



PL.04 13/14
Planning Committee
Date 24 July 2013

Subject: Planning applications for determination

Report by:

Director of Regeneration and Planning

Contact Officer:

Nick Ethelstone
Area Team Manager
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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 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

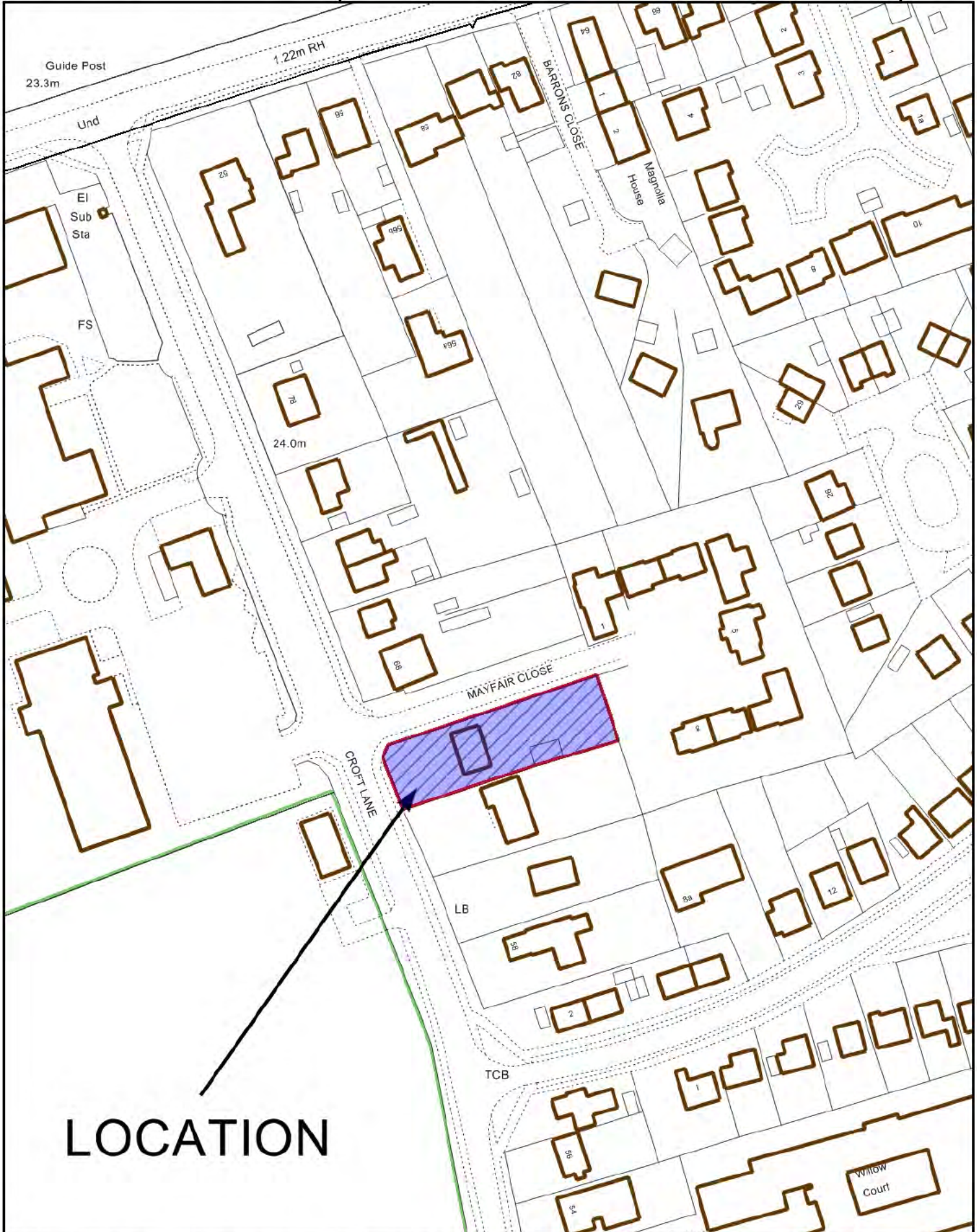
No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No



LOCATION

Officers Report

Planning Application No: 129426

PROPOSAL: Planning application for change of use of gamesroom to provide child care facilities.

LOCATION: 64 Croft Lane Cherry Willingham Lincoln LN3 4JP

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Mrs I Parrott and Cllr A Welburn

APPLICANT NAME: Mr Taylor

TARGET DECISION DATE: 26/03/2013

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Permission

Introduction

This is a detached extended house with a long rear garden that sits on a corner plot at the junction of Croft Lane with Mayfair Close within Cherry Willingham. To the north across the access road are other dwellings served off Croft Lane. Mayfair Close serves a development of newly constructed houses in a courtyard layout that runs along the rear boundary of the application site and the adjacent dwelling, number 62. On the opposite side of the road to the west is the Cherry Willingham Community School which includes a Sports hall and car park. A layby runs from the entrance to the school to its exit. Bus stops are present on both sides of Croft Lane within walking distance of the application site.

Permission was granted in 2012 for extensions to the property including a two storey rear extension and a single storey side and rear extension extending along the full length of the southern (side) boundary with number 62. The single storey extensions were to provide a games room, gym and workshop (Ref: 128791). The extension intended to provide a games room has been built although the gym and workshop has not. It is now being used to provide child care facilities and operates as "Cherry Cherubs". This application seeks retrospective planning permission for the change of use. An additional turning area and three parking spaces (following comments received from LCC Highways) is also now proposed. A noise assessment was also submitted in support of the application.

Existing operation

There are four members of staff including the applicant and his wife who live at the house. Child care facilities are provided from 07.30 to 18.30 Monday to Friday. The maximum number of children is limited by OFSTED to 24.

Members deferred the application at the meeting of the Planning Committee on 26th June to enable a site visit to take place. The site visit was carried out on 11th July 2013.

Representations:

Chairman/Ward member(s): Councillor Anne Welburn: Whilst I fully agree these type of facilities are needed and this may be a good site I am concerned 30 parents arriving to pick up and drop off 30 children will be disruptive to the neighbour. I would question the availability of the parking as a mini bus for the play group operates from the site. I would request that this application is brought to committee for consideration if officers are minded to grant approval

Cherry Willingham Parish/Town Council: Agrees to the principle. It is happy with the design and considers it to be a positive move. It is concerned at the lack of information provided and feels clarity is required regarding the number of children involved since this information would determine the potential impact.

Local residents: 14 representations have been made.

Objections to the proposals which total **nine** have been received from: 62 Croft Lane, 68 Croft Lane, 2 Mayfair Close, 3 Mayfair Close, 6 Mayfair Close and 8 Mayfair Close. Representations received from 4, 5 and 9 Mayfair Close have been signed by MJB Properties who built the new houses.

Grounds of objection are:

- Noise and nuisance due to close proximity to kitchen door
- Insufficient car parking to serve clients, staff and visitor's
- Children playing in the garden will spoil our enjoyment of quiet area and our homes
- Very busy road already due to proximity of school and limited on street parking due to junctions, bus stops and access to existing houses
- Mayfair Close is a private road maintained by residents which cannot be used by anybody else
- Increased risk to road users and pedestrians
- Existing school has activities through the day and into the evening especially with the recently opened gym
- Possible deception in relation to intention behind original application
- No benefit to community
- Will change the character of this residential area

Support for the proposal which totals **five** have been received from:

7 Franklin Way, "Brambles" on Hawthorn Road, Flat 5 -The Parade, 18 Walter Hill and 2 Exley Square:

- Cherry Cherubs' provides the most professional and caring environment I have encountered
- All my children have benefitted from using this facility which they love
- Invaluable to me as a single parent to have such excellent child care providers
- After being unemployed for 10 months I now have an apprenticeship where I feel supported and able to develop personally and professionally. The environment is very rewarding and educational due

to the high regard for children with disabilities and extra needs. I have been given training and support on a variety of issues. Very supportive and helpful towards me gaining my qualification

LCC Highways: No objections (following the submission of amended plans). Parking spaces should be a minimum of 2.4 metres in width and 6 metres in length.

Public Protection: Following submission of the noise assessment there is no objection to the proposal. Given the aging nature of the current wooden fence between 64 and immediate neighbour at 62 Croft Lane I would recommend that the applicant is advised to install an acoustic barrier, of suitable height and length to further reduce noise impact from the outside play area at the rear of the development upon the rear garden of the neighbouring property. Similarly I would recommend an acoustic barrier of suitable size is installed along the boundary at the front of the development to reduce any noise impact from activity at the entrance door on the neighbouring property. The above actions would result in a reduced likelihood of any future complaint regarding noise.

Relevant Planning Policies: **Development Plan**

- **West Lindsey Local Plan First Review 2006 (saved policies)**

STRAT1 – Development requiring planning permission
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

Other relevant policy

- **National Planning Policy Framework (2012)**
<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

The Core Strategy

- **Draft Partial Central Lincolnshire Joint Core Strategy (2012)**
<http://www.central-lincs.org.uk/>

This document has been approved and will now be the subject of a public consultation exercise from 29th July to the 9th September with an examination in public expected in early 2014. While the policies will therefore carry more weight than previously, the weight is still somewhat limited as they are still the subject of challenge.

Main issues

- The effect of the proposal on the living conditions of neighbours through noise and disturbance
- Highway Safety

Assessment:

Residential Amenity - In terms of providing a context the child care building is located within a primarily residential area that has a 500 pupil school with associated facilities across the road. Closest to the application site is the sports hall with car parking to the front. Community sporting facilities are provided within the grounds of the school including the Keith Alexander Football Centre and there is also paid gym membership available which extends the “normal” hours of use of the school site. Croft Road is on a bus route with bus stops within close proximity to the application site on both sides of the carriageway. It is also pertinent to note that the site occupies a corner plot with only one direct neighbour to the south (number 62).

There are two main sources of noise and activity. The first is from the dropping off and the collection of children from the premises. The second is the noise from children playing in the garden. In the case of the first the level of noise and activity will depend on the numbers involved and the times that this occurs. Attendance lists have been provided by the applicants. Using the data for 15th April 2013 shows 19 children were dropped off and subsequently collected. Over a two hour period from 0730 to 0930 there were 11 drop offs of 12 children as two were siblings. The next “drop off” of two siblings was at 12.00. The remaining 5 children were dropped off in three trips one of which was the minibus collecting 3 students from schools, between 15.30 and 16.00.

Three children were collected at 0830 and taken by the minibus to school. The fourth child was collected at 12.20. There were three collections of 5 children (siblings) between 15.00 and 15.59. Three children were collected in 3 trips between 16.00 and 16.59 and seven children between 17.00 and 18.00. As can be seen this activity is staggered and is not constant throughout the day which helps to disperse impact. The front entrance door to the facility is close to the kitchen door on the side elevation of the neighbouring property which visitors will have to pass by although it is screened by a wooden fence along the boundary. The fence will prevent views into the neighbouring property but is not considered to be effective at reducing noise from activity at the entrance. It is considered in line with Public Protection comments above that an acoustic fence will be required along this section of the site in order to make the development acceptable. A condition requiring the details of an acoustic fence to be submitted for approval and subsequently implemented in accordance with those details within 28 days will be imposed. In addition conditions will be required limiting the operation to between 07.30 and 18.30 Monday to Friday only and limiting the number of children to 24.

The childcare building is constructed of brick and there are no openings on the wall that runs along the boundary with the rear garden of number 62. The doors and windows face inwards. The solid wall helps to reduce the transmission of noise from children in the garden although it does not extend the full length of the garden. The noise report addressed the issue of noise from the garden and showed that it fell within acceptable limits. In line with the comments from Public Protection it is still considered necessary in order to

protect adjoining residential amenities to require the installation of an acoustic fence to the rear of the childcare building.

Subject to the imposition of the conditions above it is considered that the effect of the proposal in terms of noise and disturbance is within acceptable limits and does not constitute a reason to withhold consent.

Highway Safety – In terms of additional traffic movements it is not considered to represent any increase of any significance when assessed against existing levels of traffic. The initial concern from the LCC Highways related to ensuring sufficient car parking and the availability of a turning area to enable vehicles to leave the site in a forward gear. This is now proposed and will be required to be implemented within 28 days of the decision notice being issued. Accordingly there are no grounds to withhold consent on the grounds of harm.

Other matters

In relation to objectors' comments about changing the residential character of the area this will still be the case as the house will still be in use as a family dwelling. It is not considered uncommon to find such uses within residential areas.

Reasons for granting permission

The proposal has been considered against the provisions of the Development Plan in the first instance specifically policy STRAT 1 – Development Requiring Planning Permission of the West Lindsey Local Plan First Review 2006 (Saved Policies) as well as against all other material considerations. These include the National Planning Policy Framework 2012. Accordingly in light of this assessment, and, subject to the imposition of the conditions above, it is considered that the proposal will not result in unacceptable impacts on neighbours living conditions or on highway safety. It is considered to represent a sustainable form of development that also provides local employment opportunities and a grant of planning permission is considered to be the most appropriate response.

Recommendation: Grant planning permission subject to conditions

1. The day nursery hereby permitted shall only operate between the hours of 07.30 and 18.30 on Mondays to Fridays: and at no time on Saturdays, Sundays and Bank Holidays

Reason: To protect the amenities of adjoining properties in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review (2006)

2. Always subject to Condition 1 on Saturdays, Sundays and Bank Holidays above, the maximum number of children cared for on-site at any one time shall not exceed 24.

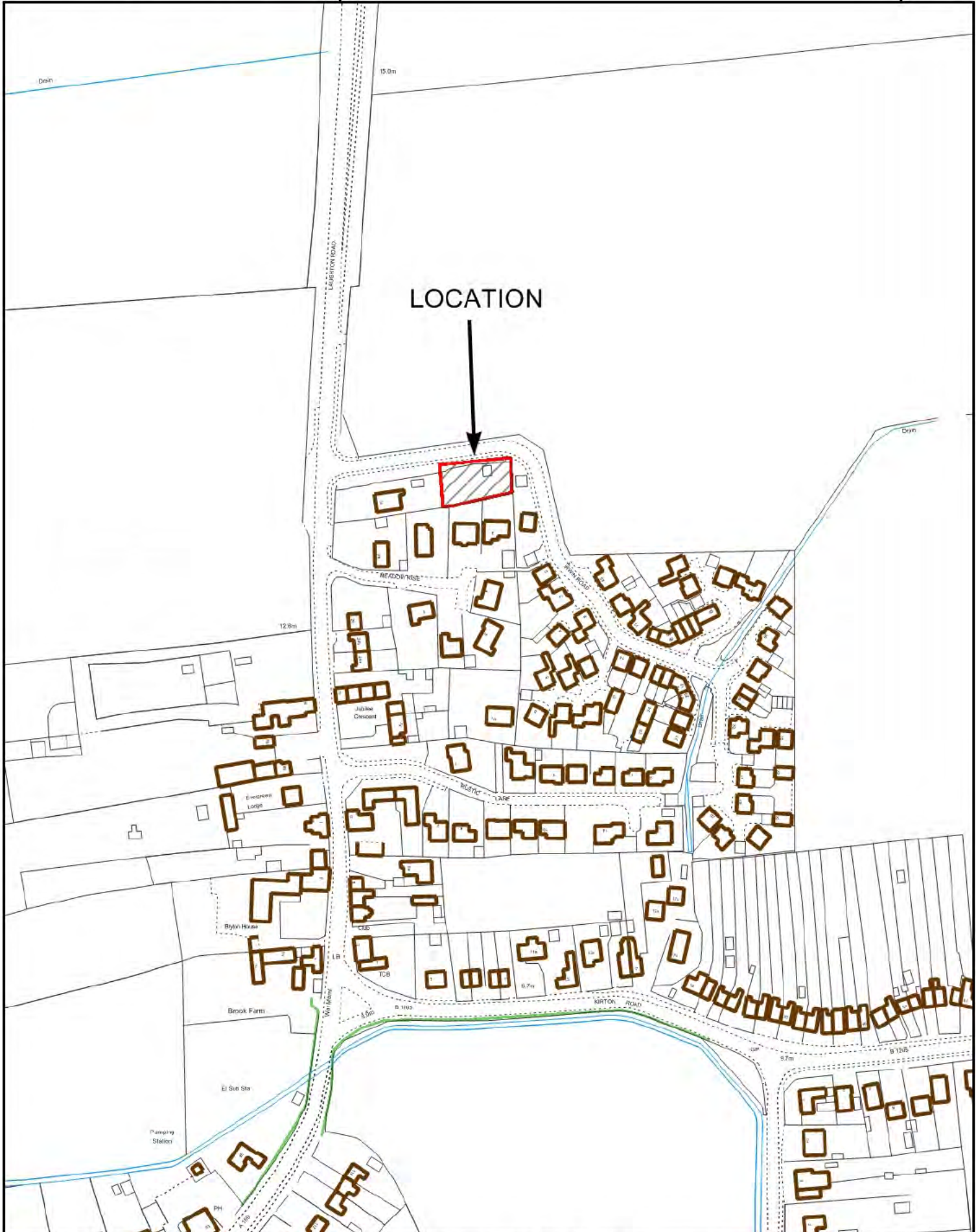
Reason: To protect the amenities of adjoining properties in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review (2006).

