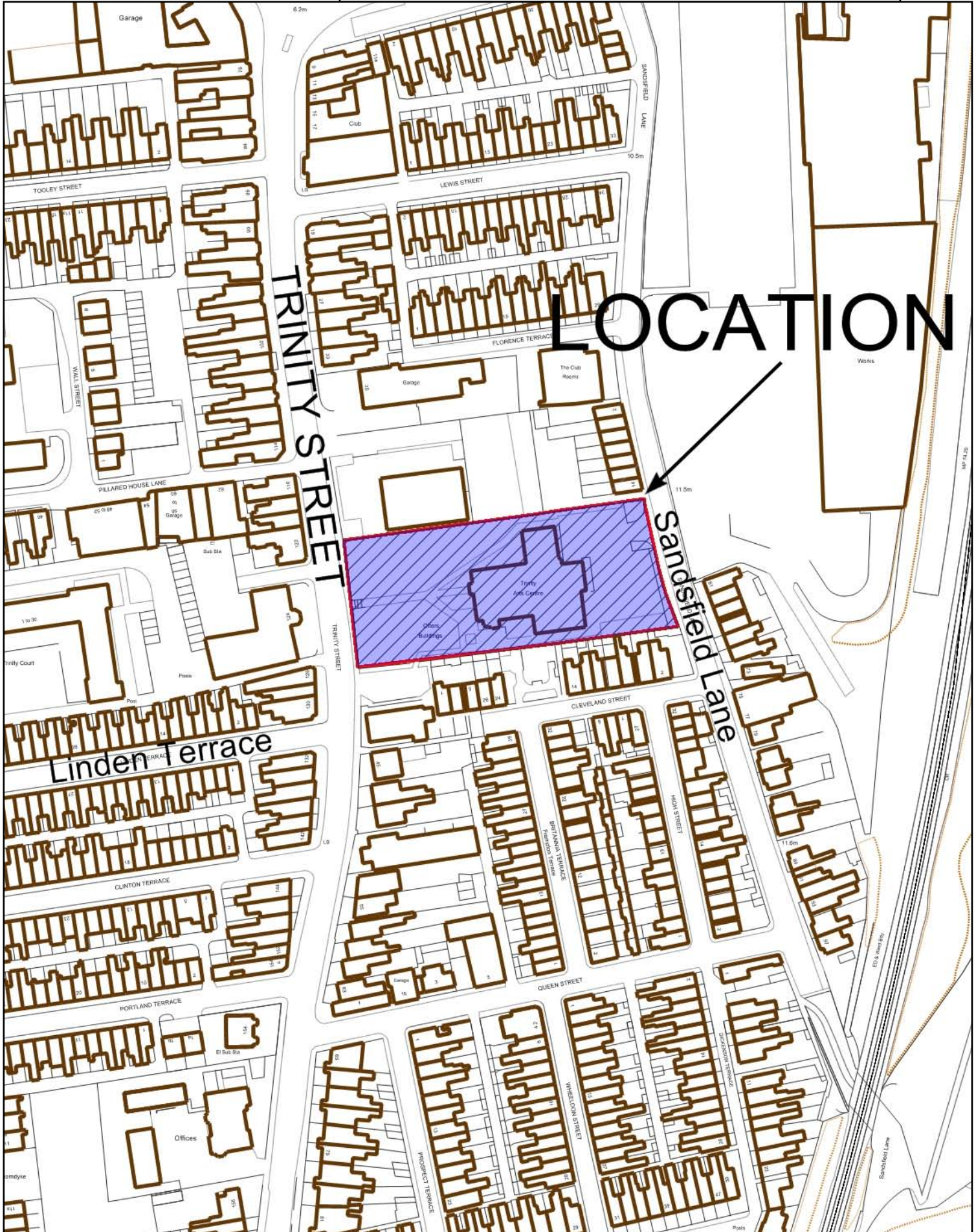
RECOMMENDED DECISION: Grant Listed Building Consent

Item 3 Planning Application No: 128540

PROPOSAL: Retrospective planning application for 14 no external lighting posts

LOCATION: Wold View Fisheries Pelham Road Claxby Market Rasen LN8 3YR

RECOMMENDED DECISION: Grant Planning Permission



Planning Application No: 128813

PROPOSAL: Planning application for replacement and relocation to ground floor of 3no. gas boilers and replace existing flue with 3no. 150mm diameter flues through roof at the rear

