



PL.16 12/13
<b>Planning Committee</b>
<b>Date 25 April 2013</b>

**Subject: Planning applications for determination**

Report by:

Director of Regeneration and Planning

Contact Officer:

Nick Ethelstone  
Area Team Manager  
01427 676629

Purpose / Summary:

The report contains details of planning applications that require determination by the committee together with appropriate appendices

**RECOMMENDATION(S): Each item has its own recommendation**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial :** None arising from this report.

**Staffing :** None arising from this report.

**Equality and Diversity including Human Rights :** The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

**Risk Assessment :** None arising from this report.

**Climate Related Risks and Opportunities :** None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

**Is the decision one which Rule 14.7 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**

**Item 1 - Planning Application No: 129445 Clixby**

Planning application for installation of anaerobic digestion plant, including technical building and flare stack, storage, digester and hydrolyser tanks, earth bund, silage clamps and associated infrastructure, at Manor Farm, Brigg Road, Clixby.

**RECOMMENDED DECISION:** Grant Planning Permission

**Item 2 - Planning Application No: 129722 Normanby by Spital**

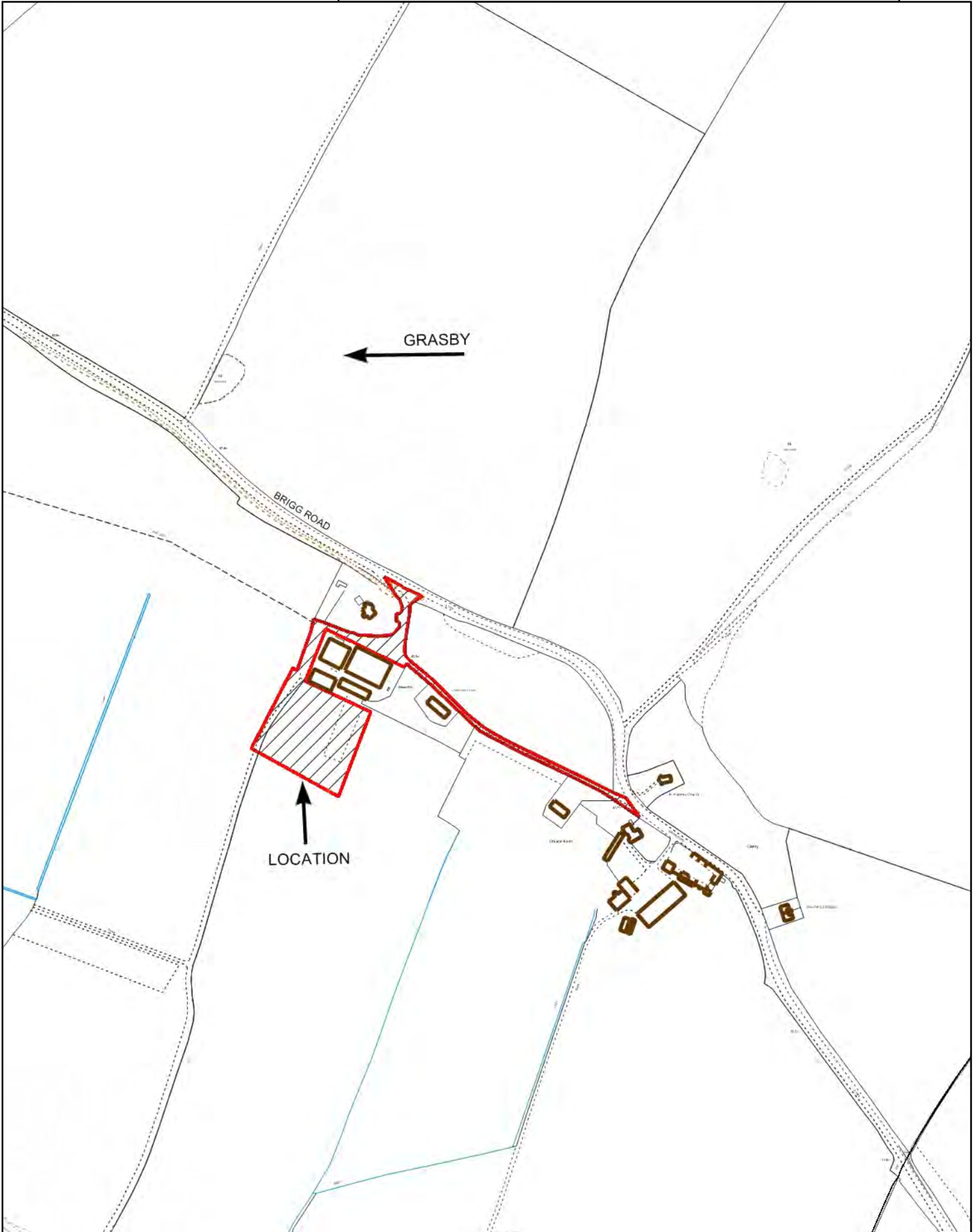
Planning application to erect 2no wind turbines - resubmission of 128606 at Heath Farm, Normanby Cliff Road, Normanby-By-Spital.

**RECOMMENDED DECISION:** Refuse planning permission

**Item 3 - Planning Application No: 129621 Burton**

Planning application for replacement dwelling – resubmission – at The Aviary Hall Drive Burton

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



## **Officers Report**

### **Planning Application No: 129445**

**PROPOSAL:** Planning application for installation of anaerobic digestion plant, including technical building and flare stack, storage, digester and hydrolyser tanks, earth bund, silage clamps and associated infrastructure

**LOCATION:** Manor Farm Brigg Road Clixby Barnetby, Lincolnshire LN7 6RT

**WARD:** Kelsey

**WARD MEMBER(S):** Cllr L Strange

**APPLICANT NAME:** Manor Farm Community Energy PLC

**TARGET DECISION DATE:** 08/02/2013

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Grant Planning Permission

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#### **The Site**

This is a working farm located south of Brigg Road (A1084) to the south east of the rural settlement of Grasby. The existing farmstead comprises modern corrugated or brick steel portal frame agricultural buildings and a traditional farm house. The agricultural buildings are used for storing wheat and farm machinery. It is surrounded by fields to the south, east, and west and to the north beyond Brigg Road. A neighbouring farm lies to the south east of the site and there is a row of tall poplars along the eastern edge of the farmstead. There are a number of small woodland and copse areas surrounding the site on the outer edges of the surrounding fields. A public right of way which forms part of the Viking Way long distance footpath runs through the farmstead to the north of the existing farm buildings. There are two means of access to the site, one to the north which is used by traffic from the west and one to the east adjacent Church farm used by vehicles travelling from the east.

#### **Proposal**

An Anaerobic Digestion plant is proposed. Anaerobic digestion is a natural process in which microorganisms break down organic matter, in the absence of oxygen, into biogas (a mixture of carbon dioxide and methane) and digestate. The digestate can be used as a renewable fertiliser or soil conditioner. The biogas is used directly to power CHP engines, which in turn will produce electricity. The electricity produced by the AD plant at Manor Farm will be fed into the national grid. The site area is 0.95 hectares.

**Physical works and processes:** There are two main elements to the proposal. To the rear of the existing farmstead buildings 3 silage clamps will be laid out, 65 metres long with a total width of 60 metres. They are constructed of concrete and will be open at one end. As the site slopes in a southerly direction the height of the walls starts at 2.2 metres topped by a one metre high railing rising to a maximum of 4.4 metres also topped with a metre

high railing deeper within the site. The second element of the proposal is the AD Plant itself. This will be sunk into the ground by 1 metre. This comprises 2 hydrolysers 5.2 metres in height and 8 metres in diameter with 3 metre high flare stacks. The two Hydrolysis tanks are used to pump the feedstock in batches to get fully hydrolysed content for the digester. Biogas is produced and rises to the top of the digester tank and is piped to the Combined Heat and Power (CHP) unit engine where the methane is burned to make electricity and heat. When digestion is complete, solid and liquid material left in the digester tank is pumped to the storage tank. Solid digestate will be stored in a clamp and covered with protective sheeting whilst the liquid digestate will be stored in a sealed tank prior to land application during the spring and autumn as part of the agricultural cycle. The domed digester tank reaches a height of 10.5 metres and has a diameter of 22 metres. The largest plant is the storage tank which has a diameter of 32 metres and reaches a height of 13 metres. All 4 tanks will be constructed of concrete and clad in corrugated steel sheeting, which will be finished in green. The CHP unit is a steel flat roofed rectangular structure located on the western section of the site, 4 metres wide and 13.7 metres in length with a height of 2.8 metres. On its roof is an 8.3 metre high slender steel structure which is the exhaust stack for the CHP engine and alongside it a wider 5.7 metre high shrouded flare stack. An office and control room is located alongside it which is also flat roofed, 3 metres high, 4 metres wide and 7 metres in length. A single feed hopper will be used on the site.

**Feedstock** - The site will operate using biomass feedstock in the form of maize silage, rotation crops, cover crops, grass silage, duck manure and chicken litter. The quantities are as follows:

- 2,500-tonnes of whole crop maize silage from Manor Farm;
- 3,000-tonnes of rotation crops, cover crops and grass silage from Manor Farm;
- 850-tonnes of duck manure from Cherry Valley Farm; and,
- 3,500-tonnes of chicken litter from other local farms.

The feedstock will be transferred within Manor Farm using a tractor and trailer during typical harvest periods prior to unloading within the silage clamps. Duck manure will be delivered to the facility twice per annum during cleaning of Cherry Valley Farm. Poultry litter will be delivered to site by 140 twenty five tonne trucks per annum. This material will also be stored in clamps or deposited directly into the feed hopper

A protected species survey and Tree report formed part of the application as originally submitted. Following the submission officers requested additional information which was submitted and formed part of the officer's considerations. These comprised:

1. Odour Impact Assessment
2. Air Quality Assessment
3. Noise Impact Assessment
4. Odour Management Plan
5. Addendum to the Odour Management Plan
6. Indicative Landscaping Proposals

It should be noted that a permit will be required from the Environment Agency in order to be able to implement any approval.

**Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999:**

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

**Relevant history:** None

**Representations:**

**Chairman/Ward member(s): Councillor Lewis Strange**

Referred to the public meeting held on January 20<sup>th</sup> 2013 at the Cross Keys. The applicant explained to around 60 people their intentions. The questioning was by no means negative, however residents voiced their concerns mainly about odour at all stages of the process from delivery to the spreading programme. This is a sad result for the 80 year old lady adjacent to the site is that she will have to live alongside it, which she does not want, and doesn't want to move. Much was made of possible site visits by the planning committee to view other such sites and hear of any problems arising. I fully support this move as this AD plant is sited so close to a community. Our concern is that the village is not saddled with a system that while providing power for Caistor has a detrimental effect on the quality of life and businesses of a public house and two high class bed and breakfast establishments.

Between Mrs Spilmans property there should be a large bund built wide and high trees and bushes to hide the development and also one between the development and Grasby. Reversing warnings should be muted from front end shovels. Assertion of practically odourless emissions should be monitored and should there be problems the plant would be closed down. Slurry disposal plan is required

**Parish/Town Council/Meeting: Clerk to Grasby Parish Council**

Following a public meeting 20<sup>th</sup> January 2013 would like to see due consideration given to:

- Technical competence of staff
- Dust emission
- Noise
- Smell
- Access
- Screening on the west side in addition to the east

**Local residents: 22** representations from residents and local businesses have been received from: 12 Station Road, 14 Station Road, 26 Station Road (Cuilfail) , 27 Station Road (Tudor Lodge), 29 Station Road ,39 Station Road (Treetops), Holland Drive,21A Clixby Lane, The Long Close, Viking House, 1 Vicarage Lane, 2 Vicarage Lane, Church Farm, Cross Keys Public House, 5

The Old Quarry, 3 Clixby Lane 106 Brigg Road, 8 Whitegate Hill, 21 Clixby Lane 23 Clixby Lane Malvern, Clixby Lane Bentley House, Bentley Lane

**16** object to the proposals on the following grounds:

- Smells
- Soot Particles
- Increase in HGV Traffic
- Commercial scheme
- Noise from 24 hour operation
- Village is part of Lincolnshire Wolds An AONB
- Visible flare
- Property values
- Impact on walkers using the Viking Way
- More farm vehicles
- Visible from our property
- Should be at cherry valley which will provide much of the waste material
- Entrance and exits are sited on accident prone bends
- Out of character with rural landscape
- Too close to the Viking Way
- Would affect tourism
- Use of crops removes food production from food chain. If prices increase more animal waste would be used
- No consideration of alternatives such as smaller plants at the farms generating the waste
- Close proximity to Clixby House (230 metres)
- We have recently opened three self catering cottages and have had many visitors which would be affected by having such an intrusive construction on the beautiful Wolds
- No mechanism to control smell
- Health concerns
- Only the owners will reap benefits
- Higher energy bills to subsidise this
- Grasby Beck is part of the Lincolnshire Chalk Streams Project. Grasby Beck is fed from the area north of Caistor that includes Grasby and Clixby. Management of chalk streams is also part of a European Directive (Water Framework Directive 2000) and chalk streams are internationally rare habitats found only in the South and East of England and Normandy in France. What is worrying is that the University of Warwick - a supposed centre of excellence recently had at least one leakage of digestate which entered the water system. The local streams had to be either dammed or re-oxygenated to preserve aquatic wild life. More thought needs to be put in to how this can be prevented in this application in such an environmentally sensitive system.

**2** Support the proposals for the following reasons:

- Need initiatives to generate clean renewable energy
- Will provide green electricity to the grid
- Help support a local farming business
- Much of the feedstock will come from the farm itself



- Of benefit to the wider environment

Of the remaining 4 representations 1 supports the proposal subject to the provision of a tree shelter and bund along the western boundary. The second has no objection subject to health impacts, noise and odour pollutants being given major consideration now and in the future. The third does not oppose the proposals in principle but considers that measures should be put in place to address 3 areas of particular concern: smell, airborne dust and noise. Also points out that offices will require foul sewerage and elevations of the lighting columns are not shown. The final representation expresses concerns that winds would subject Grasby to dust and odours but that trees could help to mitigate this and that there are always problems with running plant that involve materials handling. Whilst asking that the concerns expressed are carefully considered the letter writer commends the foresight of an interesting project.

**LCC (Rights of Way):** No objections

**LCC Highways:** No objections. Following the original comments concerns were expressed by councillors to the Highways Authority. An additional response was subsequently received: The Design and Access statement states that the accesses would remain as existing, with the northern access used by vehicles approaching from or leaving towards the west, and the eastern access used by vehicles approaching from or leaving to the east. The majority of the silage and manure that will be required for the anaerobic digestion process will be transported over private land. Only the chicken litter will be transported on public highway. This will be transported by 140 No. 25 tonne trucks. This litter is currently transported to waste facilities at Ely, in Cambridgeshire via the A1084 and therefore already passes Manor Farm. As a result of the proposals existing lorry trips from the farm will decrease as 60 Lorries transporting potatoes, 10 transporting wheat and 5 transporting fertiliser will not be required. The increase in HGV trips to the farm will therefore be 1.25 trips per week. The Highways Authority therefore concluded that traffic generation would not be detrimental to highway safety or traffic capacity and it would not be reasonable to request highway/ junction improvements.

**Natural England:** It does not appear to fall within the scope of consultations that Natural England would routinely comment on.

**Public Protection:** Following the submission and examination of the additional reports and information as requested I have no outstanding concerns.

**Environment:** I have no objection to the proposals in terms of its impact on existing trees. Ideally, landscape/screen planting should be positioned along both the west & east sides of the site, and comprise of mixed species appropriate to the area, including a range of low level screening as well as high level screening for the taller structures.

**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>

STRAT12 – Development in the open countryside

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

CORE 10 - Open Space and Landscaping Within Developments

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

ECON 4 - Farm Diversification

<http://www2.west-lindsey.gov.uk/localplan/written/cpt7.htm>

NBE10 – Protection of landscape character and Areas of Great Landscape Value.

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

NBE17 – Control of potentially polluting uses

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

The plan policies were saved in 2009 but the adoption of the Plan itself dates from 2006 and was adopted under the 1990 Act rather than the 2004 Act. These policies have been afforded full weight in the following assessment as they, in this particular instance for this specific proposal, echo the thrust of the policy framework provided by the National Planning Policy Framework

### **Other relevant policy**

- **National Planning Policy Framework (2012)**  
<http://www.communities.gov.uk/publications/planningandbuilding/nppf>
- **Anaerobic Digestion Strategy and Action Plan (June 2011)**  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69400/anaerobic-digestion-strat-action-plan.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69400/anaerobic-digestion-strat-action-plan.pdf)
- **The Renewables Directive - Directive 2009/28/EC (April 2009)**  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009L0028:EN:NOT>

### **Main issues**

- The principle of development in this open countryside location (STRAT 1 and STRAT 12 and the National Planning Policy Framework)
- Impact of the proposals on the living conditions of nearby dwellings (STRAT 1 )
- Visual Impact (STRAT 12 and NBE 10)
- Highway Safety (STRAT 1)

**Assessment:**

**Principle** - 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. The National Planning Policy Framework (NPPF) is a material consideration of substantial weight and establishes a presumption in favour of sustainable development. One of the core planning principles in the National Planning Policy Framework (NPPF) is to “support the transition to a low carbon future” and “encourage the use of renewable resources” (paragraph 17). Section 10 of the NPPF deals with meeting the challenge of climate change and planning is seen as taking a key role in “supporting the delivery of renewable and low carbon energy and associated infrastructure” which is “central to ...sustainable development” (paragraph 93). Local Planning Authorities should “have a positive strategy to promote energy from renewable and low carbon sources”. Paragraph 98 of the NPPF says that applicants for energy development should not be required to demonstrate the need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if the projects impacts are (or can be made) acceptable.

Information submitted with the application indicates that the proposed AD plant will produce up to 4,250 MWh of electricity energy annually. This will provide enough electricity for up to 1,287 No. residential dwellings based on the average residential dwelling consuming 3.3 MWh of electricity annually (Ofgem, 2011).

Assessing the proposal simply as one which generates energy from renewable sources is sufficient to attract support for the principle. In this case, however, it also supports the diversification of the existing farm which is supported by ECON 4. The production of bio-fertiliser from this process will reduce dependency on mineral fertiliser as well as improving the overall soil fertility of the Manor Farm holding. The principle of the proposals is therefore accepted and supported. The proposal also finds support from the NPPF in terms of promoting the rural economy (paragraph 28).

**Impacts on the living conditions of nearby dwellings**

**Odour** - Odours from a number of sources on site, as well as the movement and application of material off-site, have the potential to cause impacts at sensitive receptors. An odour assessment was carried out and submitted. This considered and assessed potential impacts. This showed that the storage and utilisation of feedstock was likely to represent the most significant odour source at the facility. The application of digestate from the process was also considered. Liquid digestate will be spread with a tanker and dribble bar along the ground onto growing crops and solid digestate will be applied using a disc spreader. The digestate will be spread in the spring and autumn across Manor Farm. This will replace the currently utilised fertiliser, which include odorous substances such as duck and cow manure. As such, the duration of application is not likely to significantly change from the current situation as the crops require fertiliser whether this is in the form of AD digestate, animal wastes or chemical fertilisers. Research into bio fertiliser management and

best practice for odour control has included analysis of odour emissions from various bio fertilisers, including digestate and animal waste. The mean odour potential of digestate is significantly lower than the traditional fertilisers of cattle and pig slurry. As such, it is considered that the use of digestate at Manor Farm is likely to reduce odour impacts when compared with traditional crop fertilising methods. Based on the above information, it is not considered likely that the use of digestate at Manor Farm will result in significant odour impacts at sensitive receptor locations.

The odour impact concluded that due to the prevailing wind direction (Meteorological data was taken from Humberside Airport meteorological station over the period 1st January 2009 to 31st December 2011 (inclusive), the distance to the closest receptor (230 metres) and the nature of potential odour releases, that impacts would be unlikely to cause loss of amenity at any residential property in the vicinity of the site. In order to provide further control of odour from the facility a number of mitigation measures were identified. These included production of an Odour Management Plan. The EA as part of its permitting procedures would normally require an Odour Management Plan (OMP), however, officers requested that an Odour Management Plan (OMP) was produced in order to demonstrate an ability to effectively manage odour sources identified in the Odour Assessment. This was prepared and accepted by officers. Based on the above it is considered potential odour issues do not represent a reason to withhold consent.