3. Within 28 days of the date of this decision details of acoustic fencing shall be submitted for the written approval of the local planning authority and the approved details shall be implemented in full along the boundary shaded yellow on the plan date stamped 26th June 2013. The approved details shall thereafter be retained.

Reason: To protect the amenities of adjoining properties in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review (2006)

4. Within 28 days of the date of this decision the additional car parking spaces and turning head shown on the plan received on 26th April 2013 shall be provided in full and retained thereafter. Each car parking space shall measure 6 metres in length and 2.4 metres in width.

Reason: In the interests of Highway safety in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review (2006)



Officers Report

Planning Application No: 129581

PROPOSAL: Planning application for proposed residential development of 1no. pair of semi detached dwellings, 1no. detached dwelling and detached garages - resubmission of 128808

LOCATION: Land R/O 30 Laughton Road Blyton Gainsborough,
Lincolnshire DN21 3LG

WARD: Thonock

WARD MEMBER(S): Councillor Rollings

APPLICANT NAME: Mr R Leggott

TARGET DECISION DATE: 01/04/2013

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Zoe Raygen

RECOMMENDED DECISION: Grant with conditions subject to the signing of a unilateral undertaking securing a contribution towards affordable housing in the District

Description: Application site is located to the rear of 30 Laughton Road in Blyton. The site forms an area of what was part of the garden of 30 Laughton Road but has been separated through the provision of a 1 metre high post and rail fence. To the east of the plot is 30 Laughton Road a bungalow with detached garage sited in the rear garden. To the west of the site is the garden curtilage of 1 Irwin Road which has a garage sited adjacent to the boundary. The boundary treatment here is 2 metre close boarded fencing. To the south of the site are the rear boundaries of two residential properties – 5 and 6 Meadow Rise and a commercial garage also on Meadow Rise. The boundary to the rear is varied formed by a 1.8 metre wall, a 2 metre laurel hedge and 2 metre close boarded fencing.

To the front of the plot is a mature native hedgerow, beyond that Irwin Road and then open fields. The site is within the development limit of Blyton and currently has an extant outline planning permission for 3 houses.

The application is for full planning permission for the erection of 1 pair of semi detached dwellings and one detached dwelling with access direct from Irwin Road. A drop kerb has already been implemented into the site which would not require planning permission.

Members deferred the application at the meeting of the Planning Committee on 26th June to enable a site visit to take place. The site visit was carried out on 11th July 2013.

Relevant history:

M04/P/1222 – Outline planning permission for a dwelling and a garage
Granted conditionally 2004

M06/P/1064 – Outline planning permission for 3 dwellings and garage
Granted Conditionally 2006

125143 - Outline planning application to erect 3 dwellings and a new garage (scale and access not reserved for subsequent approval)(replacement of planning permission M06/P/1064). Granted April 2010

128088 – Residential development of 1 detached dwelling 1 pair semi detached dwellings and 1 detached garage Withdrawn by applicant August 2012

Representations:

Chairman/Ward member(s): Requested that application is considered at Committee on the grounds that it will have a significant impact on the properties at no5 and 6 Meadow Rise.

Although, I understand that previous consent has been given, a lot of controversy surrounds development in this area. The properties in the Bovis homes development have completely overshadowed properties on Rustic Lane, making some of them un-sellable (as they have been devalued so much). There have also been problems with surface water running downhill into the pub in the centre of the village from this area.

The decision needs proper consideration.

Parish/Town Council/Meeting: The site is adjacent to the attractive and well maintained roadway entrance to the Irwin Road housing development site and land is currently well screened from view by a well maintained screen hedge. We still feel that observations on previous scheme still stand although this is a different scheme which looks better than the previous one separation at the rear of the pair of semis is less than ideal and the three storey house will be visually dominant at the edge of the development and out of character with the bungalow at No 30. Prefer to see single storey development here rather than visually dominant two and three storey development proposed. Several empty homes already, further homes surely not required. Believe flooding has already been an issue, further homes will add burden to the existing drains. Concerned about access problem.

Local residents: resident of 5 Meadow Rise objects to development:

Development is too high and not in line with previous permissions

How will land levels be dealt with

Overlooking from rear windows particularly in the semi detached dwellings

New access to Irwin Way, no current access

Concern over use of soakaway and impact on garden

Land has been tended as a garden during 2012

There is a hedge on site contrary to details of planning application

There may be bats in old shed on the site

Resident of 5 Irwin Road
Land is not council land but owned and maintained by Bovis Homes
Poor job of vehicular access
Development not in keeping with other housing in the area would look totally out of place on the edge of the village
Access close to bend and will increase accidents
Many existing properties for sale
How established is developer – do not want half finished houses
Overdevelopment of plot

Resident of 1 Irwin Road – objects
Poor workmanship of drop kerb
Already numerous properties for sale

Resident of 6 Meadow Rise - objects
Concerned about ownership of access
Concerned about impact on property from proximity of new dwellings and amount of windows in rear elevation of new dwellings causing overlooking

LCC Highways: No objections subject to the application of standard highway conditions

Environment Agency: None received

Archaeology: No comments

Building Control: None received

WLDC Environmental Protection: Ownership and status of foul sewer to which the proposal is to connect should be confirmed, also confirm status of highway. Significant area of site developed for hard surfacing all of which will need to be dealt with on site. Statement indicating that surface water is to go to soakaway unlikely to be adequate.

Relevant Planning Policies:

National guidance

National Planning Policy Framework – Part 6 Delivering a wide choice of high quality homes, Part 7 – Requiring good design

West Lindsey Local Plan First Review 2006

STRAT 1 – Development requiring planning permission
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 3 – Settlement hierarchy
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 6 – Windfall and Infill housing Development in Primary Rural Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 9 – Phasing of housing land and release of land

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

RES 1 – Housing layout and design

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES 6 – Affordable housing

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

NBE 20 – Development on the edge of Settlements

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

The above policies were saved in 2009 but the weight afforded to them must be considered in the context of their conformity with the National Planning Policy Framework 2012. The policies have been assessed and where it is considered that they or parts of the policy do not accord with the NPPF it will be noted in the report.

Other Policy

The Core Strategy

- Draft Partial Central Lincolnshire Joint Core Strategy (2012)
<http://www.central-lincs.org.uk/>

This document has been approved and will now be the subject of a public consultation exercise from 29th July to the 9th September with an examination in public expected in early 2014. While the policies will therefore carry more weight than previously, the weight is still somewhat limited as they are still the subject of challenge.

Main issues

- Principle of use
- Impact on residential amenity
- Impact on visual amenity
- Highway safety
- Drainage
- Affordable housing

Assessment:

Principle of use

Policy STRAT 3 defines Blyton as a primary rural settlement. Policy STRAT 6 therefore is a permissive policy allowing limited small scale and infill housing

subject to various criteria and providing the development is on previously developed land.

The site forms garden land and therefore is classed in the NPPF as Greenfield land. Policy STRAT 9 also lists garden land as the lowest priority for the release of land for development. The site does though have the benefit of outline planning permission for three houses which is currently extant until April 2013. While this is a material consideration and has some weight, as the current application is for full planning permission it is open to the planning authority to take into account changing circumstances since the previous approval such as the alteration of the classification of garden land from brown field to green field and the current housing supply figures.

It is the Regional Plan rather than the older Local Plan Review that provides such targets for housing supply. The most recent snapshot provided within the West Lindsey Housing Land Supply Assessment 2011 states that there is currently a 6.6 year supply when measured against the 480 dwelling provision for the district (outside of the Lincoln Principal Urban Area) cited in the Regional Plan.

The NPPF requires the identification and maintenance of a rolling supply of deliverable sites sufficient to provide five years worth of housing. The supply should include an additional allowance of 5 per cent to ensure choice and competition and to identify a supply of specific development sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15

Work to up date this figure in 2013 would suggest that there is likely to be a reduced level of supply, this together with recent appeal decisions suggesting that the provision of a small number of dwellings would not have an unacceptable impact on the housing supply figures and the policy of the Council for growth would suggest that the provision of three houses could be accommodated here. In addition although the site is Greenfield it is on the edge of a new housing estate within the settlement limit of a primary rural settlement suggesting that the development would be in a sustainable location as required by the NPPF.

It is concluded therefore that in principle the application site presents a suitable location for the provision of new housing.

Impact on residential amenity

The principle properties that may be affected by this development are 30 Laughton Road, 1 Irwin Road and 5 and 6 Meadow Rise.

30 Laughton Road

The property forms a bungalow sited on the junction of Laughton Road and Irwin Road. It has a detached garage to the rear and a rear garden of 42 metres. The application site was formerly part of the bungalows garden. The side elevation of the closest new house will be 23 metres from the rear

elevation of the bungalow and the rear elevation of the new house is set in line with the side elevation of the bungalow. There are no windows in the side gable elevation of the new property. The new house here would be 9.4 metres to the top of the pitch of the roof, which would clearly higher than the bungalow. However it is considered that the distance between the properties and the orientation of the properties should ensure that there is no undue harm caused to the amenity of the residents of No 30 Laughton Road by virtue of overbearing or overlooking.

1 Irwin Road

1 Irwin Road forms a detached two and a half storey house located 12 metres from the application site but sited at an angle so that its main outlook is away from the application site. The nearest new building will be 19 metres away but at an oblique angle so that there is no opportunity for overlooking or the creation of an overbearing presence which would be harmful to residential amenity. There are no windows in the side elevation of the new house and therefore no potential for overlooking into the garden of 1 Irwin Road

5 Meadow Rise

5 Meadow Rise forms a two storey house with a rear elevation overlooking the application site. Objections have been received from the owner of No 5 regarding the potential for overlooking and the impact of the land levels. The boundary between the two is formed by a 1.8 metre high wall. The new semi detached houses are sited in line with No 5 and will be sited 21 metres from the rear elevation of No 5. This is not an unusual relationship in new developments and within informal guidance regarding the distance between rear elevations of properties to avoid the potential for direct overlooking. While the two properties will be of a similar height (the new house being 900 mm higher than the existing) it is considered prudent to add a condition to any permission requiring existing land levels and proposed floor levels to ensure that the height of the house is not unduly raised.

The windows in the rear elevation of the new houses at first floor will be to four bedrooms. It is considered that the distance between the properties is sufficient to ensure that there will not be harm caused by overlooking between the properties. Overlooking from ground floor windows will be mitigated by the boundary treatment.

Detached garages are proposed adjacent to the rear boundary but these are single storey at a height of 2.3 metres to the eaves and 4.5 metres to the top of the pitch of the roof which will slope away from the neighbouring properties. It is not considered therefore that these would be harmful to residential amenity.

6 Meadow Rise

6 Meadow Rise forms a detached two storey house with a rear elevation overlooking the application site. The boundary here is formed from a 2 metres laurel hedge.

The new house would be sited slightly staggered to No 6 at a distance of 20.5 metres from the rear elevation of no 6. While this is 500mm below the informal guidance distance of 21 metres, it also needs to be borne in mind that when the previous outline consent was approved siting of the three properties was approved as part of that permission. Although the new adjacent housing was not built, the permission was in place and relationships were considered at that stage. The houses proposed in this location were so at a distance far closer to the rear boundary. While these houses were smaller the opportunity for overlooking would have been far in excess of that which may be apparent in the current proposals. The first floor of the house contains two windows, one to a landing and one to a bathroom. The one to the bathroom will be obscure glazed and the one to the landing will clearly not be to a habitable room. It is concluded therefore that the proposals will not be harmful to the amenity of No6 Meadow Rise by virtue of overlooking.

The new house is proposed at a height of 9.3 metres. This will be higher than the existing house by 1.4 metres but it is considered that the distance between the properties will ensure that there will not be harm caused by an overbearing presence.

Due to the close relationships it is also considered prudent to add a condition removing permitted development rights for the houses so that the local planning authority can continue to assess impacts on the surrounding houses.

Impact on visual amenity

The site is located on the edge of the Blyton adjacent to open countryside. Policy NBE 20 requires that developments on the edge of settlements have design proposals which respect and maintain the existing character and appearance of the boundary of the settlement boundary and has an agreed scheme of landscape treatment. The existing character is demonstrated by the provision of a mixture of two and three storey buildings and a hedge to the edge of the development. Objections have been received regarding the impact of this development on the open countryside and that it is not in accordance with the parameters set on the outline planning permission. When the permission was granted in 2006 conditions were attached that stated that the semi detached footprint should be 6.5 x 6.5 metres (42.25 square metres) and the detached house 7 x 6.5 metres (45.5 square metres) with an overall height of 5.2 metres to the eaves and 7.5 metres to the top of the pitch of the roof. It was considered that this would ensure there is sufficient space between buildings and that it would take place at a scale which is appropriate for the location of the site on the edge of the village.

The application submitted is for full planning permission and therefore while conditions on the outline permission carry some weight, these are somewhat overly prescriptive and the new proposals need to be judged on their own

merits. In any case the foot prints of the house are 9 x 6.1 metres (54.9 square metres) and that of the semi detached houses 5.2 x 7.8 metres (40.56 square metres). It is considered therefore that the size of the houses is acceptable and ensures that the site is not overdeveloped displaying a cramped appearance to the open countryside.

The height of the buildings is 5.4 metres to the ridge and 8.7 metres to the top of the pitch of the roof for the semi detached houses. The detached house is 5.7 metres to the ridge height and 9.4 metres to the top of the pitch. However given the existing new buildings and the similar scale of those to these proposed three new buildings it is not considered that the view into the settlement from the open countryside would be altered to such a level that would cause undue harm to the visual amenity of the area.

The hedge to the front of the site could be retained apart from the part needed to be removed for the access and this could be the subject of a condition. In addition a requirement for a landscaping scheme could be added as a condition to further soften the edge of the development.

The design of the houses is modern to reflect the surrounding houses and this will provide the opportunity to provide front elevations to the road and the surrounding area. A condition will need to be applied to ensure that the materials used on the development are appropriate for the location.

Highway safety

The development proposes a new access into the site from Irwin Road. The previous permissions proposed access along the side of 30 Laughton Road. The installation of a drop kerb off Irwin Road does not require planning permission and has been started on site but does require completing to an acceptable standard. A condition requiring further details would secure such work. The installation of an access here enables the houses to be set further forward in the site to allow adequate distance to properties to the rear and reduces the impact of the proposals on No 30 Laughton Road.

The Highway Authority have confirmed that they have no objections to the proposal subject to the addition of standard conditions

Drainage

Concerns have been raised by the neighbours, the Parish Council and the Environmental Protection Officer regarding the suitability of using soakaways on the site. In addition confirmation is required regarding the ability to connect into the existing foul sewerage system. It is considered therefore prudent to add a condition requiring details of both systems prior to work commencing on site.

Affordable housing

Policy RES 6 requires the provision of affordable housing in settlements with a population less than 3000 in the region of a 25% contribution. A condition was applied to the outline planning permission requiring the submission of a scheme of affordable housing to be approved. The owners of the site appealed to the Planning Inspectorate against the addition of this condition. The appeal was dismissed. The owners did however provide a viability report for the development of the site which suggested that the site could not be developed at the proposed level and afford a £36,325.50 contribution.

However the proposal does now have some amendments in the form of a new access and slightly larger houses and therefore the applicants will need to again demonstrate the viability of the scheme taking account of the required contribution. The applicants have submitted a viability assessment as part of the site which demonstrates that that allowing for a profit margin of 10% there would only be a net residual land value of £7148. Following an assessment of that viability report I have queried some of the figures used as part of the assessment which could result in a larger residual value.

The applicant concurs and has agreed a contribution of £20,000 towards affordable housing.