LOCATION: Trinity Arts Centre Trinity Street Gainsborough Lincolnshire DN21 2AL

WARD: Gainsborough South West

WARD MEMBER(S): Cllr Mrs A J Rainsforth and Cllr TV Young

APPLICANT NAME: G Reeve

TARGET DECISION DATE: 08/08/2012

DEVELOPMENT TYPE: Listed Building - Alter/Extend

CASE OFFICER: John Howlett

RECOMMENDED DECISION: Grant Planning Permission

Description:

Trinity Arts Centre is located on Trinity Street and comprises Trinity Arts Centre (formerly the Church of the Holy Trinity). The building is Grade II listed. The principal frontage and setting of the Arts Centre is to Trinity Street, defined by a manicured grassed area with pedestrian access. The rear part of the site is host to a small car park, which has vehicular access to Sandsfield Lane. There are a mixture of uses on Sandsfield Lane although adjacent to the rear car park is a small terrace of houses.

Proposal:

The proposal is to replace the existing boiler in the building with 3 new high efficiency condensing boilers. The boilers are to be located in the same position as the existing. The new boilers each require a new flue. These are to be located on the rear of the building on the north (side) roof plane below an existing duct.

Relevant history:

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| W33/9/78 | Change of use from Church to building for use as an Arts Centre for public, community and cultural purposes. |
| W33/188/80 | To form vehicular access and construct car park. |
| W33/931/82 | Extension to church and conversion to arts centre. |
| W33/LB/18/82 | Extension to Church and conversion to Arts Centre. |
| W33/A/19/86 | Display non-illuminated sign. |
| W33/749/89 | Site two portacabins for use as storage and office accommodation in accordance with revised plans received 9 November 1989. |
| W33/A/6/89 | Erect 2 static illuminated notice boards. |
| M04/P/1132 | Erect extension to form accessible wc, changing main |

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| | entrance doors to automatic sliding doors and form ramp to entrance. |
| M04/P/1038 | Form new disabled wc and changes to entrance. |
| M02/P/0010 | Construct disabled ramp, boundary treatment, railings and copings and tree works |
| M00/P/0189 | Consent to display name sign, two poster display boards and free standing sign. |

Representations:

Chairman/Ward member(s): No comments received to date.

Parish/Town Council/Meeting: No comments received to date.

Local residents: No comments received to date.

LCC Highways: No comments received to date.

Environment Agency: No comments received to date.

Archaeology: No comments received to date.

Building Control: No comments received to date.

Environment and Conservation: Whilst there are 3 flues to consider they are sited on the rear service elevation which will minimise their visual intrusion in the public realm and they will be screened from some views by the parapet. Furthermore the use of black flues against a slate roof will ensure the proposal will not harm the architectural significance of the heritage asset whilst allowing the building to continue to have a sustainable use as a community facility.

Relevant Planning Policies:

National guidance

National Planning Policy Framework 2012 (NPPF)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Main issues

- Impact of the proposal on the fabric of the listed building.

Assessment:

Paragraph 131 of the NPPF advises that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The original church was built in 1841 to 1843 to accommodate the growing population of Gainsborough. It was listed in 1977. The principle reasons for the designation were that; the tower and spire form an important local landmark and that the architect (T Johnson of Lichfield) had built a number of local churches in the Midlands area.

It is clear that the replacement boilers and associated flue work are necessary to allow the building to continue its function as a community facility. The location of the flues on the rear elevation will render them visible from the rear windows of some of the properties on Sandsfield Road, however, their height above the roof plane (0.9m) will not lead to a significant loss of amenity to adjacent occupiers. From the wider public realm (Sandsfield Road) the flues will be screened by an existing buttress.