**Air Quality** - Emissions from the combustion of biogas have the potential to cause increases in ground level pollutant concentrations. The storage and use of material may also cause fugitive dust impacts in the vicinity of the site. An Air Quality Assessment was submitted to examine and assess potential impacts. Dispersion modelling of a number of pollutants was undertaken in order to determine pollutant concentrations at sensitive receptors in the vicinity of the site. Predicted concentrations of all pollutants were shown to be well below the relevant standards for all modelling scenarios. Impacts on baseline concentrations at sensitive receptor locations were not considered to be significant. The impacts were predicted based on a worst-case assessment scenario of the facility constantly emitting the maximum anticipated level of each pollutant throughout operation. As such, predicted concentrations are likely to overestimate the actual changes in pollution levels as a result of the plant. A qualitative assessment of potential impacts associated with fugitive dust emissions was also undertaken. The potential for impacts depends significantly on the distance between the dust generating activity and receptor location. The Institute of Air Quality Management (IAQM) document 'Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance' provides guidance on the potential dispersion area of dust emissions. This was reviewed to produce criteria for the determination of impact magnitude. This ranges from "Large" where the sensitive location is situated less than 20m from the site boundary to Imperceptible when the dust sensitive location is situated greater than 200m from the site boundary. The nearest property outside the applicant's ownership is 230 metres away. The report concludes that the use of suitable mitigation measures, as required to obtain an Environmental Permit, will control impacts to negligible at all receptor locations

**Noise** – The main sources of noise at the plant will be the operation of the CHP unit, the loading of the feedstock and delivery activity. A noise impact assessment taking into account all of these noise sources was submitted in support of the proposals. The assessment was based upon representative night time and daytime noise surveys to establish the background noise environment at the nearest noise sensitive receiver to the proposed development. Based upon these measurements daytime and night time background noise limits were determined. These were set at 33dB LAeq during the night and 5 dB (A) above measured day time noise levels. It should be noted that sleep disturbance is considered to occur at 35dB LAeq. In addition as a conservative estimate the loss provided by an open window is approximately 10 dB(A), therefore an external level of 35dB LAeq would result in an internal noise level of 25dB LAeq. Noise levels were predicted to be 37 (dB) during the daytime at the nearest property not owned by the applicant and 31(dB) at night time. These equate to 1 dB(A) above the measured day time level of 36 (dB LA90) and 2 dB(A) below the acceptable night time level. This indicates that noise disturbance is not likely. The noise assessment was based on the assumption that loading and delivery activities would only take place between 0700 and 1800 so it will be necessary to impose conditions limiting the activities to those times.

### **Visual Impact**

It is of relevance in the consideration of potential impacts to note that the landscape is not a designated Area of Great Landscape Value (AGLV) nor does it fall within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The plant is to be located to the rear of the farm stead and will benefit from the screening afforded by the existing farm buildings it sits behind and also the trees that run along part of the eastern section of the site. It is proposed to strengthen and expand this line of trees with additional planting. Planting is also proposed along the western and southern edges of the site. Originally bunds were proposed but these were not considered appropriate in the generally flat natural landscape as this is clearly a man made feature in the landscape which draws attention to itself. It would not be considered especially effective as long distance views from the west from the sloping road above the proposed bund would still be available. A more natural landscape belt of woodland mix is considered more acceptable. Planting is proposed along the perimeter of concrete apron that skirts the site to reduce its impact. It is considered that the appearance and prominence of the concrete walls of the silage clamps can be reduced by painting them in a dark green colour to match that of the storage and digestate tanks and is considered more appropriate within the surrounding countryside. It is important to accept that views of the AD plant structures and buildings particularly the 13 metre high domed storage tank will be visible. This in itself does not make the proposals unacceptable. It is not uncommon to see large steel grain store silos “industrial” in appearance within the agricultural and rural landscape that are far greater in size and scale than the current proposal with as part and parcel of the operation of a working farm. Within the backdrop of the large wide expanse of the countryside the proposal will be viewed in the context of the existing group of farm buildings and will be read as part of the single farm holding in the wider landscape. The landscape is considered capable of absorbing the impact of these proposals. Accordingly

subject to the imposition of landscaping and materials conditions to include the colour and finish of the buildings the visual impact is considered to fall within acceptable levels.

**Highway Safety** – No objections to the proposal have been raised by Lincolnshire County Council Highways.

### **Other Matters**

**Lighting** – The locations for the proposed lighting are indicated on the submitted plans but no other details are shown. This is a matter capable of being dealt with by condition.

**Flood Risk** – The National Planning Policy Framework and the Technical Guidance to it promotes the application of a sequential approach, so that sites for new development are directed to areas at the lowest probability of flooding (Zone 1). The application site falls within Zone 1. Clean surface run-off from the access track will be disposed of via soak-aways. The access track will be constructed of porous hardcore and gravel to allow for run off to soak through. Subject to the imposition of conditions requiring submission and agreement of surface water drainage details there are no reasons to withhold consent on the grounds of flood risk.

**Pollution Risk** – The proposal includes a contained drainage catchment recovery system as required by the Environment Agency, therefore all run-off from the AD plant will be collected in the waste water shaft in the centre of the site to ensure all effluents and contaminated run-off do not soak into the ground.

**Biodiversity and Ecology** - An ecological phase 1 habitat survey was undertaken. The report identifies that the majority of the land affected by the proposal will be arable fields, which is considered to be of low ecological value given the abundance of arable land in this part of Lincolnshire, as well as the regular and intensive disturbance to this land and the consequent lack of notable botanical species. Hedgerows, ditches and mature trees surrounding the site were considered to be of higher ecological value; however no evidence of any protected species was found. The report does make recommendations as to how the trees should be felled and when vegetation clearance can take place which will be conditioned as part of the approval

**Objectors Comments** - Some of the comments are addressed in the assessment above. Comments in relation to property prices, higher energy bills, and the commercial benefit to the owners are not relevant planning considerations. The comments in relation to the chalk streams relate to the proper maintenance of the AD Plant rather than being a material planning consideration. The proximity of the proposals to the Viking Way is not a reason to refuse consent. There are only predicted to be 1.25 extra HGV vehicles per week and there are no objections to the proposals on highway grounds. Grasby does not fall within the AONB. 0.95 hectares of grade 3 agricultural land will be lost to food production. To add further context to this, it should be noted that the size threshold (that is considered significant) in terms of loss of agricultural land (falling within those grades) that triggers a statutory consultation with DEFRA is 20 hectares. The objection in relation to the loss of food production is noted but not considered relevant as the land is not lost to agricultural use. The use of more animal waste does not translate to an

increase in odours and there will be an Odour Management Plan (OMP) in place to address issues.

### **Conclusion and reason for decision**

This is a proposal that subject, to the imposition of the conditions discussed above, is not considered to devalue or cause significant harm to the character or appearance of the open countryside, or to the living conditions of nearby dwellings and will positively contribute to meeting national targets for reducing carbon emissions and the development of renewable energy sources. It will also support the development of an existing established rural enterprise. Therefore having considered the proposal against the provisions of the development plan and specifically Saved policies STRAT1, STRAT 12, CORE 10, NBE10 and NBE 17 of the West Lindsey Local Plan First Review 2006, as well as against all other material considerations including the National Planning Policy Framework (2012) it is considered that the proposal is acceptable and a grant of planning permission subject to conditions is considered appropriate.

### **Recommendation: Grant planning permission subject to the conditions below**

#### **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. Notwithstanding the submitted plans no development shall take place until details of all external walling and roofing materials including colour and finishes have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the use of appropriate materials to assist the integration of the development within the open countryside and to accord with Policies STRAT 1 and NBE 10 the adopted West Lindsey Local Plan First Review 2006 (Saved Policies).

3. 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, 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 integrate the development within the open countryside is provided in accordance with Policies STRAT 1, CORE 10 and NBE 10 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

4. No development shall take place until a scheme for the lighting of the site has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in accordance with the approved details

**Reason:** To minimise light pollution and potential glare in order to safeguard the amenity of residents and to reduce the prominence of the site which is located in the open countryside, and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

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

5. 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: 9653/C/001, 9653/C/003, 9653/C/004, 9653/C/005 and 9653/C/007 date stamped 12 DEC 2012. 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 Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

6. The development shall be carried out in accordance with the measures stated in the mitigation section of the Extended Phase 1 Habitat Survey dated November 2012.

**Reason:** To ensure that the ecological value of the site is maintained and enhanced and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review June 2006 (Saved Policies)

7. The development shall be carried out using the external walling and roofing materials and details as agreed by the Local Planning Authority and referred to in condition 2.

**Reason:** To ensure the use of appropriate materials to assist the integration of the development within the open countryside and to accord with Policies STRAT 1 and NBE 10 the adopted West Lindsey Local Plan First Review 2006 (Saved Policies).

8. The walls of the silage clamps shall be painted in a colour approved by condition 2 above and retained thereafter.



**Reason:** To ensure the use of an appropriate colour to assist the integration of the development within the open countryside and to accord with Policies STRAT 1 and NBE 10 the adopted West Lindsey Local Plan First Review 2006 (Saved Policies).

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

**9.** All planting, seeding or turfing comprised in the approved details of soft landscaping (referred to in condition 3) shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation and shall thereafter be retained in perpetuity.