Conclusion and reason for decision

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development requiring planning permission, STRAT 3 – Settlement hierarchy, STRAT 6 – Windfall and Infill housing Development in Primary Rural Settlements, STRAT 9 – Phasing of housing land and release of land, RES 1 – Housing layout and design, RES 6 – Affordable housing and NBE 20 – Development on the edge of Settlements of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework and planning applications M04/P/1222, M06/P/1064 and 125143. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions and the receipt of a Unilateral Undertaking. With the conditions in place and agreement in place, then the development provides 3 new houses in a sustainable location, the visual intrusion would not be significant, residential amenity can be preserved and highway safety would not be endangered. Provision has also been made for the potential contribution towards affordable housing.

Recommendation: Grant with conditions subject to the signing of a unilateral undertaking securing a contribution towards affordable housing in the District

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

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

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

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

2. No development shall take place until details of a scheme for the disposal of foul/surface water from the site (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006.

3. No development shall take place until details (including the colour) of all external and roofing materials to be used have been submitted to and approved by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact and to accord with the National Planning Policy Framework and saved policy STRAT 1 – Development requiring Planning Permission of the West Lindsey Local Plan First Review June 2006.

4. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, CORE 10 and RES 1

5. No development shall take place until further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

6. No development shall take place until details of a hard landscaping scheme including details of the finishes and colour of all surface materials, including those to

access driveways, forecourts and parking/turning areas have been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that, an appropriate level and type of hard landscaping is provided within the site to accord with the National Planning Policy Framework and saved policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006

7. No development shall take place until details of the boundary walls and fences have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect residential amenity and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

8. No development shall take place until details of the existing ground level and the proposed finished floor levels have been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First review 2006.

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

9. The development shall be carried out only using the materials approved in condition 3 of this permission and shall be so retained.

Reason: In the interests of the visual amenity of the area and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

10. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 01200 02A, dated 28 March 2013 and 01200 03, 01200 04A, 01200 05 dated 28 January 2013. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

11. Prior to the commencement of construction of any building(s) or commencement of the use, the vehicular access to Irwin Road shall be improved in accordance with drawing number 01200/02 A dated 28 march 2013

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

12. The details approved in Condition 5 of this permission shall be implemented on site before the development is first brought into use and thereafter retained at all times

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

13. The details of hard landscaping approved in Condition 6 shall be implemented on site prior to the occupation of the building(s) of the completion of the development whichever is the sooner and shall be so retained.

Reason: To ensure that, an appropriate level and type of hard landscaping is provided within the site to accord with the National Planning Policy Framework and saved policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006

14. The details of boundary walls and fences approved in Condition 7 of this permission shall be implemented on site prior to the completion of the development and retained thereafter.

Reason: In order to protect residential amenity and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006

15. The development shall be carried out only using the finished floor levels approved in condition 8 of this permission and shall be so retained.

Reason: In the interests of residential and visual amenity and to accord with the national Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First review 2006.

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

16. The development shall not be brought into use until the surface water drainage as approved under condition 2 of this permission has been provided. It shall thereafter be retained and maintained.

Reason: To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency and in accordance with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with the National Planning Policy Framework and saved policies STRAT 1, STRAT 12 and CORE 10 of the West Lindsey Local Plan First Review 2006

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages or extensions shall be erected [other than those expressly authorised by this permission] or any new windows inserted into the rear elevation of the new houses.

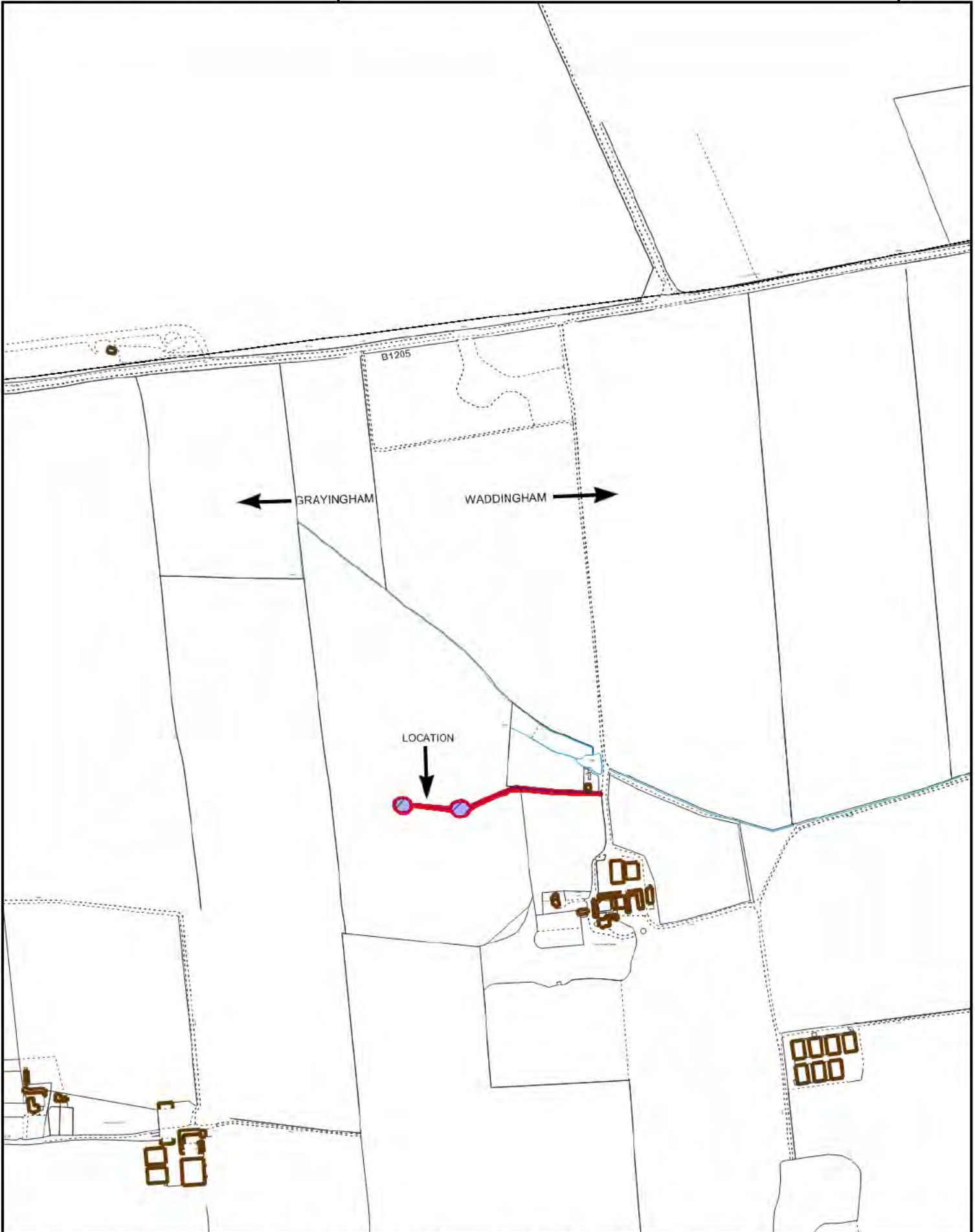
Reason: To protect the amenity of neighbouring residents and to accord with the National Planning policy Framework and saved policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report



Planning Application No: 128607

PROPOSAL: Planning application to instal 2no. 50kw wind turbines and ancillary works - 35m height to tip of blade

LOCATION: Grayingham Grange Grange Lane Grayingham
Gainsborough, Lincolnshire DN21 4JD

WARD: Hemswell

WARD MEMBER(S): Councillor Howitt-Cowan)

APPLICANT NAME: Warden Farming Co. Ltd.

TARGET DECISION DATE: 25/06/2012

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION: That had the decision to determine the application still rested with this Council, permission be refused on the grounds of unacceptable interference to air traffic control radar at RAF Waddington, and as such would conflict with guidance contained within circular 1/03 Aerodrome safeguarding.

Introduction

Members may recall that this application was considered by the Planning Committee last year and it was resolved that the decision to grant permission was delegated to the Director of Regeneration and Planning subject to the resolution of the aircraft safeguarding issue. It was intended to bring this matter back to the next available Committee following a three month period. This time period has been exceeded because negotiations with Defence Infrastructure Organisation responsible for MoD safeguarding were on going. However, these discussions ended and the applicant has now appealed to the Secretary of State against non-determination.

In these circumstances the application is being brought back to the Planning Committee to seek a resolution as to what the decision would have been if it had still rested with the Council. Members may recall that the Planning Committee were content with the proposal subject to conditions provided that the MoD safeguarding issue was resolved.

The following report replicates the report to members last year except for the following changes:-

- The East Midlands Regional Plan 2009 has now been revoked and is no longer quoted.
- The Draft Central Lincolnshire Joint Core Strategy was considered by members of the Central Lincolnshire Joint Strategic Planning Committee on 8th July and the policies are now quoted.
- The Secretary of State's ministerial statement in June of this year.

- The recommendation has been changed to reflect the appeal against non-determination and the maintenance of the MoD safeguarding objection.

Description:

Site – The site is to the east of the B1398 and Grayingham Cliff, to the south of the B1205 (and County Boundary) and to the northwest of Uncle Henry's farm shop and café (owned by the applicant).

Proposal - To erect two identical, 50Kw, 3 - blade, horizontal axis turbines (C & F 50 type), 25m high to hub and 35m to blade tip. The blade sweep diameter proposed is 20.9m. They will be positioned 90m apart. The access track will be from the private road that serves Uncle Henry's which in turn joins the B1205. Cabling will be underground. The turbines are to provide a source of power to the applicant's pig farm (current need 340MWh).

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

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is Schedule 2 development but is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'. A Screening Opinion has been placed on the file and the public register.

Relevant history:

Two twin blade, 25 m high to tip, horizontal axis turbines, have been erected to the south of the site at Grayingham Cliff Farm. These were granted under separate applications (126042 and 127400) but serve the same farm and are 60m apart.

The application at Waddingham Grange (ref 128608) was allowed on appeal following refusal by this Council last year.

Representations:

Chairman/Ward member(s): Councillor Howitt-Cowan has enquired as to whether this application will be going to Committee (with applications 128608 and 128606).

Cllr Strange has also written to the Council regarding this application stating he would hope this application goes to Committee on the grounds of multiple applications and the need for turbines to be discussed. They affect so many people's line of sight. If every farmer decided to erect two or three rather than a mix of renewables, then the district will become of a forest or 35 metre turbines.

Grayingham Parish Meeting – The Parish supports the concept of renewable green energy generation, provided it takes account of the appearance of our open rural countryside. As with previous applications, the Parish has mixed views on these larger turbines, a number of concerns relate to the environmental aspects, including the unacceptable cumulative impact on the natural environment that a total of eight turbines will bring (two existing at Waddingham, two existing at Grayingham + this development + application proposed at Waddingham (128608)). Council must look at policies STRAT1, STRAT12 and NBE10 of the West Lindsey Local Plan First Review. The turbines will spoil the landscape character and open countryside views. The photomontages should show the existing turbines clearly – they do not. There are many buildings on the farms to be served by the turbines, the roofs of which could support photovoltaic cells. Concerns have been raised about bats and bird (in particular owls). Question whether enough in depth work has been done to ensure the wildlife is not going to be affected.

Residents: Representations received from Ivy Cottage, Bishop Norton; Hadyn House, Hemswell; The Paddox, Brook Street, Hemswell; The Spinney, Glenham Road, Bishop Norton; Bonsdale Farm, Bonsdale; Manor House, Hemswell; Carpenter's Cottage, 5, Pingle Leys, Bishop Norton; Evercreech, Low Road, Grayingham; Applegarth, Hollowgate Hill, Willoughton; Mayfield, Hollowgate Hill, Willoughton; Rowangarth, Church Street, Willoughton and the Hemswell & Harpswell Anti-Wind Farm Action Group:-

- Although not within an area defined as being of outstanding beauty, scientific interest or historic significance, the Grayingham site is nevertheless an example of the traditional British countryside. It is a patchwork of fields, hedgerows, trees, farm buildings and isolated dwellings that has evolved over hundreds of years. The turbines will be visible from public roads, public footpath, bridleways and other public land and will form the backdrop to the 12th century Church of St. Radegunda in the historic village of Grayingham.
- Contrary to LCC policy.
- They will be 10.5 m higher than existing turbines.
- Set a precedent and make it difficult to resist future turbine developments
- Renewable energy can be generated without the intrusion of wind turbines into a hitherto unmarred landscape
- Both national and local plans make clear the preservation of the landscape as an important issue.
- The NPPF makes clear the sentiments of local communities will be influential in all planning decisions.

- Fully recognise and understand national desire to promote sustainable development and to promote energy from renewable and low carbon sources. However, recent development and anticipated proliferation of wind turbines and wind farm development will result in an unacceptable impact on the character and appearance of the Lincolnshire countryside.
- Better achieved through photovoltaic systems.
- The National Planning Policy Framework, in defining “sustainable development” recognises three dimensions, including an environmental role which seeks to protect and enhance the natural environment. Policies STRAT1, STRAT12 and NBE10 seek to protect the countryside from inappropriate development. The Cliff Area of Great Landscape Value is in close proximity to the site and the proposal would detrimentally affect the overall character of West Lindsey (policy NBE10 para 6.63)
- In views from the west the structures will be seen against the backdrop of the Lincolnshire Wolds (AONB)
- Impact on bats and birds as bats are often seen in the area.

MoD Safeguarding – Objection as it will cause unacceptable interference to the air traffic control radar at RAF Waddington.

LCC Highways – Prior to the commencement of works the following will be required:-

- A scheme for the routing of the delivery vehicles carrying the turbines components and any other large machinery shall be submitted to and agreed in writing by the local planning authority.
- A highways condition survey and a programme and schedule of works necessary to facilitate HGV access to the site shall be submitted to and agreed in writing by the lpa. Any work shall be carried out in accordance with the approved details and shall be removed and the land restored within 6 months of the completion of the turbine

LCC Archaeology – The proposed development lies within an area of archaeological sensitivity. It includes crop marks of a prehistoric complex including ditched boundaries and small irregular shaped enclosures. There is also the remains of a Roman farmstead and evidence of a Bronze or Iron Age settlement. The potential significance of these heritage assets is such that the applicant should evaluate the site prior to determination of the application, This will then help to identify if and where features of archaeological interest exist and will inform if any further intrusive evaluation is required to identify the nature, extent and significance of any archaeological features on site.

Humberside Airport (civilian aircraft safeguarding) – No safeguarding objection subject to a condition that the applicant must notify the local planning authority within 1 month of the turbine commencing operation.

NERL Safeguarding – No objection.

Natural England – The application is in close proximity to Cliff House Site of Special Scientific Interest (SSSI). However Natural England raises no objection based on the information submitted.

Lincolnshire Wildlife Trust – We are satisfied that the turbines are located with the blade tips more than 50m away from any features with the potential to be used by bats as a foraging or commuting route and therefore conforms with the guidance prepared by Cornwall Wildlife Trust in conjunction with Natural England and that specific bat survey are not required in this instance.

WLDC Environmental Protection – No objection with regards to noise.

WLDC Conservation – It is considered that, due to the limited size and number of turbines proposed, there will be no adverse impact on the AGLV.

Relevant Planning Policies:

Development Plan

- West Lindsey Local Plan First Review 2006 (saved policies 2009). This plan remains the development plan for the district although the weight afforded to it is dependent on whether the specific policies accord with the principles contained within the National Planning Policy Framework. In terms of the proposed development, the following policies are considered to still be relevant:-

STRAT 1 Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT12 Development in the open countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b>

NBE 10 – Protection of landscape character in development proposals

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

(Note policy SUS11 relating to renewable energy was not saved).

The Local Plan considerations also include the Supplementary Planning Guidance - The West Lindsey Countryside Design Summary

National and other policy

- National Planning Policy Framework (2012)
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Written Ministerial Statement by Secretary of State, Eric Pickles on local planning and onshore wind (6th June 2013)
<https://www.gov.uk/government/speeches/local-planning-and-onshore-wind>

- Circular 1/03 – Safeguarding aerodromes etc.
<https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas>
- Draft Central Lincolnshire Joint Core Strategy (2013)
<http://nkdc.moderngov.co.uk/documents/q5586/Public%20reports%20pack%2008th-Jul-2013%2010.00%20Central%20Lincolnshire%20Joint%20Strategic%20Planning%20Committee.pdf?T=10>

CL1 – Sustainable development in Central Lincolnshire

CL2 – Tackling climate change

CL3 – Renewable and low carbon energy

The weight afforded to this Plan has increased following the approval of the Draft by the Central Lincolnshire Joint Strategic Planning Committee on 8th July. The Strategy will now go out to further consultation with an intention to submit it for an Examination in Public early in 2014.