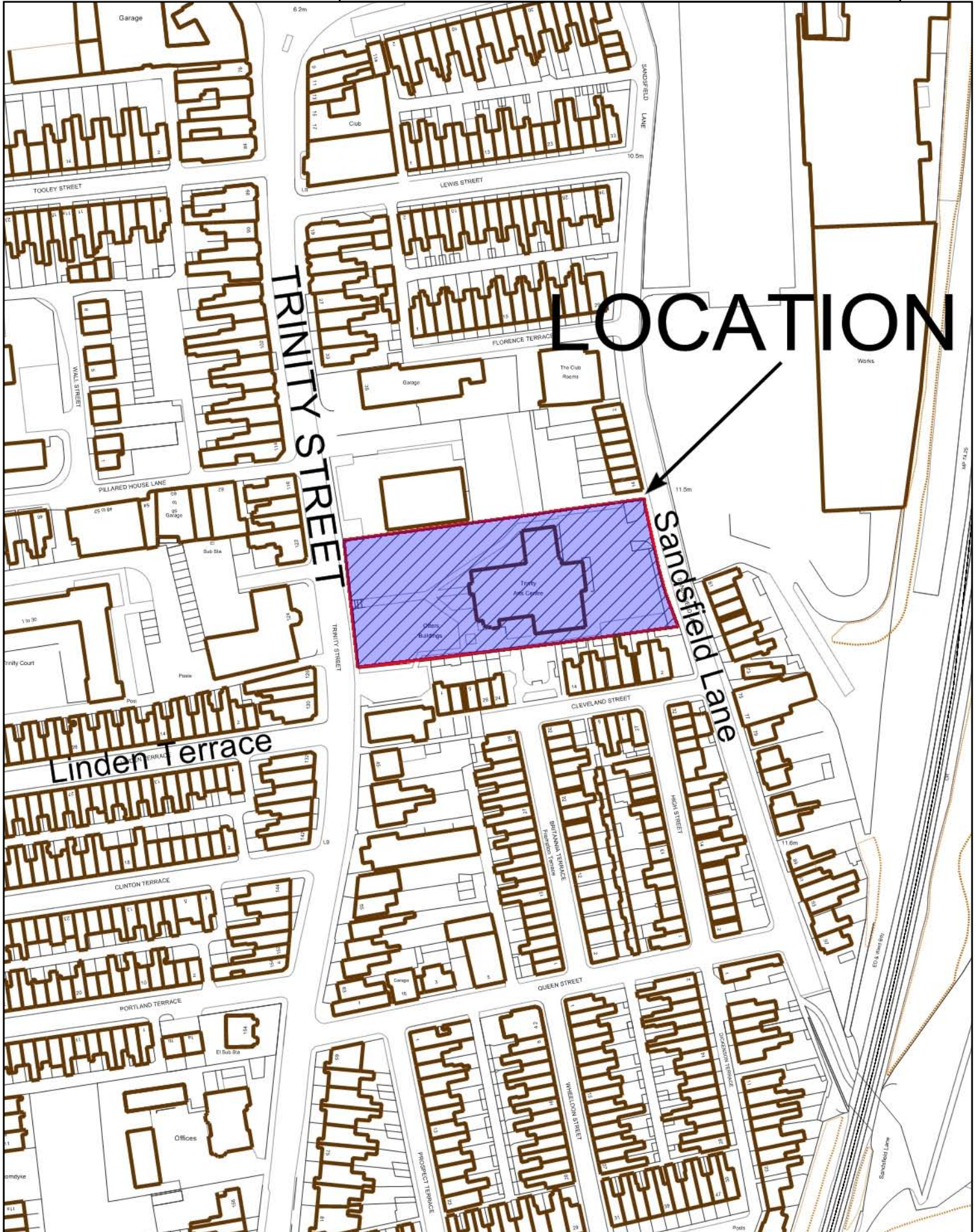
Conclusion

The overriding justification for the proposal stems from the wider need to allow the building to continue providing a viable community use whilst not affecting the architectural significance of the building.

Recommendation: Grant Planning Permission subject to the condition below:

- 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).



Planning Application No: 128386

PROPOSAL: Listed Building Consent for replacement and relocation to ground floor of 3no. gas boilers and replace existing flue with 3no. 150mm diameter flues through roof at the rear

LOCATION: Trinity Arts Centre Trinity Street Gainsborough Lincolnshire DN21 2AL

WARD: Gainsborough South West

WARD MEMBER(S): Cllr Mrs A J Rainsforth and Cllr TV Young

APPLICANT NAME: Mr G Reeve

TARGET DECISION DATE: 08/08/2012

DEVELOPMENT TYPE: Listed Building - Alter/Extend

CASE OFFICER: John Howlett

RECOMMENDED DECISION: Grant Listed Building Consent

Description:

Trinity Arts Centre is located on Trinity Street and comprises Trinity Arts Centre (formerly the Church of the Holy Trinity). The building is Grade II listed. The principal frontage and setting of the Arts Centre is to Trinity Street, defined by a manicured grassed area with pedestrian access. The rear part of the site is host to a small car park, which has vehicular access to Sandsfield Lane. There are a mixture of uses on Sandsfield Lane although adjacent to the rear car park is a small terrace of houses.