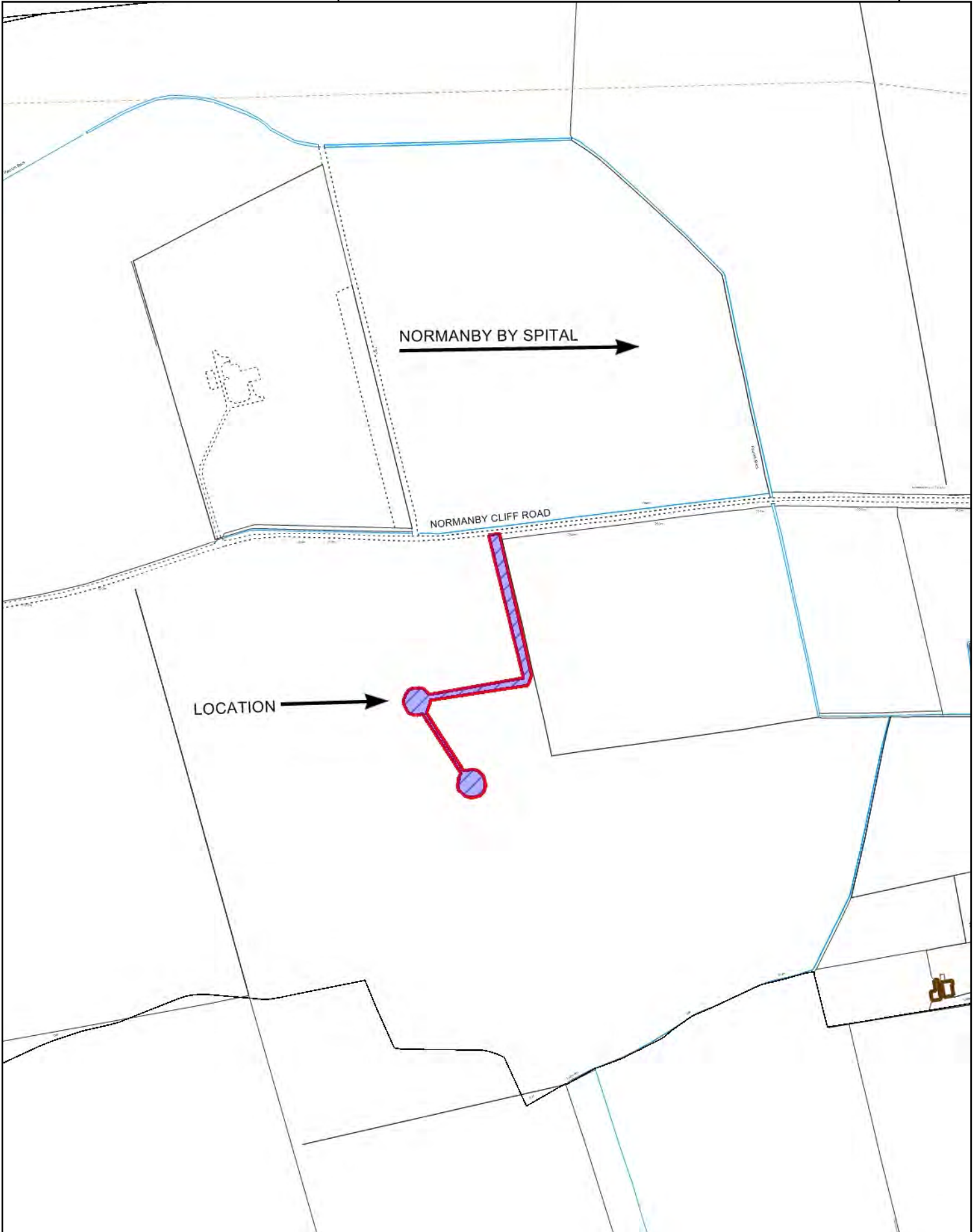
**Reason:** To ensure that a landscaping scheme to enhance and integrate the development within the open countryside is provided in a speedy and diligent way and that initial plant loss is overcome in accordance with Policies STRAT 1, CORE 10 and NBE 10 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

**10.** There shall be no loading of feedstock and no commercial arrivals or departures from the site between the hours of 1800 and 0700.

**Reason:** To protect the amenity of the occupants of nearby dwellings in accordance with the Noise Impact Assessment dated 20<sup>th</sup> March 2013 and in accordance with Policy STRAT1 of West Lindsey Local Plan First Review 2006 (Saved Policies).

**11.** The site shall be operated in accordance with the Odour Management Plan dated 15<sup>th</sup> March 2013 and the Odour Management Plan Addendum dated 6<sup>th</sup> April 2013.

**Reason:** To protect the amenity of the occupants of nearby dwellings in accordance with the Odour Assessment dated 4<sup>th</sup> February 2013 and in accordance with Policy STRAT1 of West Lindsey Local Plan First Review 2006 (Saved Policies).



## **Officers Report**

### **Planning Application No: 129722**

**PROPOSAL: Planning application to erect 2no wind turbines-  
resubmission of 128606**

**LOCATION: Heath Farm Normanby Cliff Road Normanby-By-Spital  
Market Rasen, Lincolnshire LN8 2AE**

**WARD: Waddingham and Spital**

**WARD MEMBER(S): Councillor Summers**

**APPLICANT NAME: Ermine Farms Ltd**

**TARGET DECISION DATE: 07/05/2013**

**DEVELOPMENT TYPE: Minor - all others**

**CASE OFFICER: Zoe Raygen**

**RECOMMENDED DECISION: Refuse planning permission**

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#### **Introduction**

This application is for the installation of 2 No 50kw wind turbines and ancillary works – 35m to the tip of the blade and forms a resubmission of planning application 128606 which was for the same development and considered by Planning Committee at their meeting on 9<sup>th</sup> January 2013 following a site visit on 19<sup>th</sup> December 2012.

Following consideration of the Officers report the Committee resolved to refuse the application for the following reason:

The development is contrary to saved policy NBE10 of the West Lindsey Local Plan First Review 2006 in the fact that it has a detrimental impact on the visual amenity of the open area. The scale, design and materials of the turbines are totally out of character with the area. The development will also affect views of Lincoln Cathedral from the open area.

The development is contrary to saved policy NBE20 of the West Lindsey Local Plan First review 2006 as it detracts from the rural character of the settlement edge and contrary to saved policy STRAT1 part vi of the West Lindsey Local Plan First Review due to its impact on the character, appearance and amenities of neighbouring and other land, including its visual encroachment into the countryside.

It is also contrary to saved policy STRAT1 part vii of the West Lindsey Local Plan First Review due to its impact on the character, appearance and setting of historic assets including Listed Buildings.

The applicants have included an updated planning statement as part of their resubmission together with an independent Landscape and Visual Impact Assessment of the turbines. In addition the applicants make reference to the

two appeal decisions regarding the installation of wind turbines at Waddingham Grange farm, Kirton Road, Waddingham (APP/N2535/A/12/2181210) and Northwold Farm, Thoresway, Market Rasen which were both allowed on appeal.

**Description:**

**Site** – Agricultural land 140m south of Normanby Cliff Road, 2.2km east of the A15 and 800m west of the main body of Normanby by Spital village. The nearest dwelling to either of the turbines is Mill Lodge at the western end of Mill Lane. This dwelling is approximately 500m southeast of the southernmost turbine (T2), its garden 440m away. The surrounding land is in agricultural use but there is also a horsicultural use in the vicinity.

**Proposal** - To erect two identical, 50Kw, 3 - blade, horizontal axis turbines (C & F 50 type), 25m high to hub and 35m to blade tip. They will be positioned 80m apart. The access track will be from Normanby Cliff Road. Cabling will be underground. The turbines are to provide a source of power to the applicant's pig farm (current need 530 MWh per annum). The applicant states that the estimated combined output of the turbines per annum is 330MWh which equates to 62% of the need.

N.B An alternative location near to the applicant's farm was investigated prior to the submission of the original planning application, but the MoD objected to that location on safeguarding grounds. The MoD comments were based on the same turbines being used (no comments have been requested from the MoD as to whether smaller turbines would be acceptable in locations closer to the 'Farm).

**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:**

128606 – Installation of 2 No 50kw wind turbines and ancillary works – 35m to the tip of the blade - Refused 17<sup>th</sup> January 2013

Members will also be aware of the current application for a wind farm at Hemswell Cliff. The site of that proposal is 4.5km to the northwest. Also that planning permission has been granted on appeal for 2 No 50Kw wind turbines

at Waddingham Grange Farm, Waddingham that are sited 8460 km from the application site. There are no other known wind turbines, extant planning permissions for turbines, or live applications for turbines within a 5km radius of the application site other than one vertical axis turbine at Glenthams.

### **Representations:**

#### **Normanby by Spital PC – Object:-**

- Position of turbines too near our village
- Visual impact detracts from open countryside
- Too near too properties on Mill Lane
- Application goes against Lincolnshire County Council's policies
- The appeals submitted with this resubmission do not have any relevance to this application as our objections above still stand
- There has been no health and safety or risk assessments undertaken
- My Councillors strongly object to the statement by the Landscape Architect as any wind turbines in this area will detract from the visual aspect – which is true Lincolnshire landscape.
- Consideration should be given to the disruption which will occur – during the construction of these turbines - along a single track road (heavily used by vehicles) if this application is given permission

**Hemswell PC – Cannot understand why applicants will not accept compromise situation and therefore urge Planning Committee to again reject the application.** Location should be more considerate. They are very visible and the cumulative effect of so many turbines will turn this lovely countryside into an industrial area

#### **Glentworth PC – Object application should be refused**

- Three dimensions to the NPPF including an environmental role seeking to protect and enhance natural environment. This area has a distinctive landscape value and the nature of West Lindsey landscape affords extensive views and the development proposed will be viewed for many miles.
- Turbines to be located 1 km to the east of the Heath Farm group of buildings which the development is designed to serve. Continue to be isolated and prominent features within an open agricultural landscape and will provide a dominant new feature in the landscape. Accordingly it will detract from the character and appearance of the open countryside.
- Propose compromise of turbines sited adjacent to the farm
- Implication that unless WLDC approve application the applicants will appeal and WLDC will have to pay their costs. Nothing has changed so

stick to previous judgement and reasons and maintain integrity and sense of democracy

**Residents – 120 individual representations (including multiple letters from the same addresses). A petition with 63 signatures has also been received) The addresses representations have been received from are:-**