Assessment:

Principle

In the interests of sustainability and prevention of visual intrusion, policy STRAT12 is restrictive of development in the countryside that is not related to agriculture, forestry, a use that requires a countryside location or one that can be supported by another development plan policy. There are no directly relevant policies in the Local Plan but section 10 of the National Planning Policy Framework provides support to the delivery of renewable and low carbon energy and associated infrastructure and is afforded significant weight as a material consideration. Specifically, paragraph 93 states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. There is also support to be found for renewable energy developments in policies CL2 and CL3 of the draft Core Strategy. The strategy is afforded some weight as a material consideration following the 8th July meeting of the Central Lincolnshire Joint Strategic Planning Committee. Policy CL2 provides a target of reducing overall carbon emissions in Central Lincolnshire by 20% by 2020 based on 2005, specifically promoting renewable energy to meet this target, whilst policy CL3 outlines an objective of sourcing 60% of electrical supplies from renewable energy sources.

Neither the Core Strategy nor the NPPF require a developer to prove the need for renewable energy developments but turbines inevitably, due to their height, will always have some degree of visual impact and the benefits of providing renewable energy need to be weighed against visual and any other impact.

In this regard, this Council have also corporately requested that developers explore other forms of renewable energy in advance of proposing wind power. In response, the applicant has set out their requirements and consideration of other sources of energy.

The turbines are intended to provide power for a pig farm on the same holding. The demand in 2010 was 340 MWh per year. Anaerobic digestion (AD) was considered but the manure from the farm and the other pig farms within the applicant's control would need to be supplemented by other feedstock. This is because of the relatively low methane yield of manure. Other feedstock's could include food waste (which would incur a prohibitive cost) or energy crops. These again could be imported onto the farm or grown on the arable land also within the applicant's ownership. However, it is estimated that one quarter of the 800 ha currently used for food crops would need to be used for the feedstock which is not only economically unsustainable but would also take out a large proportion of land put over to local food production which would reduce the overall environmental sustainability.

Representations have also been received suggesting that photovoltaic panels be used; either mounted on the roofs of the farm buildings at Grayingham Grange or as ground mounted arrays. Such installations have been granted permission elsewhere in the district serving intensive livestock units and could certainly be part of the option as a renewable energy supply. However, for the annual 340MWh, it has been estimated that 1 to 3 ha of land would be required, far in excess of the area of roof available. This takes land out of food production, is costly to install and also produces no power at night which conflicts with the 24 hours operation of the livestock unit (light and mechanical ventilation).

Wind power is considered appropriate in this location, the Department for Energy and Climate Change (DECC) wind database site (accessed by the case officer on 11th July 2012) indicating average wind speeds of 5.7m/s at 25m above ground level and 6.2m/s at 45m above ground level. The surrounding area is also free of natural or built obstructions, the site being on a watershed with the land gently falling to a wide valley to the north and a small valley to the southeast. The large arable fields result in very few obstructions and the area is characterised by a gently rolling landscape, all factors pointing towards the suitability of the location for wind derived energy generation.

A location closer to the farm buildings which the turbines would serve can be discounted; the best wind-turbine performance happens with strong laminar wind, in which all of the air flows in a single direction. When wind flow comes over the edge of a roof or around a corner, it separates into streams and separating the flow creates a lot of turbulence.

It is also noted that, whilst some of supply will be lost to impedance and resistance, with the turbines located the proposed distance from the buildings they will serve, this is like to be a negligible loss.

In summary, the turbines proposed are therefore considered to be able to contribute to the regional renewable energy targets by providing nearly all of the 340MWh need for the farm.

Visual Impact on the landscape

The protection of the landscape is a common thread of the development plan and the National Planning Policy Framework and should be afforded significant weight in the considerations. This consideration has been reinforced by the written ministerial statement delivered by Eric Pickles on 6th June of this year in which the Secretary of State stated that there is a “need to ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment.” Weight is afforded to this statement in this assessment.

The landscape within which the development is proposed is defined as the Limestone Dip Slope in the West Lindsey Landscape Character Assessment (1999). However, it is close to the Cliff which is a designated Area of Great Landscape Value and could potentially be seen from the Till Vale.

The dip slope location means that there is potential for long views from the east, south and north. Some views from the west are restricted due to being within the lee of the Cliff escarpment. The theoretical zone of visual influence (ZVI) is therefore a large area, particularly from the north and east, the land gradually rising to the south restricts views more from this direction. The view points within the zone were visited by members during a Committee site visit last year and this site context has not changed since that visit.

In this context, the case officer requested that the applicant prepared a series of photomontages that depict the turbines within the landscape from a series of vantage points. These have been prepared and will be included as part of the PowerPoint presentation to Committee.

The areas where the turbines are predicted to be visible from are individually assessed as follows, these assessments include cumulative impact with the turbines near to the site within West Lindsey (there are no turbines within Kirton Lindsey parish to the north in North Lincolnshire with or planned with the benefit of planning permission which would be seen within the same panoramas as the proposal):-

B1205 adjacent to Kirton Airfield to the north of application site – The turbines are predicted to be in the line of sight along most of the length of this road between the junction with the A15 and the crossroads with the B1398, only disappearing for a few metres behind the copse next to the access to Uncle Henry’s. The two turbines at Grayingham Cliff Farm are visible within this panorama. The land levels to the south of the application site mean that most of the two turbines will be seen against the backdrop of the sky. The pale colouring and slender form will therefore result in them being visible, but not obtrusively so.

At the junction of the B1400 and the B1205 the angle of the view is such that the two proposed turbines will be seen directly in front of the existing Grayingham Cliff Farm turbines. The distance from this particular vantage point to the application site is 900m and at this distance the turbines will not appear as an unacceptable clutter within the landscape and will not detract from the surrounding dip slope character of stone walls, arable fields and pantile roofed buildings.

Blyborough Grange (road between A15 and B1205) to south of application site – Similar considerations apply for the views from this road although it is noted that the road distance between this road and the site is 2km.

Grayingham village – The village itself is within the lee of the Cliff escarpment and, this together with high hedges surrounding much of the village, means that views of the turbines will be limited to glimpses of the sweep of the turbine blades above the hub. The area where the turbines would be most visible is from Low Road, between Meadow Court and the crossroads with the B1205 at the northern edge of the village. Given the limited amount of turbine exposed above the ridgeline and the distance to the turbines, it is not considered that the development would form an obtrusive feature within the Area of Great Landscape Value. This viewpoint also affords a view of the tower of the Church of Radegunda in the centre of the village. This is a listed building but the proposed turbines are sufficiently peripheral in the panorama that they will not dominate or compete against the importance of the church tower. Specifically, the quintessentially English scene of the church tower surrounded by the roofscape of the village and trees at the foot of the Cliff escarpment will remain and not be diluted by the proposed turbines.

Nettleton Top/Caistor Top (Lincolnshire Wolds AONB) – These viewpoints are approximately 16km from the application site and, although technically within the Zone of Visual Influence due to the elevation of the land, the view is so distant that two 35m turbines are not considered to adversely affect the enjoyment of the views from within the AONB. Specifically, even on a clear day the existing turbines are very difficult to pinpoint with the naked eye and the addition of 10m to the height of the Grayingham Cliff turbines and an extra blade will not change this lack of visibility.

Aerodrome/aircraft safeguarding

The organisations responsible for civilian aviation have stated that they have no objections with regard to aircraft safeguarding. Humberside Airport's comments are subject to a condition that the applicant must notify the local planning authority within 1 month of the turbine commencing operation.

However, an objection has been received from MoD safeguarding; they state that the turbines will cause unacceptable interference to the air traffic control radar at RAF Waddington. The MoD has confirmed in writing to the case officer on the 10th July this year that they maintain this objection.

Impacts on Protected Species

Although a bat survey has not been carried out it is relevant to note that the Technical Information Notes (TINs) published by Natural England on bats and wind turbines refers to a buffer distance of 50 metres between wind turbines and potential bat activity. However TIN 51 makes clear that “these guidelines do not specifically cover micro wind generation” and TIN059 (Bats and Single Large Wind Turbines) is explicit in stating that “it is not intended to cover micro turbines nor multi-turbine wind-farm developments.” However, guidance published by Cornwall Wildlife Trust, as cited by the Lincolnshire Wildlife Trust in its representation, refers to a 50m separation from hedgerows and other natural features to protect any bats from the turbines. The proposal has responded to this guidance and the blades are all in excess of 70m from the woodland to the northeast and 140m from the woodland to the southeast.

The proposal is not on any major migratory route for birds and, based upon advice from Natural England, it is considered that no areas designated for their natural conservation interest nor the local wildlife, including owls, will be adversely affected by the proposal.

In this context, it is not considered that there is any justification to refuse this application which is supportable in principle, on the grounds of harm to protected species.

Living conditions (noise and flicker)

Noise levels from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise. Nevertheless, it is considered to be a material consideration. There are two quite distinct types of noise source within a wind turbine; the mechanical noise produced by the gearbox, generator and other parts of the drive train and the aerodynamic noise produced by the passage of the blades through the air. Since the early 1990s there has been a significant reduction in the mechanical noise generated by wind turbines and it is now usually less than, or of a similar level to, the aerodynamic noise.

The Assessment and Rating of Noise from Wind Farms’ (ETSU for DTI 1997) specifically deals with wind farm developments but can be used as a basis for small scale turbine applications such as the two under consideration here. Noise limits set relative to the background noise are more appropriate in the majority of cases. Generally, the noise limits should be set relative to the existing background noise at the nearest noise-sensitive properties. Separate noise limits should apply for day-time and for night-time as, during the night, the protection of external amenity becomes less important and the emphasis should be on preventing sleep disturbance. Noise from the wind turbines should be limited to 5 dB(A) above background for both day and nighttime, remembering that the background level of each period may be different.

The nearest garden area to the turbines is 130m to the southeast. It is not downwind assuming a south-westerly prevailing wind but is still relatively

close and therefore the impact needs to be considered. The sound power for the proposed turbines (C & F 50) assuming a wind speed of 5m/s at hub height is 80 dBA, increasing to 94 dBA at 10m/s (the operational limit). To recall, the DECC database estimates an average speed of around 5-6m/s.

The existing noise levels within the curtilage of the house is estimated to be approximately 30-35 dB(a) during the daytime; it is in a secluded area within the open countryside and not within the vicinity of significant noise generating uses such as an industrial use.

In this context, even with the added noise levels derived from both turbines, it is not considered that the noise level generated at this distance would adversely affect the living conditions of the occupiers of the house when they are in the rear gardens, although this is a finely balanced matter. The noise from both turbines will, within the garden 130m away, have reduced to below 35 dBA at 5 m/s wind speed. At the maximum 10m/s the noise level is estimated to be 44 dBA. This is above the 30-35 dBA + 5dBA recommendation, but wind speeds are, on average, significantly below this operating maximum speed and the garden is not downwind of the turbines assuming a prevailing south-westerly wind,

The existing noise levels would decrease at night time but occupiers are most likely to be indoors at that time where they will benefit from the acoustic properties of the external envelope of the dwelling (even single glazing can reduce the DB(A) levels by 10 dB(A)). This would reduce the levels to 25-27 dB(A) for average wind speeds, which is below the fixed limit of 43 dBA recommended for night-time (this is based on a sleep disturbance criteria of 35 dB(A) with an allowance of 10 dB(A) for attenuation through an open window and 2 dB(A) subtracted to account for the use of LA90,10min rather than LAeq,10min). Furthermore, even at 10 m's the estimated dBA inside the dwelling would still be below the 43 dBA limit.

With regards to shadow flicker, such flicker occurs when properties are close to a turbine, typically when they are within a distance equivalent to 10 x of the rotor diameter. In this case the rotor diameter is 20.9m and the nearest house is around 140m away. It is therefore within the 10x 20.9m threshold within which flicker might occur. However, the 2011 DECC report into shadow states that impacts occur within 130 degrees either side of north from the turbine and, in this case, the house is outside of this zone. The nearest other house, to the east, is within this zone, but more than 209m away from the nearest turbine.

The above assessments have included an assessment of both turbines operating at the same time.

Other matters

In response to the County Highways comments, the **traffic movements** associated with the erection of two prefabricated mono-pole structures and the subsequent maintenance vehicle movements are not considered to be of

such a nature that the information and works requested by LCC could be reasonably required. Furthermore, the movements would not cause unacceptable levels of noise and disturbance.

LCC Archaeology has noted that the proposed development lies within an area of **archaeological sensitivity**. It includes crop marks of a prehistoric complex including ditched boundaries and small irregular shaped enclosures. There is also the remains of a Roman farmstead and evidence of a Bronze or Iron Age settlement. They have advised that the potential significance of these heritage assets is such that the applicant should evaluate the site prior to determination of the application. Some evaluation has now been carried out and LCC have advised that remaining matters can be dealt with by a condition of any planning permission.

Finally, it is proposed that, if members were minded to resolve that planning permission should have been granted if the power to do so still rested with the Council, then it is proposed that conditions are imposed to ensure that the development is dismantled at the end of the 25 year period, or earlier in the event that the turbines cease to be used for the generation of electricity for a continuous period exceeding 6 months. The Inspector for the appeal at Thoresway (ref 127407) considered that these conditions complied with the requirements of Circular 11/95.

Conclusion

It is considered that there is support for the principle of this development and it will not have any significant adverse visual or residential amenity impact that would justify withholding permission if the ability to grant permission still rested with the Council. However, the impact to aircraft safeguarding is significant and is duly afforded considerable weight in this assessment. The following recommendation reflects this consideration and apportioned weight.

RECOMMENDATION: That had the decision to determine the application still rested with this Council, permission be refused on the grounds of unacceptable interference to air traffic control radar at RAF Waddington and as such would conflict with guidance contained within circular 1/03 Aerodrome safeguarding.

Human Rights Implications:

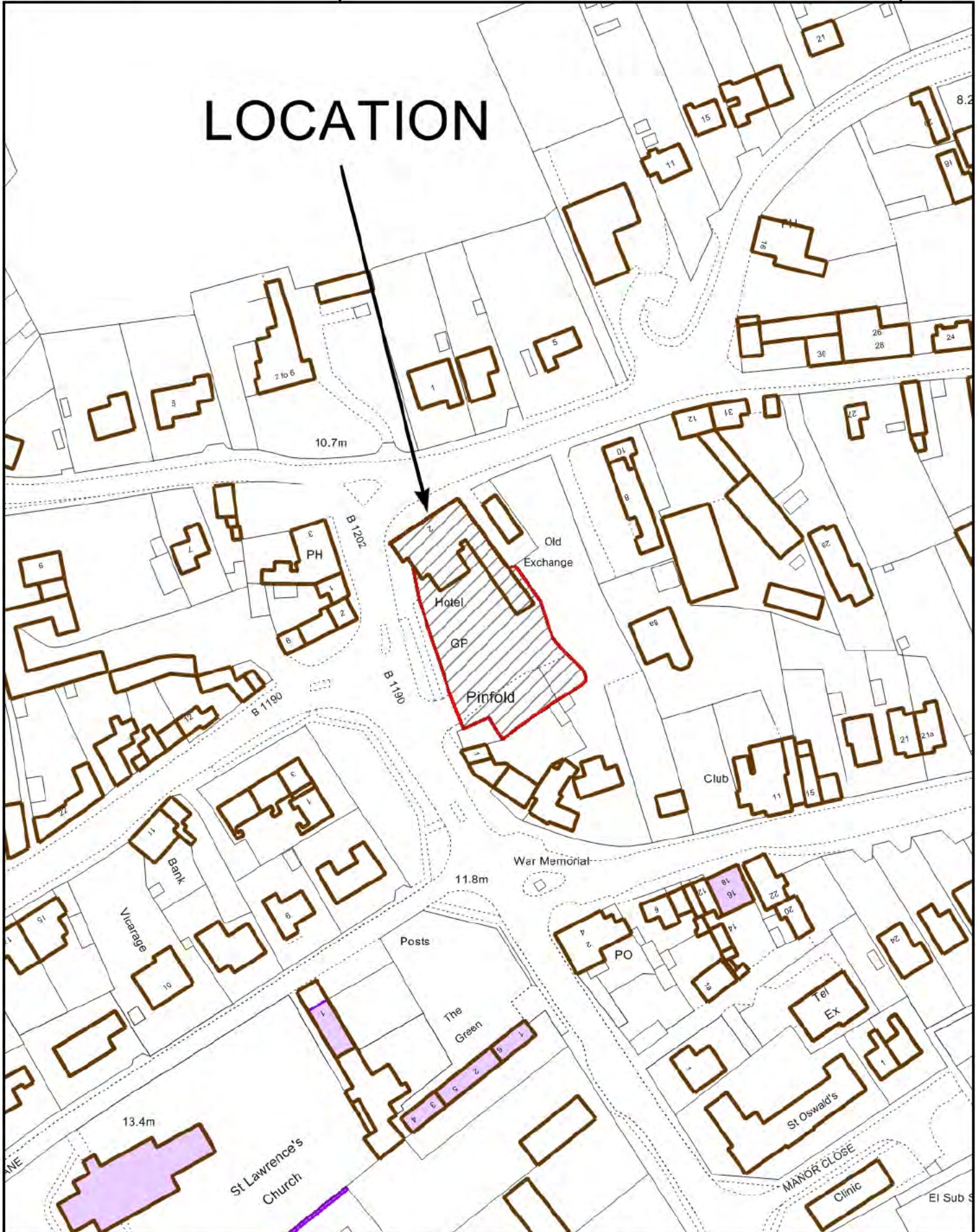
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report



LOCATION



Officer's Report

Planning Application No: 128961

PROPOSAL: Planning application for change of use of pub to 2no.dwellings and erect 5no. new dwellings on car park.