Proposal:

The proposal is to replace the existing boiler in the building with 3 new high efficiency condensing boilers. The boilers are to be located in the same position as the existing. The new boilers each require a new flue. These are to be located on the rear of the building on the north (side) roof plane below an existing duct.

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| W33/749/89 | Site two portacabins for use as storage and office accommodation in accordance with revised plans received 9 November 1989. |

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| W33/A/6/89 | Erect 2 static illuminated notice boards. |
| M04/P/1132 | Erect extension to form accessible wc, changing main entrance doors to automatic sliding doors and form ramp to entrance. |
| M04/P/1038 | Form new disabled wc and changes to entrance. |
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Representations:

Chairman/Ward member(s): No comments received to date.

Parish/Town Council/Meeting: No comments received to date.

Local residents: No comments received to date.

LCC Highways: No comments received to date.

Environment Agency: No comments received to date.

Archaeology: No comments received to date.

Building Control: No comments received to date.

Environment and Conservation: Whilst there are 3 flues to consider they are sited on the rear service elevation which will minimise their visual intrusion in the public realm and they will be screened from some views by the parapet. Further more the use of black flues against a slate roof will ensure the proposal will not harm the architectural significance of the heritage asset whilst allowing the building to continue to have a sustainable use as a community facility.

Relevant Planning Policies:

National guidance

National Planning Policy Framework 2012 (NPPF)

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Main issues

- Impact of the proposal on the fabric of the listed building.

Assessment:

Paragraph 131 of the NPPF advises that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
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The original church was built in 1841 to 1843 to accommodate the growing population of Gainsborough. It was listed in 1977. The principle reasons for the designation were that; the tower and spire form an important local landmark and that the architect (T Johnson of Lichfield) had built a number of local churches in the Midlands area.

It is clear that the replacement boilers and associated flue work are necessary to allow the building to continue its function as a community facility. The location of the flues on the rear elevation will render them visible from the rear windows of some of the properties on Sandsfield Road, however, their height above the roof plane (0.9m). From the wider public realm (Sandsfield Road) the flues will be screened by an existing buttress.

Conclusion

The overriding justification for the proposal stems from the wider need to allow the building to continue providing a viable community use whilst not affecting the architectural significance of the building.

Recommendation: Grant Planning Permission subject to the condition below:

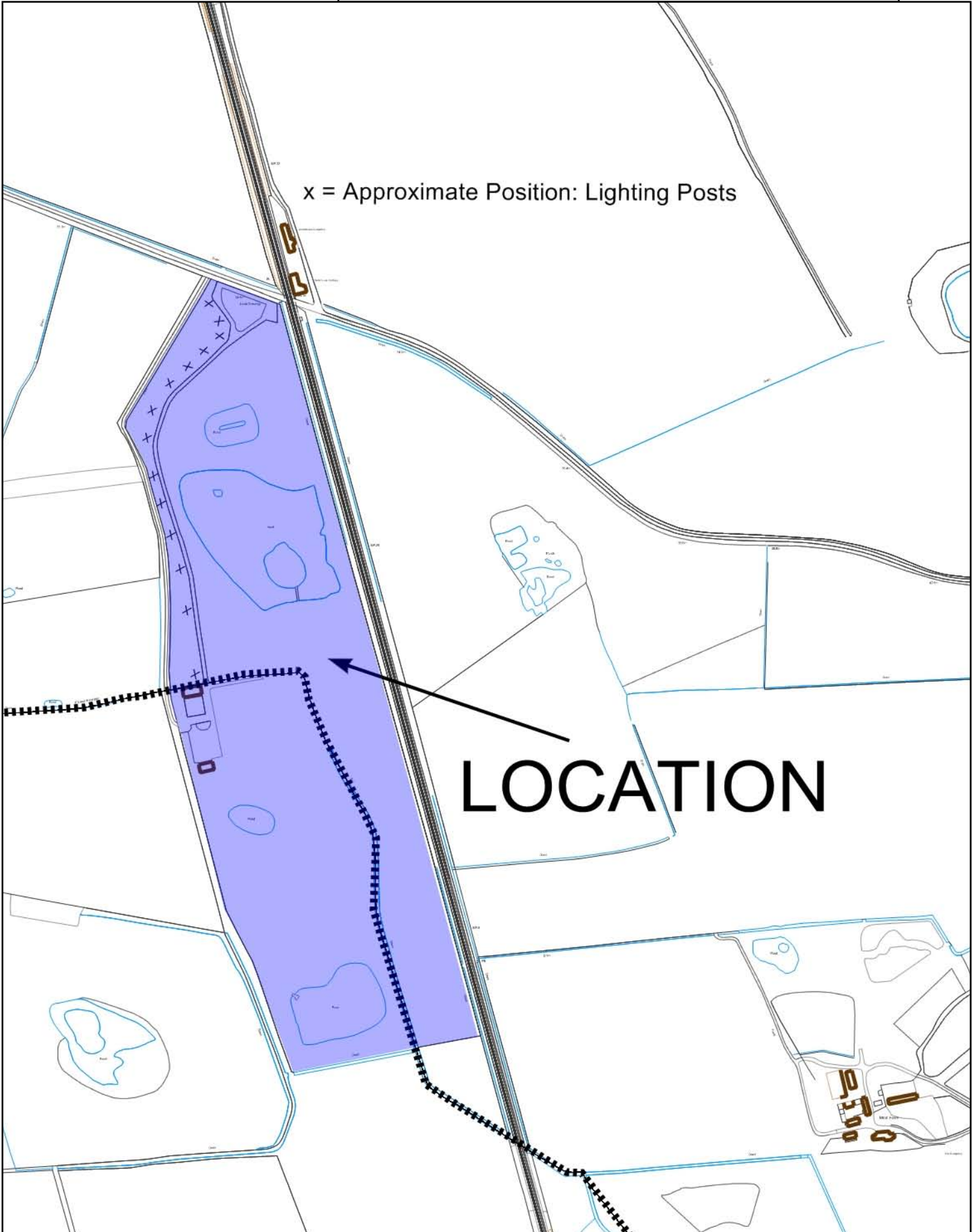
1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this consent.

Reason

To comply with Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.



x = Approximate Position: Lighting Posts



Planning Application No: 128540

PROPOSAL: Retrospective planning application for 14 no external lighting posts

LOCATION: Wold View Fisheries Pelham Road Claxby Market Rasen LN8 3YR

WARD: Wold View

WARD MEMBER(S): Cllr T Regis

APPLICANT NAME: Mr Bryn Isley

TARGET DECISION DATE: 24/07/2012

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Planning Permission

Description:

Site - Known as Wold View Fisheries, it is located to the northwest of the small rural settlement of Claxby. It is located in the open countryside to the south of Pelham Road and next to the Lincoln to Grimsby railway line. It is an enclosed, well landscaped site, consisting of seven fishing lakes with a log cabin and storage building.

Proposal – This is a retrospective planning application to retain 14 lighting columns. They are black painted and approximately 4.2 metres in height with a white top spigot mounted lantern. They are located at regular lengths next to the access way that serves the site, starting at the northern tip of the site off Pelham Road and finishing at the entrance to the car park on the western side of the site. This falls just short of the halfway mark of the entire site. The applicant has previously stated that the lighting columns are used only during the darker winter months usually for no more than 1 hour to allow anglers to finish packing their equipment away and to exit the site. Permission is also sought to allow the lighting to be in use for a period not exceeding a single hour between 1700 hours and 1900 hours from the middle of September to the end of March.

Relevant history:

128541 – At the time of preparing this report this is an undetermined application to vary condition 10 of planning permission M05/P/0831 to increase the number of pegs on site

128203 – Outline application for 10 log cabins. Granted Permission 2012.

122605 - Application for 10 holiday units. Refused 2008

121024 - Application for 22 log cabins. Withdrawn 2007

M06/P/341 – Application for log cabin in lieu of that approved by M05/P/0831. Granted Permission 2006.