5, Manor Cliff, Normanby, 1 Kirton Road, Blyton, Charnwood, Cliff Road, Owmbly, 11 Lancaster Green, Hemswell Cliff, Post Office Cottage, Pingle Lane, Bishop Norton, Moat Farm, Caenby, Orchard House, Front Street Normanby, The Shambles, 22 Maypole Street, Hemswell, Beehive House, Front Street Normanby, South View Moor Road Snitterby, Heath Farm, Normanby Cliff Road, Normanby, 9 Gibraltar Road, Hemswell Cliff, The Cottage, Main Street, Normanby, Barn Lodge Well Street Bishop Norton, The Spinney, Glentham Road, Bishop Norton, the Old Vicarage, Bishop Norton, Holme Cross, Glentham Road, Bishop Norton, Redlands Chapel Lane, Swallow, 19 Barff Meadow, Glentham, 7 Chapel Lodge Drive, Normanby by Spital, Moor Road, Snitterby, 2 Brook Street, Hemswell, The Bungalow High Street Caenby, Kippen, Front Street, Normanby, 13 Main Street, Normanby, Stonecourt, Owmbly Cliff Road, Owmbly, 43 Prebend Land Welton, 68 Sandsfield Lane, Gainsborough, Church View, Eastgate, Scotter, Clay Barn, Clay Lane, Toft Newton, Newton, Herons Rest, Field Lane, Normanby, Rowangarth Church Street Willoughton, Evercreech Low Road, Grayingham, Turnhouse Farm, Owmbly, 47 Willingham Road Market Rasen, 10 manor Cliff Normanby, 6 Manor Cliff, Normanby, 2 Field Lane, Normanby, The Manor, Normanby, Ravendale, 2 manor Cliff, Normanby, 10b South Street, Caistor, 3 Coach House Court Caistor, Harcourt, Cliff Road, Owmbly, 9 Church Street, Hemswell, Heath Farm, Normanby Cliff Road, Normanby, Bayles House, Normanby, Robinson college, Cambridge, 74 Carlton park, Manby, 29 Gleedale North Hykeham, Sand lane Osgodby, 40 Prebend lane Welton, Main Street Howsham, Westrum Lane Brigg, 186 Chester Road, Watford, 5 Ashberry Drive, 81 Church lane Scunthorpe, New End, Hemingby, 7 Swift Road Scunthorpe, Church Farm Cottage, Church lane, North Owersby, 42 Kelsway, Caistor, 2 Lodge farm cottage Normanby Le wold, 7 Main Street, Normanby, Meadfoot, Scotton, Middlefield, Market Rasen, Normanby, 2 Beckside, Normanby, Mill House Farm, Mill Lane, Normanby, Rowangarth Church Street Willoughton, Post Office, Main Street, Normanby, Berries, Church Lane, Owmbly, 1 Bedeside, Normanby, Barn Cottage, Washdyke lane, Glentham, 20 Anglian Way Market Rasen, 7 Folly Hill, North Owersby, Brookside, Caister Road, Market Rasen, Holton le Moor & District Riding Club, 10a Partridge Drive, Rothwell, 24 Linwood Road, Market Rasen, The laurels, school Lane, Rothwell, 12 Fen Road, Owmbly, 6 Field lane Normanby, Drabbles Hill, North Kelsey, Pingley Cottage Farm, Bigby High Road, Brigg, 6 Washington Drive, Newtoft, Glebe Farm Mill Lane, Osgodby, Drabbles Hill Farm North Kelsey, Moat House, Field lane Normanby, Manor House, Hemswell, 17 Barff Meadow, Glentham, Chapel House, Chapel Lane Normanby, Sycamore Lodge Owmbly, Charnwood Cliff Road, Owmbly.

A summary of their collective comments follows (some issues reiterated from previous application):-

- The reality is these are too big for their proposed location and if the applicant wants to have renewable energy, they should apply to have smaller ones, with an appropriate quantity of turbines on the farm, where the energy is needed and not in the middle of a field, which will cause the following issues and concerns;
- The development will not meet the three dimensions to sustainable development as set out in paragraph 7 of the NPPF - these being the economic, social and environmental roles.
- In terms of the defined economic role, the development is opposed by many of the nearby industrial operators and, therefore, cannot be reasonably viewed as “co-ordinating development requirements”.
- The development is opposed by the majority of those living and working within the affected nearby communities and cannot therefore reasonably be viewed as fulfilling the social role, which seeks strong vibrant and healthy communities. Nor is it in the interests of “creating a high quality built environment” or one which “supports its health, social and cultural wellbeing”.
- The development will most certainly not contribute “to protecting and enhancing our natural, built and historic environment” and, therefore, fails to meet the environmental role.
- There are 2 Fields off Normanby Cliff within 100 metres of the proposed development, which as a business we hire out for horse riding events. These fields were purchased because of their open view and non interference from any commercial or industrial site, to provide a safe environment for horse riders which is needed in this area for club level.
- The turbines are proposed to be sited in open countryside in the middle of a field, and this will have serious landscape and visual impact contrary to NPPF paragraphs 17, 97 and 109. Travel along the A15 or Ermine Street in a northerly direction from Lincoln towards Caenby Corner, a distance of eleven miles, and you will see the vast panoramic landscape that has remained unspoilt for centuries. This ancient route is of paramount importance to the heritage of this County of Lincolnshire.
- Today, there are nine listed buildings in Normanby-by-Spital - two of which have a direct view of the proposed site- seven listed buildings in Caenby, three listed buildings in Owmbly-by-Spital – one of which is Owmbly Cliff Farm less than a mile from the site - and two Scheduled Monuments, also Fillingham Castle, the Gateway Entrance of which is actually on the A15 and is itself listed. Running close to the site is an

ancient footpath positioned in close proximity between the site and the village. This footpath is of historical interest, as it links a string of villages and hamlets along the escarpment.

- An application for turbines of similar height and justification in Waddingham from the same applicant was rejected by WLDC.
- The Application Planning statement clearly states that “due to lack of response from the MOD, independent analysis was carried out that indicated turbines near to the farm (40M AOD) would probably be identified by Waddington Watchman radar”. *NB Officer’s note – The MOD objection as a response to a WLDC consultation is on file.*
- We are amazed the Planning Statement doesn’t even mention road safety as a consideration in this proposal and its location. It is known wind turbines are a distraction for drivers. The narrow, single track Normanby Cliff Road is one of only 3 routes into the village and is known as being a road on which drivers do drive fast. We are very concerned drivers will get distracted by the turbines, avert their sight and cause crashes, particularly as the site proposed is next to a bend in the narrow Normanby Cliff road.
- Under certain circumstances and at certain times of the year (particularly in winter), when the sun is low in the sky, the sun will pass behind the turning blades and appear as a series of light flashes. This is not to be confused with “shadow-flicker” – it is seen as a moving light flicker in the peripheral retinal visual field.
- It is known from the research work done for other wind turbine applications (especially the RWE Application at Hemswell, approximately 1.5miles from the proposed Heath Farm proposed site) that rare birds have been sited. A report from RSPB has identified Marsh harriers and the more endangered Montague harrier have been seen on several occasions in the vicinity. Having spoken to a RSPB member, they have confirmed it is fair and reasonable to declare that these same birds would fly near and around the proposed turbine site at Heath farm, with the possibility of death and disruption caused by the effects of the turbines.
- The route, running north/south, is rich in history and of great archaeological significance - the proposed erection of two wind turbines is just one mile east of this route and will be clearly seen from Ermine Street.
- There is a sentence from WLDC’s Green Energy Statement 2012, which states, “West Lindsey strives to be the greenest district with a thriving green economy, that results in improved wellbeing for residents and social equity, while significantly reducing environmental risks and threats to biodiversity”



- A family with an Autistic child has already moved out of Normanby due to the threat of the wind turbines. This means if the turbines were erected families with Autistic children or children affected by moving objects will not in the future come and reside in our village. This is a breach of Human Rights. The only restriction (Government authority to override Article 8) depends upon the 'Economic well-being of the country'. A very large body of evidence shows clearly that wind farms have no positive effect on the well-being of the country, economic or otherwise. Consequently, the restriction does not apply and it is clear that Article 8 would be breached and the development could therefore be challenged under the Human Rights Act.
- It is argued that the applicant's choice of viewpoint locations and photomontage methodology seriously underestimates the landscape and visual impact of the proposed development and makes it impossible for the general public, consultees and planners to evaluate the application properly.
- There is a substantial body of evidence which points to the list of symptoms experienced by many (not all) people who find themselves living near wind turbines. These include sleep disturbance. Headaches, tinnitus, ear pressure, dizziness and vertigo, nausea, visual blurring, tachycardia (rapid heart rate), irritability, problems with concentration and memory and panic episodes. It is highly likely that those in close proximity to the turbines would experience some of these symptoms. For instance, the discordant sounds of turbines operating out of sync can be appalling, especially when trying to concentrate or to sleep. Sleep disturbance may be a particular problem in children and it may have important implications for public health.
- The developers informed the village that the wind turbines will reduce their (the developers) energy use and lower the CO2 output. They forgot to inform the village that the animal units they serve are over 40 years old, in bad condition and will lose up to 40 % of any heat, due to the gaps in the wood, asbestos roof etc, into the atmosphere. There will be no benefit at all to the village itself.
- In winter the Normanby Cliff road has a chill effect and will cause ice build up on the rotas of the turbines. In the right conditions ice will be thrown on to the lane due to the closeness of the turbines. Many councils have put specific distance limits to turbines being near villages and roads. The entrance to the turbines for erection and maintenance is in the worst spot for black ice, Cars have actually finished up in this entrance on there roof due to black ice.
- It is contrary to the West Lindsey Local Plan Strats1 and 12, NBE 10, NBE12 [para 6.63] The emerging Central Lincolnshire Core Strategy – Draft Policies 2012 [CL1 and CL3] and the Lincolnshire County Council Guidance to district councils on the siting of wind farms, the East

Midlands Regional Plan Policies 1,4,19,24,26,27,28,29,31 and the National Planning Policy Framework sustainable Development para 7, Core principles para 17 (Localism Act – i.e. not supported by local communities).

- Impact on property prices
- Landscape sensitivity of area assessed as low – to whom? “Impact on the area would be minor/moderate and well within acceptable professionally objective parameters – acceptable to whom? There will be negligible impact to Listed buildings within the village... the impact was not deemed to be significant – not significant to whom? Evidence of independent consultants flawed in many ways and contains a lot of assumptions by people who do not live in area or love it.
- The independent report states that “ the legibility of the nucleated village...will remain albeit with the turbines in the foreground” Feel this statement embodies the whole reason why WLDC seek to protect and enhance our natural environment and protect the countryside from inappropriate development.
- Northwold Farm appeal decision is not comparable as those turbines were seen in context of a working farm which is different to the current application
- Applicant should apply for turbines next to the farm where the energy is needed
- Document refers to perceived detrimental impact and scale size and materials are out of character – this is not perception but reality
- The report states that each listed building was visited and the impact from the turbine reviewed. The report on Orchard House (grade II listed building) is factually incorrect. Report uses emotive, subjective and opinionated language.
- The context of the appeals referred to is not the same as this application and each should be taken on their own merit. Waddingham PC and villages were not united in opposition – Normanby and Owmyby PC`s and residents are – there was 150 signature petition for original 3 turbine application and further 147 signature petition.
- Impact of fixation of movement and the implications of the Equality Act. Important that risk to riders and horses is understood and this could lead to a big risk of accidents and horses throwing their vulnerable riders. Appeal decision submitted. The appeal was dismissed because of the adverse effect on highway safety by virtue of its effect on horses.
- Potential harmful impact on residents with autism