LOCATION: The Bards, 2 Wragby Road Bardney Lincoln, Lincolnshire LN3 5XE

WARD: Bardney

WARD MEMBER(S): Councillor Fleetwood

APPLICANT NAME: Mr S Davis

TARGET DECISION DATE: 21/09/2012

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Director of Regeneration and Planning upon the receipt of an acceptable unilateral undertaking under s106 of the amended Town & Country Planning Act 1990 obligating a payment of £20,000 to be paid to West Lindsey District Council for the provision of affordable housing within the district.

Site

The Bards is a licenced public house within the centre of Bardney. It is one of two surviving public houses within the village, the other being the Nags Head which is directly on the opposite side of the road.

The site includes a single building occupying the northern part of the site with the licenced premises on the ground floor including a function room and commercial kitchen and the ancillary living accommodation on the first floor. The majority of the rest of the site is laid out as an ancillary car park although there is a small area of beer garden directly adjoining the rear of the building.

To the east is housing, to the north a small public space of local historic interest called the "Pinfold" owned by Bardney Parish Council, to the west is the aforementioned Nags Head PH and a butcher's shop and to the north further housing.

Proposal

The proposal can be summarised as involving the following:-

- The change of use of the existing building to form two self-contained dwellings. The dwellings would use all of the building thereby resulting in the discontinuance of the public house use on this site. Both dwellings would include ground and first floor accommodation and two

bedrooms. This element of the proposal involves the part demolition of the single storey rear wing of the building which currently houses the kitchen. The eastern elevation would remain to eaves level to form a boundary wall.

- The erection of five, two storey houses within the area currently occupied by the car park. They would be arranged as a terrace of three and a pair of semi-detached dwellings, all traditionally constructed with facing brickwork and gable roofs clad with clay pantiles.

Each dwelling would have two dedicated off-street parking spaces within the site all accessed via a shared private drive served by a single vehicular access adjoining the south-western corner of the site.

The applicant has stated that they will commit to a £20,000 contribution to the delivery of affordable housing within the district to be secured by a unilateral undertaking.

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

The proposal is neither Schedule 1 or 2 development as defined by the Regulations, nor is the site within a sensitive area. The development is not EIA development.

Relevant history:

The only history relates to alterations and extensions to the public house, all predating the year 2000.

Bardney historically had in excess of 6 public houses according to Lincolnshire archives, four survived until recently; the Gypsy Queen ceased trading in 2009, whilst the Black Horse is now a licenced restaurant and bed and breakfast.

Representations:

Ward member – No comments received.

Bardney Parish Council – Do not support application:-

- Parking/access
 - To approve this application would lead to a loss of valuable parking.

- Access would be directly onto the main road with 10+ possible vehicles entering the road at the same time would cause dangerous congestion at the central part of the village.
 - The volume of traffic on Station Road, Horncastle Road and Wragby Road is increasing, particularly when there are problems in Lincoln.
 - Although there is no public access, the car park is used by visitors to other establishments including the village shops as car parking is extremely limited in the village.
 - Page 20.2.7 of the design statement states that the majority of households have more than one car and they also have visitors. There is no extra space for additional parking so visitors would have to park off site or block the access, particularly the access to the existing garage.
 - The refuse wagon will have to stop on a busy main road in an already constricted area.
- Flooding/drainage
 - Additional dwellings will put too much of a strain on our existing infrastructure. Two major developments in the village have already stretched these resources to their limit.
- General
 - No consultation with local groups and the parish council has been made.
 - The development would be a loss of a valuable community facility. In a growing village, facilities need to be developed, not removed.
 - The application states that the type of floor space is A3 - Restaurant and café. Surely this should be A4 – Drinking Establishments.
 - The Parish Council own a small area of land known as the “pinfold” directly adjacent to the site which is of significant historical interest to the parish. The development would make this area almost hidden from view preventing historians and tourists from looking at the site.
 - There is no clear demand for housing in Bardney. The village has more than its fair share of unsold properties and this will only add to the problem. A previous development was refused on the grounds that Bardney was overdeveloped.
 - It is felt that the application does not meet the 3rd criteria of policy CRT4 by not having significant alternative benefits to the community.
 - Any construction work (employment) would be temporary.

Residents – A petition has been received with 243 signatures “against the closure and redevelopment of the Bards.”

Individual objections have been received from 52 and 123, Station Road; 2, Abbey Road, and The Bards (current tenants) (includes multiple letters from some of the above):-

- The applicant does not meet the three criteria for the loss of the public and social facility that the Bards represents (policy CRT4 of the Local Plan)
- Bardney is an expanding village with major building developments on both Horncastle and Wragby Roads. Added to this there are many other residential properties currently for sale within the village. The village infrastructure is already stretched to cope with the current inhabitants. Therefore, one thing we do not need is more housing. However, we do need more amenities.

In the past few years we have lost the main employer (British Sugar), the library, the bank, the petrol station plus various shops. We have also lost three of the five pubs which previously served the village.

- The interests of the applicant lie solely in profit. Is it their intention to purposely make the pub unviable to justify redevelopment.
- The pub is for sale but at an unrealistic price – a community consortium has tried to lease it but Punch Taverns would provide no stability due to intention to keep marketing the property for sale.
- The Bards offers facilities that no other venue within the village offers. The Nags Head is a much smaller venue. The Bards is used by 4 darts teams in the Lincoln league and 2 in the Coningsby league as well as 1 crib team, 3 pools teams and a dominoes team. It has satellite TV including various sports channels. The facilities include a pool table, 3 darts boards a function room and a large bar area. There is an outside bar and outside catering facilities, the bar is the official bar for the village hall. The pub is used for local bands to showcase their music and is used by the local shooters and gamekeepers for their functions. 120 people can be accommodated in the bar and a further 60 in the function room.
- The Bards has won Punch Taverns national award for 100% beer excellence and line cleaning.
- The car park is available and used by the people of the village to visit the butcher, the Church and other village functions.
- Bardney would not sustain just one public house with a very small car park which is not available for non-patrons.
- Loss of employment; local people are employed who would otherwise not have employment as they have no means of travel.

Residents of 10 Wragby Road – no objection to the development but ask that materials and design of new properties so they can be in keeping with the surrounding older properties

LCC Highways – No objection subject to conditions requiring implementation of access to LCC standards and parking completed before first occupation of the dwellings.

LCC Historic Environment team (Archaeology) - The proposed development is within the medieval core of Bardney and there is high potential that historic assets will be disturbed on the development site. Therefore recommend a scheme of archaeological works to be undertaken to be secured by a condition of the planning permission.

WLDC Strategic Housing Team – There would be a requirement for 25% of the dwellings to be delivered as affordable housing. Due to an over supply of affordable housing in Bardney our preference would be for an off-site contribution in lieu of the dwellings which would equate to £93,234.75p based on the Lincoln policy area tariff within the West Lindsey Supplementary Planning Guidance (SPG) for Affordable Housing.

Relevant Planning Policies:

The Development Plan

- West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the development plan for the district although the weight afforded to it is dependant on whether the specific policies accord with the principles contained within the National Planning Policy Framework. In terms of the proposed development, the following policies are considered to still be relevant:-

STRAT 1 Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 3 Settlement hierarchy

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT6 – Windfall and infill housing developments in Primary Rural Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

STRAT 9 Phasing of Housing Development and Release of Land

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

SUS 7 Building materials and components

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm>

RES 1 Housing Layout and Design

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES 2 Range of housing provision in all housing schemes

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES 5 Provision of play space/recreational facilities in new residential development.

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES6 Affordable housing provision

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

NBE 14 Waste Water Disposal

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

National

- National Planning Policy Framework (2012)
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- CAMRA Public House viability test
<http://www.camra.org.uk/page.php?id=130>

Local

- Draft Central Lincolnshire Joint Core Strategy (2013)
<http://nkdc.moderngov.co.uk/documents/g5586/Public%20reports%20pack%2008th-Jul-2013%2010.00%20Central%20Lincolnshire%20Joint%20Strategic%20Planning%20Committee.pdf?T=10>

Bardney is defined as a Tertiary Attractor settlement reflecting the services and facilities it offers to residents of the village and a catchment of smaller settlements within the locality such as Southrey. The following policies are considered relevant:-

CL1 – Sustainable development in Central Lincolnshire
 CL4 - Level and distribution of growth
 CL5 – Managing the release of land for housing and employment
 CL6 – Site selection in Central Lincolnshire
 CL12 – Overall target for affordable housing
 CL13 – Affordable housing thresholds
 CL22 – Strategy for the rural areas of Central Lincolnshire

The weight afforded to this Plan has increased following the approval of the Draft by the Central Lincolnshire Joint Strategic Planning Committee on 8th July. The Strategy will now go out to further consultation with an intention to submit it for an Examination in Public early in 2014.

Assessment:

Principle

There are two issues to be considered here; whether there is policy support for further housing in Bardney and, if so, is it appropriate for the development to result in the closure of one of Bardney's two remaining public houses.

The saved strategic (STRAT) policies of the Local Plan First Review are used as the basis for the assessment of the first issue. In this context it is noted that policy STRAT3 classifies Bardney as a Primary Rural Settlement and policy STRAT6, applicable to such settlements, supports limited and small scale housing developments of 5 to 20 dwellings on previously developed land subject to the provision of an acceptable level of affordable housing, that the development does not place an unacceptable strain on the village infrastructure, that it accords with a suite of amenity policy considerations and it does not prejudice the delivery of the Council's housing strategy.

The site constitutes previously developed land. In this regard it accords with one part of policy STRAT6 as well as the priority for land release in policy STRAT9 of the Review and the National Planning Policy Framework.

The amenity considerations will be considered separately later in this report. In terms of infrastructure, no consultee has come forward to state that the services serving Bardney cannot cope with the development proposed which is limited in its scale and will replace a public house which currently has its own demands on the same infrastructure.

With regards to affordable housing, the applicant has submitted an open book viability appraisal which has been verified by Council officers and evidences that the development would not be viable with the 25% affordable housing provision advised by policy RES6 of the Local Plan Review and policy CL13 of the Core Strategy. In this context and following the advice of the Council's Strategic Housing Officer that a contribution to off-site affordable housing is preferred, a sum of £20,000 has been provisionally agreed by officers to contribute towards the provision of affordable housing elsewhere in the district. This would be secured through a unilateral undertaking under the amended section 106 of the Planning Act 1990.

In terms of the Council's Housing Strategy it is noted that the National Planning Policy Framework requires local authorities to maintain a deliverable housing supply of 5 years provision (plus a buffer of 20%). This requirement is echoed in policy CL5 of the Core Strategy. The Local Plan Review provided for a provision of 350 dwellings per annum in the district, 145 of which were to be within the Lincoln Policy Area that includes Bardney. The district can currently demonstrate a deliverable supply against this provision as evidenced in its Annual Housing Supply Assessment - 2012. However, there have been three significant changes in policy context since this adoption of the Plan in 2006 which are material considerations:-

- The approval for use by West Lindsey District Council of the provision that was contained within the East Midlands Regional Plan 2009 of 480 dwellings per annum outside of the Principal Urban Area (PUA) of Lincoln and the award of Growth Point status to West Lindsey as a whole in 2010. This provision is echoed in the Draft Central Lincolnshire Core Strategy; the Strategy seeks to deliver 42,000 homes across Central Lincolnshire over the plan period to 2031, of which 9,500 are sought to be delivered within small towns and rural areas including locations such as Bardney (policy CL4 refers).
- The publication of the National Planning Policy Framework 2012 which is underpinned by a presumption in favour of sustainable development and growth.
- The use of Central Lincolnshire (North Kesteven, City of Lincoln and West Lindsey) rather than just West Lindsey as the area against which the deliverable five year supply is measured against.

In this context, the provision of seven dwellings within a settlement of Bardney's size, on previously developed land is considered to be acceptable in principle because it is needed to contribute to Central Lincolnshire's housing provision and it meets the presumption in favour of sustainable development and growth in the National Planning Policy Framework. The location within the centre of Bardney is also considered to accord with the site selection criteria detailed in policy CL6 of the Core Strategy insofar as it is within a settlement with a good range of facilities including convenience stores (Coop for example), employment (Silverspoon for example) and a bus service to Lincoln and Horncastle (The No. 10 service has six buses each day in both directions).

With regards to the specific issue of the loss of the public house, policy CRT4 of the Local Plan Review provides three criteria against which such proposals should be assessed. It states that the application should only be granted if:-

- A suitable and convenient alternative facility is available nearby either within the same settlement or a neighbouring settlement;
- It can be satisfactorily demonstrated that the facility is no longer economically viable in the long term for retail or public house purposes and that reasonable efforts have been made to market the property for a class A1 or public house use;
- The proposed use would have significant alternative benefits for the local community.

This policy is afforded weight here as the services and facilities that premises such as public houses typically provide do contribute to the sustainability of settlements. In the absence of such services and facilities, a new development may not be sustainable and benefit from the presumption in favour of sustainable development in the National Planning Policy Framework. Indeed, paragraph 70 of the Framework states that local planning authorities should guard against the unnecessary loss of valued facilities where they would reduce the community's ability to meet its day-to-day needs and should

ensure that established shops, facilities and services are retained for the benefit of the community. The definition of community facilities includes public houses.

In terms of suitable and alternative facilities, Bardney has two public houses, including the Bards. The other public house, the Nags Head, is a significantly smaller facility. Of the other buildings in the village that offer some of the facilities that the Bards offers, it is noted that the Black Horse restaurant and B & B is licensed, as is the Village Hall. Inspection of the licenses and web-sites for all of these premises as well as site visits results in the following comparison:-

	Bards PH	Nags Head PH	Black Horse Rest/B&B	Village Hall	Heritage Centre
Licensed (alcohol)	✓	✓	✓ *	✓ *	X
Licensed music/dance/entertainment	✓	✓	X	✓	X
Private function room	✓ *	X	✓	✓	✓
Restaurant/food	✓ *	✓	✓	X	✓
Accommodation	X	X	✓	X	✓
Car parking *	✓	✓	✓	✓	✓
Pool table	✓	X	X	X	X
Darts	✓	✓	X	X	X

*The Black Horse is a restaurant with rooms rather than a public house. It does not have a public bar area. The village hall has benefitted from a series of alcohol licences (the service being provided by the Bards) although a current indefinite licence is not held by the hall. All the venues have private car parking for patrons but the Bards is the only car park centrally located that is used informally by members of the public. It was noted by the case officer that it was being used by customers of the butcher on the opposite side of the road at the time of one of his site visits.

The Bards appears to be the only premises with a dedicated private function room that could potentially be used without having to temporarily cease the use of a restaurant/bar/main hall area. However, it is noted that, due to problems with the fabric of the building, this function room and the commercial kitchen are not currently in use.