M05/P/0831 - Application for a fishing centre including log cabin. Granted Permission 2005

Representations:**Chairman/Ward member(s):** No comments received**Parish Council:** Osgodby and Claxby Parish Councils **object** to the application on the following grounds:

- The application site is next to the Wolds AONB which is a renowned “area of darkness”, and is regarded as providing an excellent site for viewing the night sky. This will be at risk if increasing light pollution is allowed to proceed unchecked.
- The Wolds AONB is unique and needs protecting, it is the only one in Lincolnshire and only one of two in the whole of the East Midlands
- The current lighting is highly visible from the Viking Way and detracts from the undeveloped and open nature of the Lincolnshire countryside.
- This form of lighting is too bright and it resembles a typical urban street which is entirely unsuitable for a site in a predominantly rural landscape.
- If lighting is required on the site, the lighting scheme should have close regard to the good practice guidance from the Institution of Lighting Engineers set out in “Guidance Notes for the Reduction of Light Pollution” (2005). The guidance provides details of obtrusive light standards to apply in identified ‘Environmental Zones’. The ‘Environmental Zones’ are defined on a scale ranging from category E1 to E4 with: E1 being a ‘dark landscape’ such as open countryside, which is designated as either a National Park or an AONB.
- Policy NBE 18 – Light Pollution

Local residents: Two letters of representation have been received, one from Pelham Top Farm and one from Mrs G. Jordan in Osgodby (No address). The letter from Pelham Top Farm states that “whilst not necessarily objecting to the retention of the posts themselves (their unlit visual impact is minimal)” they **object to their use** for the following reasons:

- Absence of any practical benefit
- Loss of public and personal amenity through erosion of the natural darkness of the area
- Wasteful use of energy

They go on to state that if their views are disregarded they ask that conditions are added requiring a change in design minimising light spillage and that the use be strictly limited as proposed by the applicant and suggesting prohibition of lighting after 1900 hours.

Mrs G.J Jordan **objects** to the application and makes a number of comments:

- Questions the need and justification for lighting to be only required between 1700 and 1900 hours as it can get darker much sooner and refers to the occupants of caravans requiring illumination outside these times and dates

- Questions monitoring of adherence to any consents
- Urban style lighting not appropriate next to Wolds and suggests that a full lighting plan be developed in conjunction with the Wolds AONB and that WLDC should seek opportunities for the use of solar power on this site to power the lighting and meet the energy needs of future development

LCC Highways: Does not wish to restrict the grant of planning permission
Lincolnshire Wolds Countryside Service: Make the following comments:

- “We have received several comments from the public and local parish councils on the ongoing development proposals for the Wold View Fisheries Claxby Fishing Lakes, and more recently the lighting units and the issue of light pollution in a rural setting. It is unfortunate that the applicant appears to have gone ahead and put in a complete lighting scheme in advance of any formal planning application. I'm aware that this site is not located within the Lincolnshire Wolds Area of Outstanding Natural Beauty but would suggest that impact upon setting in terms of any light pollution is a consideration in determining this application. I note that the design and number of units proposed is of a type that would not be out of place for a typical residential street lighting scheme, rather than one of a rural setting/ woodland edge location. If approved, we would hope that firm conditions could come forward to ensure that the lighting frequency and dispersal is closely monitored and kept to a minimum. I note from the applicants submission that the lighting units are only proposed to be in use for a maximum of one hour from mid-September to the end of March between the hours of 5.00 pm and 7.00 pm”

LCC (Archaeology): No objections

Relevant Planning Policies:

Development Plan

East Midlands Regional Plan 2009

Policy 42 – Regional priorities for tourism

http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

West Lindsey Local Plan First Review 2006 (saved policies)

- 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>.
- NBE10 - Protection of Landscape character and Areas of Great Landscape Value.

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

- NBE18 – Light pollution
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

Other policy and relevant considerations

- National Planning Policy Framework 2012
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>
- Good Practice Guide on Planning for Tourism (2006)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/151753.pdf>
- United Kingdom Tourism Survey (UKTS) for the East Midlands (2007)
http://www.visitengland.org/Images/UKTS%202007%20-%20East%20Midlands_tcm30-19442.pdf
- Generating Strategic Insight for Lincolnshire: Current & Potential Visitor

Main issues

- Impacts on the character and appearance of the site and the surrounding countryside including the effects of light pollution

Assessment:

Impacts on the character and appearance of the site and the surrounding countryside including light pollution - Addressing the question of the structures themselves it should be noted that the site within which they are located has a self contained character assisted by the amount of structural landscaping that has been put in place although the whole site is obviously set within a wider context. Within the context of the site and its use the structures are not considered incongruous nor do they appear as over dominant features within the landscape. This is a function of their siting within a narrow section of the overall site following the alignment of the access road. The lighting columns stop at a point midway along the site whilst the access road continues to the other end of the site. The form of the columns themselves which are slender in appearance and not excessive in height and well spaced also assist in terms of reducing their impact on the landscape to an acceptable level. The only views of the structures beyond the site are available from longer distance views and as one of the objectors has noted the unlit visual impact is minimal.