- Road safety concerns regarding the location of the turbines close to a bend in a single, high speed, narrow road where accidents have occurred.
- Structures would be constantly visible from bedroom windows of Beehive House a grade II listed building and therefore detrimental to the character and setting of the building. The visual impact report fails to take account that the village sits on an elevated position from all points that report relies on
- Kentish Weald Action Group produced a report suggesting that during a typical UK winter turbine output in Britain will seldom rise above 10% of installed capacity. Consequently the pig unit will still need power from the National Grid
- Turbines are weather dependent and therefore unreliable and unpredictable. A certain wind speed is required for them to turn and above a certain speed they need to be turned off. Therefore there will not be a steady supply of power
- Application is based on Green Energy conversion this is obviously fake, taking into account the power produced is being wasted by the power/heat going into the atmosphere.
- Need factual energy savings in relation to conserving energy. Applicant has not shown intent to saving energy
- This could seriously affect our facility in restricting the exercising of our horses due to noise created and possible flicker/movement from turbine blades. Also positioning next to a single track road and on a bend would be dangerous to riders.
- Turbines will be within 300 metres of fields in which riding events are held. Turbines will dominate the surrounding countryside and have the potential to totally unsettle the horses/ponies which is dangerous to the rider with a high potential for serious accident. Rotating turbines will unsettle the horses making it dangerous to ride in the field. Noise from the turbines will also unsettle the horses with the potential for accidents. Flicker will also have a high potential to unnerve the horses. The wind turbines will stop all riding on the field because no one will want to take the risk of accidents. This includes some disabled riders and riders with autism.
- Very concerned about safety issues to horses and riders, applicant should submit a risk assessment. Risk assessment carried out by objectors hazards will be horses will not recognise the structures, rotating blades (biggest danger), noise from the turbines, flicker. High potential to unnerve the horse with a potentially serious accident to

rider and/or horse. If the turbines are erected then there will be no riding club.

- Statutory obligations required to citizens at risk or stated not considered properly at Committee. All within the autistic spectrum must be considered at risk and hence must be supported. An individual's position in the spectrum can change over time, in some more than one stimuli occurring at the same time can lead to unacceptable stress. Reference to and use of ETSU-R-97 when applied to noise fails when applied to those with hypersensitivity problems. For those with hypersensitivity unreasonable to state that the noise at 300 metres away would not be a problem. Visual stimuli can upset some autistic children even when stationary. The whole question of stimuli from wind turbines for those within the autistic spectrum and others at risk can be a legal minefield.

**Hemswell and Harpswell Anti-Wind Farm Action Group** – Please take into consideration all of the letters, correspondence and petitions and reasons for objections that were raised last time as these still stand.

The NPPF as three dimensions which includes an environmental role seeking to protect and enhance the natural environment. West Lindsey Local Plan policies STRAT 1 STRAT 12 and NBE10 seek to protect countryside from inappropriate development. The Cliff is an AGLV. The development proposed will be visible for many miles, in views from the west the structures will be seen against the backdrop of the Lincolnshire Wolds

Sited 1 km from the Heath Farm group of buildings the structures will constitute isolated and prominent features within the open landscape. The development will detract from the established character and appearance of the open countryside.

Evidence of the independent consultants is flawed with numerous assumptions and a lack of attention to detail. Statements such as the turbines will certainly change the setting of Normanby... and do not actually obstruct the observers view of the village or detract from the observers enjoyment of the views of the village are a totally unsubstantiated personal and subjective opinion.

The cited appeal decisions are not comparable in context.

**LCC Archaeology** - The proposed development is within an archaeologically sensitive landscape. There is a Bronze age barrow cemetery comprising of at least seven barrows cropmarks to the west of the development and to the north is a Roman farmstead observed as a large quantity of building stone, roof tile and late Roman pottery. There has also been a Roman silvered bronze spoon and a bronze key recovered from this site. Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works to be secured by condition.

**Chairman/Ward member(s):**

Ward Member, Councillor Summers: In the past when an application has been presented by an agricultural/rural business it has been custom to ask for proof of profitability for the previous three years, in other words present a full set of accounts for three years. In the case of this application I believe it would be sensible and judicious to ask for copies of electricity invoices for Heath Farm for a minimum of the last 12 months. That would demonstrate whether there was a need for the erection of two turbines to support the pig unit.

Councillor Strange (county councillor and neighbouring district ward member):

I object on the grounds of visual impact in a wide open area.  
 The proximity to the village of Normanby by Spittle and Owmbly by Spittle  
 The effect on local business and its viability for riding with the proximity of turbines, also as the sun sets the flicker effect in the eyes of many riders many of whom suffer from learning difficulties  
 Danger of distraction to drivers on an already very crowded road and the adjacent bend in the road

Residents may take a different stance if the turbines were built alongside the existing farmstead further to the west

**MoD Safeguarding** – The turbines will be 23 km from, detectable by, and will cause unacceptable interference to the ATC radar at RAF Waddington. Wind turbines have been shown to have detrimental effects on the performance of MOD ATC and Range Control radars. These effects include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns which air traffic controllers must treat as real. The desensitisation of radar could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers. Controllers use the radar to separate and sequence both military and civilian aircraft, and in busy uncontrolled airspace radar is the only sure way to do this safely. Maintaining situational awareness of all aircraft movements within the airspace is crucial to achieving a safe and efficient air traffic service, and the integrity of radar data is central to this process. The creation of "false" aircraft displayed on the radar leads to increased workload for both controllers and aircrews, and may have a significant operational impact. Furthermore, real aircraft returns can be obscured by the turbine's radar returns, making the tracking of conflicting unknown aircraft (the controllers' own traffic) much more difficult.

**NERL (aircraft safeguarding)** – no safeguarding objections to the proposal.

**Humberside and East Midlands Airports** – No objection subject to a condition requiring the Council to be notified within 1 month of the commencement of operation.

**RSPB** – No comments received.

**WLDC Environmental Protection** – "No comments."

**WLDC Conservation** – It is considered that due to the limited size and number of turbines proposed there will be no adverse

### **Relevant Planning Policies:**

#### **Development Plan**

- West Lindsey Local Plan First Review 2006

STRAT1 – 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.htm>

NBE10 – Protection of landscape character and Areas of Great Landscape Value.

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

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

The plan policies were saved in 2009 but the adoption of the Plan itself dates from 2006 and was adopted under the 1990 Act rather than the 2004 Act. These policies have been afforded significant weight in the following assessment particularly with regard to the synergy with the objectives of environmental sustainability contained within the National Planning Policy Framework. In the absence of policy SUS11, which was not saved in 2009, there are no policies that provide explicit guidance on renewable energy developments. These objectives are found within the National Planning Policy Framework.

#### **National policy**

- National Planning Policy Framework (2012)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Section 10 is particularly relevant. This refers to:-

- DECC - Overarching National Policy Statement for Energy (EN-1) (2011)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)

## Main issues

In assessing this application, given the recent refusal of planning permission for the same development, members will need to have regard to the reasons for refusal, and whether those reasons have been sufficiently overcome in the revised application to lead them to grant the application. Members also need to be mindful of any material changes in planning circumstances since the previous decision which may lead to a different decision being made. It would be unreasonable, given the short amount of time since the decision of the authority, to either add any further reasons for refusal or to grant the application unless either of these two circumstances applied.

The reason for refusal can be split into two main areas;

1. The detrimental impact on visual amenity of the
  - i) Open area
  - ii) Rural character of the settlement edge
  - iii) Impact on character, appearance and amenities of neighbouring and other land including its visual encroachment into the countryside
  - iv) Views of the cathedral from the open area
  
2. The impact on the character, appearance and setting of historic assets including Listed Buildings

There have been two material changes in planning circumstances since the previous decision was made. First the East Midlands Regional Plan has been revoked and therefore is no longer part of the development plan and second the authority is in receipt of the appeal decision which allowed the two turbines at Waddingham Grange Farm in Waddingham.

In addition a further change has resulted from the change in stance of the MoD. Although they raised no objections to the previous application and this application proposes no changes to the location or size of the turbines the MoD have objected to the development on the grounds that it will interfere with the radar equipment at RAF Waddington.

### **Assessment:**

**Principle** – The East Midlands Regional Plan has been revoked, since the consideration of the principle of the previous application. However the application was also considered in relation to both policy in the West Lindsey Local Plan and the National Planning Policy Framework. The National Planning Policy Framework, in Section 10, supports the delivery of renewable and low carbon energy and associated infrastructure. 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 and this remains, as confirmed by the Secretary of State in October 2012, a guiding objective of national government policy.

Indeed, the Department of Energy and Climate Change's policy EN1, as referred to in the National Planning Policy Framework, states that the UK has committed to sourcing 15% of its total energy from renewable sources by 2020 and new projects need to continue to come forward urgently to ensure that the country meets this target.

Supporting businesses, including farmers, which strive to minimise energy costs to ensure the economic sustainability of their enterprise and the rural economy in general and to maintain and underpin the viability of that business for the benefit of employees in West Lindsey must therefore be afforded significant weight in this assessment.

The environmental sustainability of the business through minimising energy demand and maximising the derivation of energy that is required from renewable sources must also be afforded significant weight. The National Planning Policy Framework does not require a developer to prove the need for renewable energy developments.

It is considered therefore that the revocation of the East Midlands Regional Plan would not change the acceptance of the principal of the development as it accords with Policy in the National Planning Policy Framework.

**Visual Impact on the landscape and impact on landscape character –**

Turbines inevitably, due to their height, will always have some degree of visual impact, which is regularly significant, and the benefits of providing renewable energy need to be weighed against visual and any other impact. Indeed, 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; as noted in the representations received from residents, the environmental role is one of the three key roles of sustainability cited in the National Planning Policy Framework (paragraph 7 refers).

The landscape within which the development is proposed is defined as the Limestone Dip Slope in the West Lindsey Landscape Character Assessment (1999). The dip slope location means that there is potential for views from the east, south, north and west. The theoretical zone of visual influence (ZVI) is therefore a large area.

In reality the zone is smaller due to hedge lines, tree belts and man-made features such as groups of houses. Nevertheless, as the site is located in the open countryside, it is to be expected that there will be views available of the turbines from various public vantage points around the site. Members considered that the impact of the turbines on the surrounding open countryside was sufficiently harmful to warrant refusing planning permission. To try and address these concerns the applicant has commissioned an independent Landscape and Visual Impact assessment to accompany the current application. The report has been carried out by Chartered Landscape Architects and Environmental Planners who possess relevant professional



qualifications. The report was completed in accordance with accepted guidance from the Landscape Institute, the Countryside Agency and English Heritage guidelines. When the residents question the assessment that has been made, it is this guidance that has formed the basis of the assessment.