It is clear that the no one premises is able to offer a full range of public house functions and facilities at the moment but that the Bards with some investment could reopen its kitchen and function room/restaurant and offer everything with the exception of accommodation. It is also noted that it is centrally located and the site size provides the ability for a limited expansion of the facilities. It is also reiterated that it is the larger of the two public houses and is host to a number of games/sports clubs some of whom may not be able to readily relocate to other venues should the Bards cease trading. Nevertheless, it is considered that the Nags Head complimented by the other premises within the village could offer the range of facilities to serve the

village in the absence of the Bards, although it is acknowledged that this is a finely balanced issue.

Turning to viability, as already noted above, investment into the disused function room and kitchen to bring them back into use would assist in the viability of the use and there are no apparent constraints which would prohibit viability in terms of the layout of the building and size of the site; the car park is relatively large as is the bar area, there is room for bar games, a small beer garden and the site levels provide the potential for level access. However, it is noted that the investment required to attract potential customers seeking to have a meal or book a private function would not be insignificant and not without significant risk; there is little certainty in a competitive market with declining patronage as to whether such investment would result in increased revenue and profit and over what period the investment would be reclaimed.

There is no standard as to what population is required to sustain a public house. The Campaign for Real Ale (CAMRA) has published a viability test that has been recognised by other local planning authorities and the Planning Inspectorate. A link is included in the policy section of this report. The test assesses the existing population, daytime workers, potential to attract custom including tourists, competition, connectivity to the site by bus and potential for multiples use etc.

The population of Bardney was recorded as 2,057 at the 2011 Census. There are daytime workers at many small employers as well as Silverspoon (ABF). There is some potential to attract tourists although cyclists and river users are more likely to use the heritage centre near Bardney Bridge. Nevertheless, it is accepted that the Bards is within the historic core of the village near to the church although tourist trade is relatively limited in comparison to other centres such as Horncastle (antiques), Woodhall Spa (golf) or Lincoln. There is also competition in the form of the Nags Head which has an established food offering, albeit with a smaller car park and no dedicated function room. The No. 10 bus service serves Bardney and passes the site but does not offer an evening service.

There is some potential for other uses to share the site including accommodation and a shop but such uses would be directly in competition with uses in the immediate locality and would not therefore contribute to the overall viability and vitality of the village centre.

Without such diversification and in the absence of the disused function room and food offer, it is noted that there is disagreement between the licence holders/current tenants and the owners as to what level of return currently constitutes a viable proposition. The applicant commissioned Everard Cole to assess the viability of the business and they concluded that profit of less than £20,000 per annum was not reasonable. They also suggested that the revenues were in decline with the total annual barrelage falling year by year. The tenants dispute this and note that barrelage has increased this year, the business is profitable and this could be sustained and increased with some investment either by the current owners or by a new owner.

The defining case law relating to what is a living wage derived from a public house is *Brooker v Unique Pub Properties* (2001). This is quoted in the

Everard Cole submission on behalf of the applicant but the case officer has also read and assessed the case reports. Specifically, in 2001 Judge Weeks ruled in this case that £20,000 was a reasonable minimum living wage. Taking inflation into account this would equate to around £24,000 to £25,000 per annum which the business is not currently achieving.

It is acknowledged that investment to reinstate the food offer and improve the fabric of the building could result in this living wage being exceeded and the business prospering again. However, the lack of interest by buyers suggests that there is no prospect of such investment despite the length of time the premises has been on the market. Between 2010 and Feb 2011 it was offered for lease and since Feb 2011 for freehold, the scope of the marketing including local and specialist publication such as the Lincolnshire Echo and The Publican's Morning Advertiser respectively at an asking price that is considered to reflect the offer and location (£225,000). As a comparison the Carpenter's Arms at Fiskerton is for sale at offers over £449,000 (albeit with a higher standard of fabric and an established food offer) and the Ship at Billingham for £200,000 (both freehold).

The loss of employment must be also acknowledged as a material consideration and at least three people would be affected. However, there are other employers within the village and the bus service times do make a commute into Lincoln to a job with normal daytime office hours possible. Furthermore, the loss of the Bards provides the potential for the remaining services and facilities to consolidate their viability.

Finally, the case officer concurs with the Parish Council insofar as it is not considered that the proposed use would have significant alternative benefits; the proposal does not include any community facilities and it does not rid the area of an eyesore. Nevertheless, it does provide much needed housing to contribute to the Council's growth objectives and will provide an increased population to assist in the viability of the remaining premises such as the Nags Head.

In conclusion, on balance, the principle can be supported.

Design, character and appearance

These are considerations detailed in policies STRAT1, STRAT6 and RES1 of the Local Plan Review and is considered to be a material consideration, the importance of which is reflected in the National Planning Policy Statement with regards to design. It is also a consideration within policy CL6 of the Core Strategy.

Lincolnshire archive records show that this site has been occupied by a public house for many centuries and until 1995 it was under the sign The Angel Inn. The current building occupies a prominent site in the centre of the village and the rear elevation and car park are as prominent if not more so than the front elevation given that they abut one of the two main road junctions in the village. The front elevation is attractive with two first floor gabled bays jettied out over the pavement and a substantial chimney. This elevation will be

retained in its entirety as would be the west facing gable end that is directly opposite the Nags Head. The alterations to the rear wing are not significant and the reduced rear wing will not be as prominent given the juxtaposition with the proposed new dwellings.

The architectural detailing and the overall form of these proposed dwellings is simple but such simplicity is a characteristic of the local vernacular and the elevations have been amended at the advice of the case officer to reflect more of the traditional domestic detailing found within the vicinity. This includes segmental arched headers to the windows and clay pantiles for the roofs. The detailing is important as the dwellings will act as a view stop when looking eastwards along Station Road. In this context it is advised that a condition is necessary to control the specific colour palette and texture of the materials for the brickwork, windows and tiles as the variations, even for a clay pantile, can be quite marked. Nevertheless, there is sufficient detail to not need to withhold the grant of planning permission.

There is also a need for a similar condition to be applied for the detailing of the front boundary wall; the proposed plans show that, for much of its length, the existing boundary wall is proposed to be utilised. However, this wall is in a poor state of repair with some brick capping missing or heavily spalled. It is of no particular architectural or historical significance and therefore it is advised that it should be replaced by a wall of a more aesthetic quality, traditionally detailed and of a height that provides a clear division between the public highway and the site (the existing wall is of variable height and less than 500mm high in places) providing a delineated and legible hierarchy of place. The details of this wall can be controlled by condition.

Policy RES5 of the Local Plan Review stipulates that sites of this size should include public open space equating to 3% of the total site area. This would be around 50 sq m in this instance. This is nearly identical to the area of land owned by the Parish Council adjoining the site; the Pinfold. Such an area is too small for informal or formal recreation, even if it abutted and was combined with the Pinfold. Members may wish that such an area is incorporated within the site but this would significantly preclude the delivery of the on-site car parking. An alternative would be to seek a payment for the delivery or enhancement of space elsewhere within the village but the viability assessment prepared for the affordable housing evidences the lack of money available for such a contribution. In this context it is proposed that there is no contribution to either on or off-site public open space.

The Parish Council raises concerns about the setting of the Pinfold adjacent to the site. In response to their concerns it is noted that the proposed dwellings are to be set back within the site behind a private drive and this open aspect will be little different in terms of the ability to view the Pinfold than the current context of the car park.

Finally, it is considered that although not listed or within a conservation area, given that the existing building is of some architectural and historical merit and sits within the historic core of the village, it is important that its conversion and retention are secured as part of the development. Specifically, it would not be acceptable for the new dwellings to be erected and occupied and the existing

building to remain unconverted and vacant; it could not continue to operate as a public house with the reduced curtilage and being left empty would result in it being liable to physical decay and it could be ultimately demolished. In this context it is advised that any permission is subject to a phasing condition.

Highways

This is a material consideration detailed in policy STRAT1 of the Local Plan Review.

A number of the representations received, including those from the Parish Council, make reference to highway safety and parking concerns.

The current car park is rather informal in nature with no clear delineated layout. However, it extends to around 670sq m so it is reasonable to assume that it could accommodate around 16 cars allowing for manoeuvring areas, a clear access and the vehicular right of way to the back of a neighbouring house. Given that the existing and proposed accesses are in the same location and given the comparative comings and goings associated with the public house and the proposed seven dwellings, it is not considered that a refusal of the application could be sustained on highway safety grounds; the houses are not likely to generate a significant increase in the number of trips than the level associated with the current public house use. It is also considered that the two off-site parking spaces proposed for each of the proposed dwellings, including the two to be created from the existing building, is sufficient for the modest size of dwellings proposed. It is acknowledged that there is no visitor parking proposed but there is free, unrestricted on-street parking available within a short distance and sufficient space to ensure visitors would not compete for space with customers to the shops in the area. Photographs of the surrounding streets will be made available to members at Committee.

Finally, it is not considered that vehicular movements from seven additional dwellings would place undue strain on the existing highways infrastructure, including Bardney Bridge especially given that the road is a “B” classified road with relatively high traffic flows. It is also considered that the central position and proximity to a bus stop provides the potential for future occupiers to access services and facilities without relying on trips by car. The County Highways Authority raises no objection.

Archaeology

This is a material consideration detailed in policy STRAT1 of the Local Plan Review and latterly in the National Planning Policy Statement which details the assessment of “significance” of historic assets including archaeology carried forward from the superseded Planning Policy Statement (PPS) 5.

The site is within the medieval core of the village with the existing public house fronting onto a small triangle of land next to the road leading to Bardney Abbey (Abbey Road). This location provides the potential that historic assets would be disturbed by the development. However, the County Historic Environment Officer has advised that they are not of a level that requires pre-determination investigation and the matter can be dealt with by conditions.

Flooding and drainage

This is a material consideration detailed in the National Planning Policy Framework, the accompanying Technical Guidance and policy NBE14 of the Local Plan Review.

With regards to fluvial flooding, the site is within zone 1 as defined by the Environment Agency. Such areas are those at least risk of flooding and sequentially are the preferred location for more vulnerable uses such as dwellings.

The application form states that surface water will be disposed of via the mains sewer. This is not acceptable if other, more sustainable methods of surface water drainage have not been explored first (the National Planning Policy Framework refers).

The site is currently covered by large areas of impermeable surfaces (the building and car park) and therefore there is estimated to be little or no increase in the coverage of impermeable surfaces should the proposed development be implemented. Nevertheless, it needs to be demonstrated that a surface water drainage system, employing the most sustainable drainage solution possible (soakaways/sustainable urban drainage system) can cope with a 1 in 100 year storm water event (plus 30% allowance for climate change) without increasing the risk of flooding on and off the site. There is clearly potential for such a system to be devised given the garden areas proposed and that driveways could be constructed of permeable paving. In this context a condition is considered sufficient rather than needing to withhold planning permission.

Foul water is proposed to drain to the foul sewer and this accords with policy NBE14 of the Local Plan Review.

Other

Examination of the plans and elevations reveals that are significant distances between the modest two storey dwellings proposed and existing dwellings. This will ensure no significant loss of **residential amenity** in terms of overlooking, overshadowing or overbearing (policy RES1 of the Local Plan Review refers). There is also considered to be adequate private garden space for each dwelling for household recreation and the drying of clothes etc.

With regards to the other comments received from the Parish Council and residents, there is reference to **no consultation with local groups and the parish council** having been made. It is assumed that this refers to a lack of consultation by the applicant prior to submitting the formal planning application. Whilst such consultation is advised and encouraged and the primary legislation has been put in place via the Localism Act to require it, there are no subsequent regulations to stipulate that it is necessary for developments of this type at this time.

The Parish Council submission also makes reference to the fact that section 18 of the **application form contains inaccuracies**, it stating that the current floorspace is class A3 - Restaurant and café as defined by the amended Use Classes Order 1987 when it should be class A4 – Drinking Establishments. The Parish Council are correct. However, section 3 “description of the proposal” accurately describes the proposed development and this is reflected in the Council’s consultations. Indeed, it is clear from the representations received that there is a clear understanding by consultees as to what is proposed and the error in section 18 should not preclude the fair and proper assessment by all.

Conclusion

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy, STRAT 9 Phasing of Housing Development and Release of Land, SUS 7 Building materials and components, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5 Provision of play space/recreational facilities in new residential development, RES6 Affordable housing provision, CORE 10 Open Space and Landscaping and NBE 14 Waste Water Disposal of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other material considerations include the provisions of the National Planning Policy Framework which has been afforded significant weight especially the presumption in favour of sustainable development and growth and policies CL1 – Sustainable development in Central Lincolnshire, CL4 - Level and distribution of growth, CL5 – Managing the release of land for housing and employment, CL6 – Site selection in Central Lincolnshire, CL12 – Overall target for affordable housing, CL13 – Affordable housing thresholds and CL22 – Strategy for the rural areas of the Draft Central Lincolnshire Joint Core Strategy (2013). The CAMRA public house viability test was also referred to as a consideration.

In light of this assessment it is considered that the development is acceptable subject to the imposition of conditions and the completion and signing of the unilateral undertaking under the amended section 106 of the Planning Act 1990.

This is a finely balanced issue. However, the objective of meeting the Council’s growth ambitions detailed in the Core Strategy, previously agreed

by the Council when the Regional Plan was in force and reflected in the Growth Point status for West Lindsey are afforded significant weight. The presumption in favour of sustainable development and objective of growth contained within the National Planning Policy Framework are also afforded weight. The impact of the loss of the public house would be mitigated by the remaining level of similar facilities on offer in the village. The public house is not a viable proposition currently in terms of offering a living wage and, given the population of Bardney, the competition, lack of evening bus services, limited potential for tourism and the investment required, it is by no means certain that the public house would be any more viable in the future. The lack of interest despite extensive marketing at a reasonable price reflects this uncertainty.

The proposed development is within an area at low risk of flooding and visual and residential amenity will be preserved subject to the imposition of conditions.

RECOMMENDED DECISION: That the decision to grant planning permission subject to the following conditions be delegated to the Director of Regeneration and Planning upon the receipt of an acceptable unilateral undertaking under s106 of the amended Town & Country Planning Act 1990 obligating a payment of £20,000 to be paid to West Lindsey District Council for the provision of affordable housing within the district.

Time commencement condition

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).

Pre-commencement conditions

2. No development of the dwellings annotated as plots 3 to 7 on the approved plans and hereby approved shall take place until details of the external facing materials to be used for them have been submitted to and approved in writing by the local planning authority

Reason: The approved plans and forms provide sufficient evidence in principle that the materials to be used will ensure that the visual amenity of the area will be preserved. However, the specification of colours and finishes to be agreed leaves some degree of uncertainty and this condition is required to ensure those specific details to be agreed to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012 given the prominent setting of the site in the historic core of the village.

3. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

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

4. Notwithstanding the details annotated within the submitted application form no development shall take place until details have been submitted to and approved in writing by the local planning authority of a scheme for the disposal of surface water from the site based upon the principles of sustainable drainage.

Reason: It is reasonable to require details in accordance with the National Planning Policy Framework (2012) to reduce the risk of flooding as a result of the development to future occupants of the site and existing residents in the locality by means of a sustainable drainage system rather than discharge to a sewer.

5. Notwithstanding the details shown on the approved plans, no development shall take place until further details relating to the vehicular access to the public highway, including materials, specification of works and construction method have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

6. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 3 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

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

7. No development shall take place until a detailed plan of the phasing of the development hereby approved have been submitted to and approved in writing by the local planning authority.

Reason: The existing building is of some architectural and historical merit as a non-designated heritage asset and, in the interests of preserving the character and appearance of this historic core of the village, it is important that the conversion of the building is delivered before occupation of all of the new dwellings. This will ensure that the development accords with policy RES1 of the West Lindsey Local Plan First Review 2006 (saved policy) and the provisions of the National Planning Policy Framework 2012.

Other conditions

8. None of the dwellings hereby approved shall be first occupied until the access, parking and maneuvering areas for the said dwelling have been completed in accordance with the approved plans. The said areas shall be thereafter retained.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

9. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 3.

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

10. Following the archaeological site work referred to in condition 9 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

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

11. The report referred to in condition 10 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

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

12. The dwellings annotated on the approved plans as plots 3 to 7 and hereby approved shall be externally faced using materials the details of which shall have been previously approved in writing by the local planning authority as required by condition 2.

Reason: In the interests of the visual amenity of the area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

13. The approved surface water drainage system referred to in condition 4 shall have been completed before the first occupation of any of the dwellings hereby approved and shall thereafter be retained.