It is considered that the unlit structures in themselves do not harm the character or appearance of the site or wider area. The issue of impact is therefore considered to relate to the actual use of the lighting which is what draws attention to the presence of the structures themselves. The lanterns on the lighting columns are angled downward over the access road reducing direct light spillage upwards. The issue of impact is two fold, firstly whether

lighting will have an unacceptable intrusive impact on residents living in proximity to the site and, secondly the wider impact on the landscape and natural environment. In relation to the first impact this will depend on the proximity to nearby houses and if in close proximity, the nature and duration of use. The closest lighting column to a dwelling (Gatehouse Cottage on Pelham Road) is set back approximately 15 metres within the enclosed site and is located over 80 metres in total from the property. This distance separation is considered sufficient to avoid any unacceptable impacts on the occupants. The next closest property to a lighting column is Pelham Farm approximately 300 metres to the south west. Accordingly officers are of the view that the distance separation is sufficient to avoid any adverse impacts on the amenity of nearby residents.

The wider impact of lighting on the landscape and surrounding countryside depends on the nature, character, duration and intended hours of operation. The character of the lighting on the site is not considered intensive. It is not, for example, intended or designed to illuminate the entirety of the 15.28 hectare site including the various fishing lakes across it which would increase the prominence of the site within its wider landscape, including the Wolds AONB to an unacceptable level, impacting harmfully on its character and appearance. It is simply downward facing lighting intended to illuminate the access strip running from the car park to the sites exit allowing users of the site to leave safely. Notwithstanding this permanent illumination through the night time would not be considered acceptable. The restriction of illumination at the site to between the hours of 1700 and 1900 from September to March is considered reasonable and proportionate to both the use of the site and in terms of minimising impacts on the wider landscape including the AONB, which would be of a temporary nature and limited in duration. Given this, subject to the imposition of conditions, officers are of the view that planning permission should not be withheld on the grounds of harmful impacts on the character and appearance of the site and wider landscape arising through light pollution.

Matters raised by objectors

This application seeks to retain the **existing** lighting rather than devising a lighting strategy for the site or proposing new lighting arrangements and should be judged on its own merits. Comments in relation to future lighting requirements, the perceived lack of practical benefits of the proposal are not relevant to the consideration of this application. The assertions in relation to wasteful use of energy and the encouragement for WLDC to seek solar energy on the site are noted but also not considered relevant to the consideration of the application.

Conclusion and reasons for decision

The lighting columns cover a relatively small area on the western section of the larger site, which is enclosed and well landscaped. Due to their slender appearance and location within the context of the larger site they do not appear as dominant or incongruous features within the landscape. Distance separation and the nature of the lighting, which illuminates the existing access through the site, ensures that there are no unacceptable impacts on

residential amenity. It is considered that with the nature of the lighting on the site, together with the imposition of conditions limiting the hours of operation that this would be sufficient to minimise impacts, which would be of a temporary nature and limited in duration, on the wider landscape including the AONB. It is also relevant that the lighting serves an existing established rural enterprise and approval will contribute to economic development without giving rise to unacceptable impacts as discussed above. Therefore having considered the proposal against the provisions of the development plan and specifically policy 42 of the East Midlands Regional Plan 2009 and saved policies STRAT1, STRAT 12, NBE14 and NBE 18 of the West Lindsey Local Plan First Review 2006 , as well as against all other material considerations including the National Planning Policy Framework (2012) The Good Practice Guide on Planning for Tourism (2006) inc annexes A and B, United Kingdom Tourism Survey (UKTS) for the East Midlands (2007) and Generating Strategic Insight for Lincolnshire: Current & Potential Visitor Profiling (2009) it is considered that the proposal is acceptable and a grant of planning approval is appropriate.

Recommendation: Grant Planning Permission subject to the condition below:

1. The lighting hereby approved can only be used between the hours of 1700 and 1900 from September through to March and at no other times.

Reason: To minimise the impact of illumination in order to reduce the prominence of the site, which is located in the open countryside in close proximity to the Lincolnshire Wolds AONB, and, to accord with policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).