The authors of the report acknowledge that the variation of public perception of wind energy developments makes it difficult to give objective professional opinions as to whether effects are beneficial, neutral or adverse. The assessment accepts that the predicted landscape and visual aspects are considered to be adverse unless otherwise stated. The report identifies important view points that need to be assessed, covering a wider area than that assessed previously, which include public footpaths close to the application site, the nearby settlements of Normanby –by-Spital and Owmbly-by-Spital and public footpaths from higher ground on the Lincolnshire Cliff to the West. Some of these view points were original considered by the Case Officer and for clarity the report previously considered by members regarding visual amenity is reproduced below.

*Normanby Cliff Road (between the A15 and Normanby by Spital village) (viewpoint 1 in independent report)* – This is the closest public vantage point to the turbines and, without doubt, the turbines will be a prominent landmark within the panorama when viewed from much of the length of this road and particularly between the entrance to Heath Farm and the village. This is due to their sheer scale, a scale that is not replicated anywhere in the vicinity in terms of height. The proximity of the turbines to the road, gently undulating landscape and the lack of tree belts or tall buildings to the southeast, south and southwest mean that the majority of both turbines will be seen against the backdrop of the sky that is commonly grey. These conditions will commonly result in the turbines being viewed as a grey fixture against a grey backdrop. There will be instances, when the sky is blue for example, when the turbines will appear more prominent from the road. It is also noted that the sun will be behind the turbines for much of the time when viewed from the road and therefore the face facing the observer will be in shadow which will increase the contrast between the structure and the sky beyond. Nevertheless, it is not considered that they would appear visually intrusive; they are slender in form and graceful in movement, even at higher rpm.

Indeed, they certainly appear less intrusive than lattice telecommunications masts of similar or less height, vertical axis turbines or the standard L6 and L12 type pylons supporting the national grid high voltage power lines (the latter standing approximately 48m tall). Although in the foreground of the view, the turbines will not appear as incongruous features and will not prevent the observer from enjoying the vast majority of the panorama that lies beyond the structures.

***Public Right of Way between Brooklands, Front Street and Mill Lane (viewpoint 2 in independent report)*** – Again, without doubt, the turbines will be a prominent landmark within the panorama when looking west from most of the length of this footpath; the only time the turbines will be obscured from view will be when the walker is within the garden of Brooklands at the northern end of the footpath. As the footpath crosses agricultural fields the

view opens out and the turbines will be seen on the horizon approximately 600-750m away. They will appear largely against the backdrop of the sky and therefore similar considerations apply as to those when viewed from Normanby Cliff Road. The difference from this more distant view is that the turbines will appear to be only marginally higher than the trees that also feature on the horizon. At this distance, although prominent, the slender form of the turbines and relatively small size within the panorama, mean that the impact is not considered significant.

It is also acknowledged that, as Normanby village sits on slightly higher ground to the east of the footpath, there are houses such as Kippen and Orchard House to the rear of Front Street and on those on the western side of Drakes Meadow, Manor Cliff and Field Lane, that will also be afforded a view of the turbines, but these are private houses and the impact of the views from them should not be afforded weight here (the impact on the setting of listed buildings such as Orchard House, is considered separately later in this sub-section).

*Main Street, Normanby by Spital* – It is calculated that the turbines will be completely obscured from view by the buildings on the west side of the road, on Field Lane, Manor Cliff and Drakes Meadow; the case officer walked the entire length of Main Street and could not see westwards into the countryside beyond the village.

*Mill Lane, Normanby by Spital* - Views of the turbines will be afforded from this Lane, which is a Public Right of Way, west of Owmbly Cemetery and the garden of No. 3, Field Lane. The turbines will be visible on the horizon, some - 600-900m away, albeit more of the poles will be seen against the surrounding landscape due to the slightly elevated nature of the viewpoint when compared to the land to the west. Nevertheless, at this distance, the impact is not considered significant. The view from the dwellings at the western end of Mill Lane is not afforded weight as these are private dwellings and not considered to constitute heritage assets.

*Public Right of Way between Mill Lane and Owmbly Cliff Road (all within Owmbly parish) (viewpoint 4 in independent report)* – This footpath is a continuation of the footpath between Front Street and Mill Lane, assessed earlier in this sub-section. Views from the northern end of this footpath, and the permissive footpath that follows the edge of the field that the public right of way dissects, are obscured by the hedge on the field's northern and western boundary. Further south, beyond the field, the view opens out and the turbines will be visible. At these vantage points the turbines will be around 900m away. The impact at this distance is not considered significant.

*Owmbly Cliff Road (viewpoint 4 in independent report)* – This road links the centre of Owmbly village to the A15. Buildings obscure views of the site from the village itself and vistas northwestwards are not possible until the road has cleared the built up area. Indeed, the first clear views are from a bridge over a land drain, midway between the village and Owmbly Cliff Cottages, but the turbines are over 1km away at this point and do not significantly impact on the

view despite their form not being replicated by existing natural and built features within the landscape.

*Owmbly Cliff Cottages, Cow Pasture and the Public Right of Way between Owmbly Cliff Road and Owmbly Cliff Farm* – It is considered that the turbines will be more noticeable from these vantage points due to much of the height of the poles being viewed against the backdrop of a belt of trees at the Owmbly Cliff Cottages end of the path and a backdrop of the Lincolnshire Wolds from the Owmbly Cliff Farm end. The sun will also be behind the observer for much of the length of the path, illuminating the face of the turbines facing the observer. The acceptability of the visual impact of the turbines from these vantage points, as from any vantage point, is a subjective judgement and it is acknowledged that the structures will be quite different in shape, height and colouring to other features within this panorama. The case officer considers them not to be intrusive or in anyway unsightly in this context.

*Ermine Street (A15)* – The near continuous hedge line along the eastern side of the A15 and the fact that the land rises and then falls again between the road and the application site means that the turbines will not be visible from much of the length of the road between Caenby Corner and the junction with Owmbly Cliff Road. Certainly the impact is not considered to be significant when fleeting glimpses will be afforded from say between the Owmbly Cliff Road junction and the entrance to Owmbly Cliff Farm due to the distance, the topography obscuring much of the turbines height and the other more prominent features within the landscape such as the Owmbly Cliff Farm complex.

The applicant's independent report considers nine viewpoints:

*Viewpoint 1 – From Public Right of way on Normanby Cliff Road looking south towards the application site*

Once complete, the proposed development will be visible behind the foreground tree. The majority of the wind turbine development will be visible in the line of sight for walkers along the public footpath. This view is mitigated in part by the foreground tree, which will obscure views of the complete wind turbines. There will be clearer views from other parts of the roadside. Due to proximity to the application site, the wind turbines will be seen as new, relatively large features in the surrounding agricultural landscape

*Viewpoint 2 – From the public right of way on the edge of Normanby-by-Spital residential properties looking west towards the application site*

Once complete, the proposed development will be visible beyond the hedgerow in the midground. The majority of the wind turbine development will be visible in the peripheral view of walkers along the public footpath. The base of one of the wind turbines will be obscured by the hedgerow, which open up to the south to reveal the base of the second turbine. Due to proximity to the application site, the wind turbines will be clearly seen as new features in the

surrounding agricultural landscape. The wind turbines will not be a dominant feature in the landscape; the top of the turbines will be seen in line with the top of the tallest tree in the hedgerow and sit in the landscape beyond the other boundary trees.

*Viewpoint 3 – From the public footpath along Normanby Road between Owmbly-by-Spital and Normanby-by-Spital looking northwest towards the application site*

Due to the surrounding relatively flat topography, foreground vegetation and the enclosed nature of the view, there will be no clear views of the proposed wind turbine development. It may be possible to glimpse the moving blades over the vegetation on a clear day. This view represents views from along the road, which open up and become more restricted as you move along it. It may, therefore, be possible to glimpse the blade tips during winter views; with no foliage on the trees. It should be noted that there are groups of coniferous trees along the village boundary, which provide a permanent screen for views out of the village.

*Viewpoint 4 – From Public Right of Way adjacent to residential properties on the Farm access track looking north towards the application site.*

The wind turbines will be clearly visible on the skyline once the proposed development is completed, due to the open nature of the foreground field. The majority of the wind turbines will be visible, although the base will be obscured by the hedgerow field boundary. The wind turbines will be a dominant feature in this view due to distance, although will be conspicuous above the low-level vegetation. The wind turbines will be seen adjacent to an existing telecoms mast, as part of the line of telecoms masts and lines crossing the field. The wind turbines will also be a similar height to the adjacent tree belt, and do not punctuate the skyline any more than existing features do.

*Viewpoint 5 – From Public Right of Way bridleway near to the Mediaeval village of West Firsby looking north towards the application site*

Due to the moderately undulating, lower level of the application site to the viewpoint and intervening vegetation and there will be no clear views of the proposed wind turbine development. On a clear day it may be possible to glimpse the tips of the moving blades of the wind turbines between the vegetation. However, the view will be predominantly unchanged.

*Viewpoint 6 – From Public Right of Way adjacent to Hall Farm outside Glentworth looking east towards the application site*

Due to the moderately undulating, gently sloping topography and intervening vegetation and there will be no clear views of the proposed wind turbine development. On a clear day it may be possible to glimpse the moving blades of the wind turbines. However, the view will be largely unchanged.

*Viewpoint 7 – From a track to the northeast of Norton Place Historic Park and Garden looking south towards the application site*

Due to the surrounding relatively flat topography, intervening vegetation and distance to the application site, there will be no views of the proposed wind turbine development and the view will be unchanged.

*Viewpoint 8 – From Bishop Bridge, near to Public Right of Way on the A631 looking south west towards the application site*

Due to the surrounding relatively flat topography, intervening vegetation and distance to the application site, there will be no views of the proposed wind turbine development and the view will be unchanged

*Viewpoint 9 – From a layby on the B1205 from the A15 west of Waddingham looking southeast towards the application site.*

Due to the surrounding relatively flat topography and intervening vegetation there will be no views of the proposed wind turbine development and the view will be unchanged.