Reason: It is reasonable to require details in accordance with the National Planning Policy Framework (2012) to reduce the risk of flooding as a result of the development to future occupants of the site and existing residents in the locality by means of a sustainable drainage system rather than discharge to a sewer.

14. The approved access details referred to in condition 5 shall be implemented on site before any of the dwellings hereby approved are first occupied and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

15. Notwithstanding the details shown on the approved plans, none of the dwellings hereby approved shall be first occupied until a wall has been completed on the west boundary of the site to replace the existing boundary wall, the details of the new wall having been previously submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity given the prominent location within the historic core of the village and to define a legible hierarchy of spaces within the development to accord with policy RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

16. The development shall be carried out in complete accordance with the approved plans as amended by the revised plans received on 20th June 2013.

Reason: The plans were amended during the course of the application and the development is only considered to be acceptable as amended by the revised details.

17. The development shall be carried out in complete accordance with the approved phasing plan as required by condition 7.

Reason: The existing building is of some architectural and historical merit as a non-designated heritage asset and, in the interests of preserving the character and appearance of this historic core of the village, it is important that the conversion of the building is delivered before occupation of all of the new dwellings. This will ensure that the development accords with policy RES1 of the West Lindsey Local Plan First Review 2006 (saved policy) and the provisions of the National Planning Policy Framework 2012.

Informatives

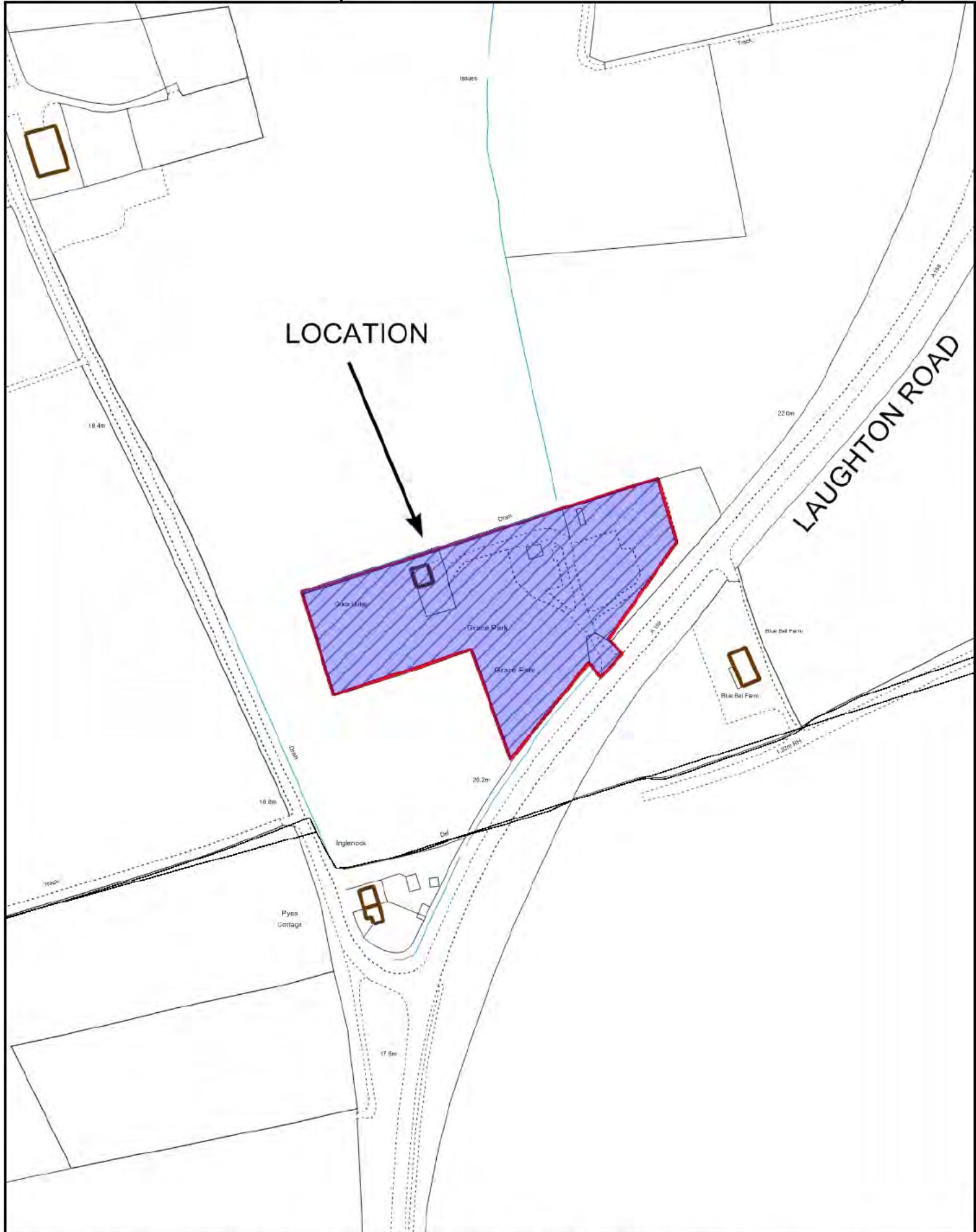
1. The written scheme required by condition 3 shall be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor (tel 01522 550382)
2. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information
3. 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.

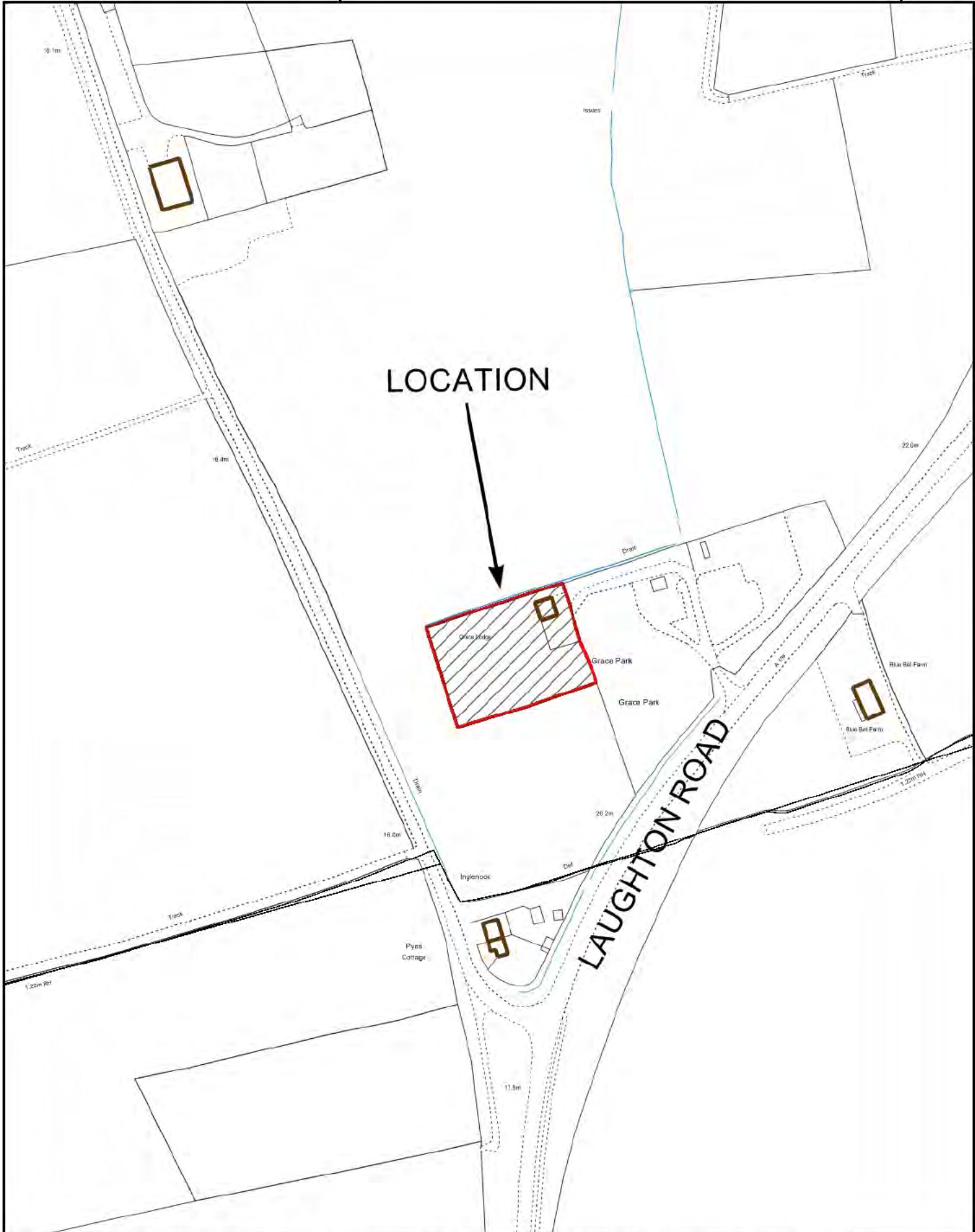
Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report





Officers Report

Planning Application No: 129990 and 130027

129990

PROPOSAL: Planning application to remove condition 5 of planning permission 129624 granted 20 March 2013, regarding occupancy

130027

PROPOSAL: Planning application to remove condition 4 of planning permission 99P0794 granted 19 September 2001, regarding occupancy

LOCATION: Land at Grace Park Laughton Road Blyton Gainsborough DN21 3LQ

WARD: Scotter

WARD MEMBER(S): Councillor Underwood Frost

APPLICANT NAME: Arnolds Parks Ltd

TARGET DECISION DATE: 05/07/2013

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Zoe Raygen

RECOMMENDED DECISION: Grant with conditions

Description: The application site forms an existing touring caravan park on the north west side of the A159 640 metres north of the settlement limit of Blyton. The site is therefore in the open countryside. The entrance to the site has a stone wall boundary with the gated entrance set back from the main road to allow access. Otherwise the boundary to Laughton Road consists of thick hedgerow and trees. The site is surrounded by open countryside and the boundary is formed by a mix of hedge and mature trees. The site has permission for an area which contained, at the time, 13 touring caravans on the south part of the site. On a small area to the north planning permission has been granted for the storage of touring caravans. This permission was granted conditionally on appeal in September 200. Condition no 4 states that

No caravan on the site, including any caravan or mobile home occupied by a site warden shall be occupied between 1 November in any one year and 28 February in the succeeding year.

This condition was attached in the light of the strict control of residential development in the open countryside exercised by national and local policy to impose a condition limiting the site to seasonal occupation only.

A subsequent application to use the remainder of the site for the siting of a further 22 caravans, of which 17 would be on land which does not already have planning permission was granted in March of this year with the same condition for the same reason

The applicant has now submitted an application to remove the condition on both permissions and replace them with more up to date conditions.

Relevant history: 99/P/0794 – Change of use of part of site from agricultural to administered site for touring caravans Refused, granted on appeal 2001

M03/P/0242 – Erection of barn, polytunnels and timber shed – Grant Conditionally 2003

M05/P/0917 – Change of use of land for storage of touring caravans Grant Conditionally 2005

129624 – Planning Application for change of use of land to extend an existing touring caravan park. Grant Conditionally March 2013

Representations:

Chairman/Ward member(s): Please make sure planning applications 129990 and 130027 are sent to the Planning Committee.

This site area was granted planning permission with conditions at the time when conditions were used to restrict usage, before S106s were used in more formal ways. If S106 was in place I am sure we would have greater security to restrict usage today.

Therefore to make sure these applications have the democratic hearing needed I request they go to Planning Committee. The reasons are that conditions were placed on to this site to protect against residential and long term usage all year round and protect the open countryside against formal residential usage also to protect against developers and dwellers building property in the open countryside in accordance with policies STRAT 12 and STRAT 1. Plus conditions were placed to control movement on and off the site and local people were not happy that the site was to be used in the manner that it has been. Other concerns would be that even if you have policies to restrict long stay who will formally police it!

Therefore whilst I have not formally predetermined this application I was a member of WLDC when the development of this site history started. I request these applications go to Planning Committee for determination.

Parish/Town Council/Meeting: Laughton Parish Council – Objects:

1. The agent acts heavily on advice by GPGPT, but we stress this is advice not policy.
 2. The alternative conditions suggested would be extremely difficult for WLDC officers to enforce. It is quite simple to monitor whether a site is occupied during the winter months; it would be time-consuming and almost impossible to ascertain all year round whether or not caravans are occupied for holiday purposes only, and whether or not they might constitute the occupants' sole or main residence.
 3. The proposals conflict with Strat 1 and 12 which exist for very good reasons, and remain paramount.
- Would suggest following reasoning of Swale BC in Kent.
At a planning meeting on 29/3/12, it was agreed to alter planning

conditions for several ventures similar to this, to allow 10 months occupancy per year, from 1 March-3rd Jan. This would seem an excellent compromise in that it precludes permanent residency on an unsuitable site and yet allows the owner greater flexibility and allows for xmas occupancy.

Blyton Parish Council – strongly oppose application

If this condition is removed it will be very easily abused with permanent residency, it effectively could become another Sunnyside problem which we have within our village and there is the addition of the gypsy caravan site just down the road, sites are popping up within our Parish left right and centre. Members do not understand why it cannot continue to operate as a normal holiday park with a closed season

Local residents: None received

LCC Highways: Does not wish to restrict the grant of the planning permission

Environment Agency: None received

Archaeology: None received

Building Control: None received

Relevant Planning Policies:

National guidance

National Planning Policy Framework Part 3 Supporting a prosperous rural economy

Good Practise Guide on Planning for Tourism May 2006

West Lindsey Local Plan First Review 2006

STRAT 1 – Development requiring planning permission

STRAT 12 – Development in the open countryside

Other Policy

The Core Strategy

- Draft Partial Central Lincolnshire Joint Core Strategy (2012)
<http://www.central-lincs.org.uk/>

This document has been approved and will now be the subject of a public consultation exercise from 29th July to the 9th September with an examination in public expected in early 2014. While the policies will therefore carry more weight than previously, the weight is still somewhat limited as they are still the subject of challenge.

Main issues

- Principle

Assessment:

Principle

The site is outside the settlement limit of Blyton and therefore is in the open countryside. Policy STRAT 12 therefore would only allow development that necessarily required a location in the countryside. When the first planning application for the use was considered, the use was accepted given the economic benefits of siting a touring park in this location. However concern was raised regarding the impact of the proposal on highway safety and the application was refused on these grounds.

The applicant submitted an appeal against the refusal of the application. The Inspector considered that a driver leaving the site would be able to see a considerable distance in both directions and considered that the proposal would not be harmful to highway safety. He did however consider that the proposal should be restricted by way of a condition so that the site could not be occupied as permanent residential occupation in the open countryside.

When the subsequent application was considered, policy had not changed in respect of the siting of permanent residential accommodation in the open countryside. While the NPPF had been published, this reiterated that new permanent residential accommodation should be located in sustainable locations and only exceptionally in the open countryside. Therefore a similar condition was applied to this planning permission so that caravans on the Park operated in a consistent manner.

The legislation and guidance available both in the NPPF and local policy STRAT 12 makes it clear that this would not be a suitable location for permanent residential accommodation, but what needs to be assessed is, what is the best way to achieve this, through the addition of conditions.

Circular 11/95 regarding the addition of conditions to planning permissions states the six tests that a planning condition should pass. The Circular states that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other requests.

Leisure demands have changed markedly in recent years with many people take several holidays a year, some of which may be short breaks, no longer just in the summer months. Much of this demand is for self-catering accommodation which may be constructed to a standard that would equally support permanent residence in some comfort. But this accommodation may also be located in areas in which the provision of permanent residential occupation would be contrary to national policies on development in the countryside or not in accordance with development plan policies, or both. The

planning system can respond to these changes in the holiday market without compromising policies to safeguard the countryside by imposing holiday occupancy conditions.

The Good Practice Guide on Planning for Tourism produced in 2006 by DCLG is guidance, to be read alongside national planning policies, and is designed to ensure that planners understand the importance of tourism and take this fully into account when preparing development plans and taking planning decisions and ensure that planners and the tourism industry work together effectively to facilitate, promote and deliver new tourism development in a sustainable way.

This guidance states that Local Planning Authorities may attach conditions to planning permissions for holiday parks to ensure that they are used for holiday purposes only. However, with better caravan standards and the trend towards tourism as a year round activity, authorities should give sympathetic consideration to applications to extend the opening period allowed under existing permissions. It makes a distinction between seasonal and holiday occupancy conditions.

The spread of demand improves the use that is made of this accommodation and so is advantageous to the businesses which provide it and to those host communities which are supported by the spending that it generates. It can help to reduce the disadvantages of seasonal employment, including the difficulties of retaining trained and experienced staff.

Whilst extension of the season has these advantages, the demand for this accommodation may occur in areas in which the provision of permanent housing would be contrary to national or local policies which seek to restrict development, for example in order to safeguard the countryside. These two objectives can be reconciled through the use of occupancy conditions designed to ensure that holiday accommodation is used for its intended purpose.

One type of condition frequently used for holiday accommodation, particularly in holiday areas, is known generically as a 'holiday occupancy condition'. The aim of such conditions is generally to ensure that the premises are only used by visitors and do not become part of the local housing stock.

These conditions can be framed according to local circumstances, and in accordance with general Government advice that conditions should be reasonable and fair. They will also need to frame them so that they can be readily enforced by the authority but in a way that is not unduly intrusive for owners or occupants.

Another type of condition that may be appropriate for tourist areas is known as a 'seasonal occupancy' condition which is currently in force on the site. The guidance states that this type of condition would seek to restrict use of holiday accommodation during particular times of year, perhaps to protect the local environment. This could be used if, for example, use of the premises or the site might affect an important species of bird during its breeding season or

when it is winter feeding. Local planning authorities will need to balance the need to impose seasonal occupancy conditions with the wish to avoid exacerbating the seasonal nature of tourism in the locality and its possible adverse effects upon local businesses and jobs.

In this instance there would appear to be no particular circumstance which would require the site to only be occupied on a seasonal basis. It would seem more appropriate to apply holiday occupancy conditions to ensure that the caravans are occupied for holiday purposes only, and the authority has access to adequate information to ensure that the conditions are enforceable.

In *Chichester D.C. v SoS & Holdens Farm Caravan Park Ltd* 18/3/92 the court held that an inspector was right to alter a “seasonal” restriction condition by substituting it for one which allowed all year round occupation but only for holiday purposes. The judge stated that it was not the court’s task to consider whether a condition was enforceable, but whether it was void and invalid. If enforcement is impossible then the holiday use only condition could well fail as absurd, but the situation was well short of impossibility. On a prosecution for failure to comply with an enforcement notice, the magistrates would have little difficulty on the facts as they emerge in deciding whether a chalet was being used for holiday accommodation or for occupation as a permanent residence.

In this instance therefore it is proposed that the following three conditions are applied instead of the one seasonal occupancy one:

1. The caravans will be occupied for holiday purposes only at any time

Reason: The proposed site would not be a sustainable location for permanent residential accommodation and therefore the condition restricts the occupation of the caravans to ensure that they are only occupied on a seasonal basis to accord with the West Lindsey Local Plan First Review Policies STRAT 1 and STRAT 12

2. The caravans shall not be occupied as a person’s sole, or main place of residence at any time

Reason: The proposed site would not be a sustainable location for permanent residential accommodation and therefore the condition restricts the occupation of the caravans to ensure that they are only occupied on a seasonal basis to accord with the West Lindsey Local Plan First Review Policies STRAT 1 and STRAT 12

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

Reason: To allow the local authority to monitor the occupation of the site to ensure that they are not being occupied as permanent residential

accommodation which would be contrary to the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review

Conclusion and reason for decision

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission and STRAT 12 – Development in the Open Countryside of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework and the Good Practise Guide on Planning for Tourism May 2006. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions. The new conditions will ensure that the caravans will not be used as permanent residential accommodation and that the local authority will be able to monitor the residence of the caravans for enforcement purposes.

Recommendation:

129990 – Grant planning permission subject to the following conditions:

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

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

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

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

2. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance and screen the development is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, CORE 10 and RES 1

3. No development shall take place until full details of the extension to the washroom and the bin storage area are submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the caravans being first occupied

Reason: In the interests of visual amenity and to accord with the West Lindsey Local Plan First Review 2006 Policy STRAT 1

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Ref GP1 dated 07 February 2013. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application, unless otherwise agreed in writing by West Lindsey District Council as Local Planning Authority.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the West Lindsey Local Plan First Review 2006 Policy STRAT 1.

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

5. The caravans will be occupied for holiday purposes only at any time

Reason: The proposed site would not be a sustainable location for permanent residential accommodation and therefore the condition restricts the occupation of the caravans to ensure that they are only occupied on a seasonal basis to accord with the West Lindsey Local Plan First Review Policies STRAT 1 and STRAT 12

6. The caravans shall not be occupied as a person's sole, or main place of residence at any time

Reason: The proposed site would not be a sustainable location for permanent residential accommodation and therefore the condition restricts the occupation of the caravans to ensure that they are only occupied on a seasonal basis to accord with the West Lindsey Local Plan First Review Policies STRAT 1 and STRAT 12

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

Reason: To allow the local authority to monitor the occupation of the site to ensure that they are not being occupied as permanent residential accommodation which would be contrary to the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review

8. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the caravans or the completion of the development whichever is sooner and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that a landscaping scheme to enhance and screen the development is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, CORE 10 and RES 1

Recommendation:

130027 – Grant planning permission subject to the following conditions:

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

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

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

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

2. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance and screen the development is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, CORE 10 and RES 1

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

None

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

3. The caravans will be occupied for holiday purposes only at any time

Reason: The proposed site would not be a sustainable location for permanent residential accommodation and therefore the condition restricts the occupation of the caravans to ensure that they are only occupied on a seasonal basis to accord with the West Lindsey Local Plan First Review Policies STRAT 1 and STRAT 12

4. The caravans shall not be occupied as a person's sole, or main place of residence at any time

Reason: The proposed site would not be a sustainable location for permanent residential accommodation and therefore the condition restricts the occupation of the caravans to ensure that they are only occupied on a seasonal basis to accord with the West Lindsey Local Plan First Review Policies STRAT 1 and STRAT 12

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

Reason: To allow the local authority to monitor the occupation of the site to ensure that they are not being occupied as permanent residential accommodation which would be contrary to the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review

6. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the caravans or the completion of the development whichever is sooner and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

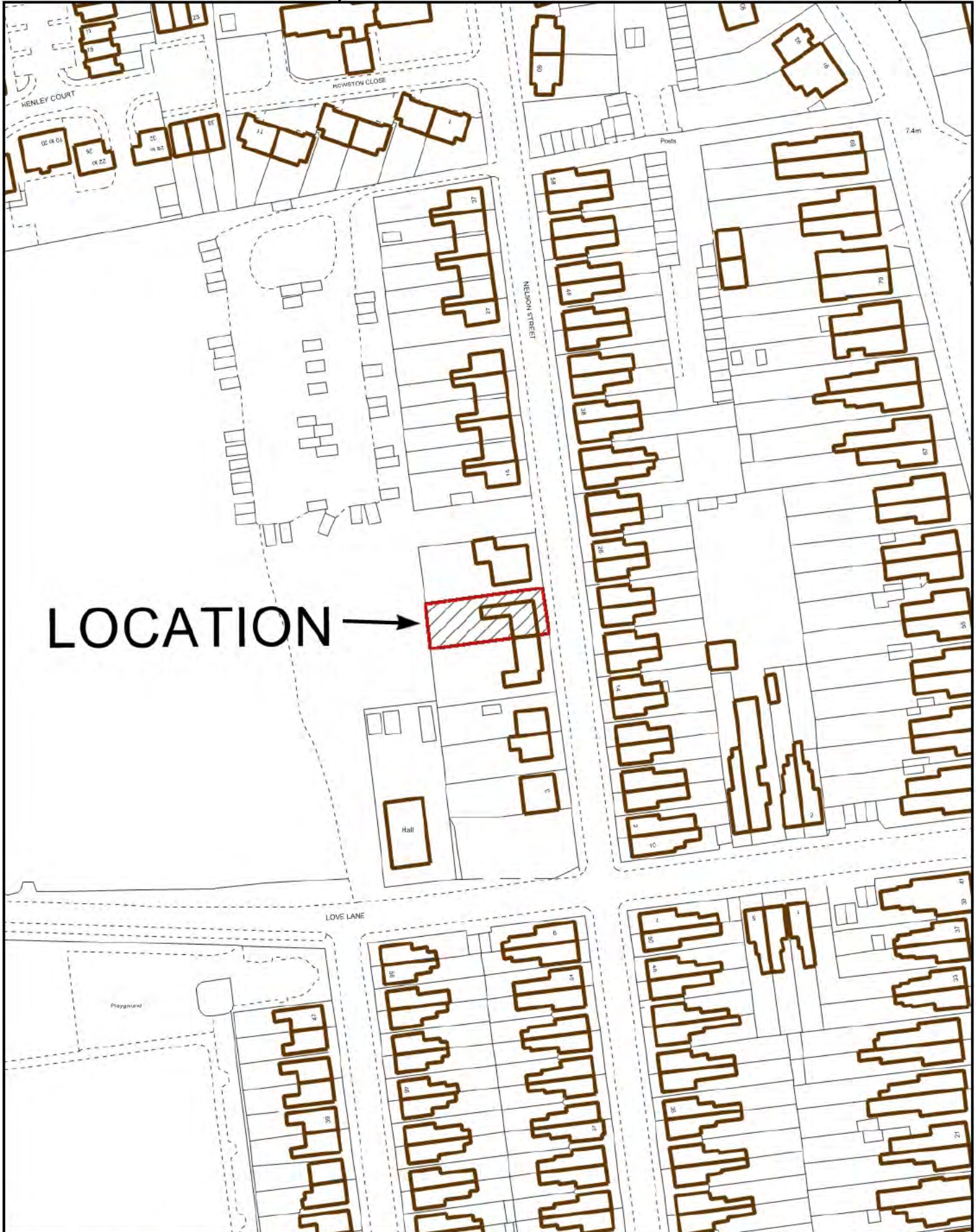
Reason: To ensure that a landscaping scheme to enhance and screen the development is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, CORE 10 and RES 1

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report



LOCATION →

Officers Report

Planning Application No: 130004

PROPOSAL: Planning Application for first floor extension over single storey section of dwelling-resubmission of 129712

LOCATION: 11 Nelson Street Gainsborough Lincolnshire DN21 2SE

WARD: Gainsborough North

WARD MEMBER(S): Councillors D Dobbie & G Bardsley (Gainsborough North)

APPLICANT NAME: Mr J Myskiw

TARGET DECISION DATE: 09/07/2013

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Russell Clarkson

RECOMMENDED DECISION: Refuse planning permission

Description:

The application seeks planning permission to erect a first floor extension. The extension would measure 6.23m long and take place on the rear from the back of an existing 1.20m long gable (cumulative length from the main back wall measuring 7.43m). It would take place over an existing flat roofed single storey extension. The extension would provide a bedroom and shower room.

The application site is occupied by a semi-detached two storey dwelling, and is located on the west side of Nelson Street, Gainsborough. Whereas properties on the east side of the street are all of the same uniform semi-detached house type, on the west side, a variety of house types are employed.

A driveway serving a detached garage runs between the dwelling and its northern boundary with no.13.

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

The development does not qualify as Schedule 1 or 2 development, and is not considered "EIA Development" as a result.

Relevant history:

129712 - Planning Application for first floor extension over single storey section of dwelling. Withdrawn 17/04/2013.

Representations:

Chairman/Ward member(s): Councillor Dobbie requests the application is brought to the planning committee for determination. Considers the proposed extension is of an acceptable design, massing and scale and the size of the application plot, the juxtaposition of adjacent dwellings and their relationship is such that it is not be overly oppressive or dominant or would unacceptably impinge upon neighbours' amenities. Considers the development complies with the NPPF presumption in favour of sustainable development and complies with Local Plan policies STRAT1 and RES11.

Parish/Town Council/Meeting: No comments received.

Local residents: No comments received.

Environmental Health: No apparent concerns.

Relevant Planning Policies:National guidance

National Planning Policy Framework

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/2116950.pdf)

West Lindsey Local Plan First Review 2006

STRAT1: Development requiring planning permission

(<http://www2.west-lindsey.gov.uk/localplan/written/cpt1.htm>)

RES11: Extensions to Dwellings Located within Settlements

(<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>)

Main issues

- Character and Appearance
- Residential Amenities

Assessment:

- (i) Character and Appearance

11 Nelson Street is one half of a symmetrical house pair. It has previously been extended with a flat roofed single storey extension that measures some 8.8m long off the back wall of the main dwelling. The property has previously been extended at first floor with a 1.2m long gable off the back wall. A 3.6m long conservatory sits within the alcove formed between the single storey extension and the boundary shared with no.9 to the south.

The application seeks planning permission to build a first floor extension on top of the existing ground floor extension. The extension would continue the existing gable by a further 6.23m. This, taken cumulatively with the existing gable extension, would give a total length of approximately 7.43m off the original back wall.

This would result in the north-facing side elevation extending a total of 12.8m at two storeys. This side elevation would be proportionately greater than the width of the principal front elevation of the dwelling at approximately 8.2m.

It is considered that, as a result of its substantial length, the extension would not be subordinate to the parent dwelling, despite the reduced ridge height, resulting in a disproportionately long side elevation. This would be open to views from within the street due to the spacing between no.11 and no.13. This would be directly contrary to Local Plan policy RES11, which requires house extensions to be “well-designed in relation to the size, shape and materials of the building to be extended, and [be] subordinate to the existing property”. It would also be contrary to Local plan policy STRAT1 which requires development to be satisfactory in terms of “the impact on the character, appearance and amenities of neighbouring [land]”.

Both policies STRAT1 and RES11 are considered to be consistent with the NPPF requirement for good design. It states that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

(ii) Residential Amenities

An approximately 2m high well maintained hedge runs between the application site and no.13 to the north. There is a space of approximately 4.8m wide between the two buildings.

No.13 is a detached property. Facing windows leading to habitable rooms were not noted in the property’s facing side elevation opposite the development. Nonetheless, no.13 has a raised patio to the rear of the property with tables and chairs set out. The proposed development would be highly visible and prominent when viewed from the neighbour’s side. It is considered that this extensive and predominantly blank facing side wall proposed, at a height of 4.8m to the eaves, would have an oppressive and over-bearing effect upon the enjoyment of the neighbour’s property, particularly when making use of their private garden space.

Whilst the neighbours have indicated concerns verbally to the Case Officer, no written objections have been made to the application.

Nonetheless, it would be considered to be unduly harmful to the enjoyment of the neighbour’s amenities as a result of its substantial scale and massing. It is therefore deemed to be contrary to saved Local Plan policies STRAT1 and RES11 which both seek to resist development that would adversely affect a neighbour’s amenities.

The policies are considered to be consistent with the NPPF core planning principle to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

Other matters

Previous application 129712 was withdrawn by the applicant following Officer concerns over the scale of the development proposed. This sought permission to extend the full length of the single storey extension (8.09m). Whilst this latest application does reduce the length of the extension proposed, it is not considered substantial enough to overcome the concerns raised. The applicant has been advised that an extension of around 4m long could be considered acceptable and would still enable a first floor bedroom to be provided.

Conclusions:

It is concluded that the development, as a result of its scale and massing, would fail to be subservient to the parent dwelling and would, as a result of its size, have a detrimental effect upon the amenities of the occupants of the adjacent property through having an overbearing and otherwise oppressive impact upon the general outlook of the neighbours. The development is deemed to be contrary to the provisions of the West Lindsey Local Plan, particularly policies STRAT1 and RES11.

Recommendation: Refuse planning permission for the following reason(s);

1. The proposed extension would, as a result of its substantial length and massing, have an overbearing and unduly oppressive effect upon the outlook and enjoyment of the neighbouring property, to the detriment of the neighbours' amenities. This would be contrary to saved policies STRAT1 and RES11 of the West Lindsey Local Plan First Review (June 2006).
2. The proposed extension would be disproportionate in scale, as a result of its length, to the original dwelling resulting in a discordant feature to the detriment of the visual amenities of the prevailing area. This would be contrary to saved policies STRAT1 and RES11 of the West Lindsey Local Plan First Review (June 2006).

Standard Letter**Special Letter****Draft enclosed****Prepared by : Russell Clarkson****Date :****Signed:****Authorising Office** **Date:****Decision Level** (tick as appropriate)

Delegated

Delegated via Members

Committee