The report concludes that once the wind turbine development is completed, a new feature will have been added to the landscape and be visible in context with the intensive, working agricultural landscape. There are no other wind turbines in the immediate surrounding landscape, and none seen from the selected viewpoints. Viewpoint 1 will experience the greatest impact on completion due to proximity to the application site. Views from this location are mitigated in part by the roadside trees in the foreground. There will be clear, longer distance views of the proposed wind turbines from Viewpoints 2 and 4, in which the wind turbines are seen as a vertical element of similar height to adjacent telephone poles, tree belt and individual trees. It is, therefore, expected that the wind turbine will be absorbed into the surrounding environment in mid- to long-distance views, by existing vertical features. There will be no view of the proposed development from Viewpoints 3, 5, 6, 7, 8 and 9 due to a combination of distance, intervening mature vegetation and low-lying, relatively flat topography. It is possible that on a clear day, the moving blades of the wind turbines could be glimpsed over intervening vegetation in Viewpoints 3 and 5. The slightly undulating topography combined with hedgerow field boundaries and tree belts across the fields restricts expansive views from the surrounding landscape and there are limited views towards the application site.

The report considers therefore that the overall magnitude of the visual impacts would be low.

The report also makes a comprehensive assessment of the impact of the turbines on the landscape character of the area. It states that agriculture dominates the landscape within the surrounding area and beyond. The application site consists of open field systems intensively managed for agriculture. Medium sized, regular field patterns bordered by low, gappy

hedgerows with occasional hedgerow trees give the appearance of an open landscape. There is very little significant vegetation or features within the application site itself. Tree belts, hedgerows and small areas of woodland are present throughout with areas around farmsteads and settlements more heavily vegetated. Several prominent tree belts are located to the south and southwest of the application site.

The application site does not form part of any national landscape or ecological designation. There are several SAM, Conservation Area, SSSI, and Lincoln Cliff Area of Great Landscape Value within a 5km radius of the application site that are considered as part of the impact assessment. There will be no direct impact to surrounding landscape, environmental and historical designations. In terms of impact on the landscape the report considers that once the development is complete then there will be a localised change to the land use (currently agriculture) and marginal change in the character area due to an additional vertical feature experienced with expansive views. The wind turbines will form part of the wider working intensive agricultural landscape and there will only be a minor significance of impact on completion.

The report therefore considers that although the impact of the turbines will be adverse, that adverse impact will be minor within the existing landscape character.

The report also makes an assessment of the turbines in relation to Lincoln Cathedral. The report states that it is not possible to see Lincoln Cathedral from the visible viewpoints and includes photographic evidence to support that view. (The case officer also could not locate views of the Cathedral with the wind turbines).

The report makes no mention of the potential for the cumulative impact of the turbines with those recently approved at appeal at Waddingham Grange. However the Waddingham Grange turbines would be sited 8460 metres away from those the subject of this application and therefore it is considered that the two sites would not be viewed together and there would be no potential for a cumulative impact.

The cumulative impact of this application and that for the Hemswell Cliff wind farm has been afforded extremely limited weight as the application for the latter remains undetermined and no officer recommendation has been made at the time of the preparation of this report. Members will be advised if these circumstances change before their consideration of this application.

The revocation of the East Midlands Regional Plan does not affect the determination of the application as the application was assessed against policies regarding landscape character in the West Lindsey Local Plan which are in accordance with the National Planning Policy Framework. The appeal decision referred to by the applicants at Waddingham is relevant in that the Inspector considers the application for 2 50 Kw wind turbines in a similar landscape setting (although those at Normanby are approximately 200 metres closer to the village than those at Waddingham). The Inspector states that

“this is a large scale simple landscape that seems to me capable of accommodating the appeal turbines without them appearing out of scale or overbearing in their surroundings, and the act of crossing the skyline makes little difference to the harm in the views in question”. He goes on to say that “overall the turbines would change the landscape to a degree but their location is not a designated landscape, the landscapes scale and form assists the assimilation of the turbines and I am satisfied that only in the shorter views would any harm arise...and the harm would be slight and confined to a relatively small area around the appeal site. This view would reiterate that of the report submitted by the applicants.

Clearly Members of Committee were of the opinion that the wind turbines would have a detrimental impact on the visual amenity and the rural character of the area. It is accepted that this is a finely balanced decision as to whether there is a detrimental impact and, from the Normanby Cliff Road vantage points in particular, the turbines are of a shape, height and colour at odds with other structures within the landscape. However, there are numerous examples of structures which have been introduced into the wider landscape which are quite different to structures around them, are visually prominent, but have assimilated into the landscape, such as grain stores.

Overall given the findings of the new report and the Waddingham appeal decision your officers consider that it would be difficult to demonstrate that the turbines would detract from the visual amenity of the area and the character and appearance of the landscape to a degree which would justify refusing planning permission. Should Members consider that the report and the appeal decision are not sufficient to enable them to support the application then the existing reason for refusal should be replicated (unless there are parts that the Members consider have been overcome).

### **The impact on the character appearance and setting of historic assets including listed buildings –**

The impact of the proposal on heritage assets was assessed in the report considered by Members at your meeting on 9<sup>th</sup> January 2013 and that part of the report is reproduced below.

There are a number of listed buildings within the parishes of Normanby and Owmbly including the two churches, the School, the Manor, Mill Lane and Orchard House. Both villages are quite nucleated in form with little ribbon development, both clustering around their respective churches. Normanby, in particular is focused around an area that includes the Church, School, the Bottle and Glass Public House and a road junction. These buildings and the relationship of the rest of the village to them provides the parish with its identity as a traditional medieval settlement that has steadily evolved over the centuries without losing its basic shape, focal point and the visual and functional importance of the key listed buildings. The interventions within the village, such as the twentieth century housing and the retention of the land around largely for agricultural use has done little to dilute this setting; there are no significant structures or changes in land use that adversely affect the

setting of both the churches as one approaches the villages from the west, north and south.

The introduction of the turbines will certainly change the setting of Normanby in particular when approaching along Normanby Cliff Road and the Church tower will no longer be the only tall structure within the vista. However, the turbines are not bulky structures and they possess an architectural finesse that, despite their height, does not detract from the observer's enjoyment of the views towards the village. This is certainly helped by the fact that the turbines do not actually obstruct the view due to their slender form. The village, with the Church tower as its focal point, is also on elevated ground which preserves its position as the view stop. The legibility of this nucleated village within trees on this elevated land with the Church, school building and older listed buildings at its centre will remain, albeit with the turbines in the foreground.

The other listed buildings, such as Owmbly Cliff Farmhouse, Fillingham Castle and Norton Place are sufficiently distant to not be affected by the proposal in terms of their setting.

The revocation of the East Midlands Regional Plan will have no impact on the consideration of this issue as the impact on heritage assets was assessed under policy STRAT 1 of the West Lindsey Local Plan that is in accordance with the National Planning Policy Framework. The appeal decisions submitted by the applicant in support of the application also have no bearing regarding this issue. The applicant has submitted an additional planning statement in which they list the 10 listed buildings in Normanby and 2 listed buildings in Owmbly and assess the impacts of the turbine on each. They conclude that due to the topography of the area and the distance between the listed buildings and the turbines there will be negligible if any impact on the listed buildings.

The nearest archaeological record to the proposed site is 450-500 metres away and the LCC archaeologist has confirmed that she would be happy with a condition on any permission requiring a programme of archaeological works.

Your officers would concur with the findings of the report and consider that the turbines would have a limited impact on surrounding heritage assets. However Members having considered the report at their meeting on 9<sup>th</sup> January and visited the site were of the opinion that there would be harm caused to the character, appearance and setting of heritage assets. Again this is a difficult and sensitive issue. You will note from the consultation responses that the residents contend that the report has not been completed comprehensively. Undoubtedly the wind turbines will be visible from the windows of certain buildings but the issue for determination is whether the turbines will have a harmful impact on those buildings and features considered to be heritage assets. Should Members consider that the additional information submitted with the application does not give them sufficient comfort to ensure that heritage assets will not be harmed then again



the existing reason for refusal should be replicated (unless there are parts that the Members consider have been overcome)

### **MoD Objection**

The MoD have objected to the application as they consider that the proposal will interfere with the radar at RAF Waddington. This is different to the stance taken on the previous application as the MoD state that they changed their methodology in assessing applications last July. The response to the previous application, raising no objections was received on the 2<sup>nd</sup> July 2012, and no further response was received when the number of turbines was reduced to 2 at the end of the year. The application was therefore assessed as being acceptable in this respect and was not refused on these grounds.

Now the MoD has changed their opinion and raised an objection this has to be a material consideration in the determination of this planning application. The NPPF identifies that, when assessing applications for wind energy developments, the approach set out in the Overarching National Policy Statement for Energy (EN-1) should be followed. Part 5.4 of EN-1 says that safe and efficient operations in UK airspace depend on radar, among other things. New energy infrastructure should not significantly impede or compromise the safe and effective use of radar installations. It is essential that the safety of UK aerodromes, aircraft and airspace is not adversely affected by new energy infrastructure.

Wind turbines have been shown to have detrimental effects on the performance of MoD ATC and Range Control radars. These effects include the desensitisation of radar near the turbine, and the creation of "false" aircraft returns which air traffic controllers must treat as real. Desensitisation could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers. Maintaining situational awareness of all aircraft movements in the airspace is necessary for a safe and efficient air traffic service, and the integrity of radar data is central to this process. The creation of "false" aircraft displayed on the radar may have a significant operational impact, and real aircraft returns could be obscured by the turbine's radar returns, making the tracking of conflicting unknown aircraft much more difficult.

The MoD would require mitigation measures to be in place prior to any permission being granted and would be unlikely to accept a solution which relied on the submission of details by way of a condition.

In the absence therefore of acceptable mitigation measures, in the light of the objection by the MoD it is likely that the proposal would be harmful to aviation safety.

### *Other issues*

The remainder of the issues considered in your report on the 9<sup>th</sup> January were not considered to cause sufficient harm to warrant refusing the planning application. The revocation of the East Midlands Regional Plan and the

additional information submitted as part of the new application would not alter the assessment of these issues as they were assessed against relevant policy in the Local Plan in accordance with the National Planning Policy Framework.

Some of the consultation responses do refer to these issues, but again raise no new issues that have not previously been considered. The remainder of the report is therefore reproduced below for your information.

**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 50m from the hedgerows to the north and east. 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. Natural England and the Lincolnshire Wildlife trust do not object to the proposal. The RSPB were consulted and have made no comment.

In this context, it is not considered that there is any justification to refuse this application on the grounds of harm to protected or other important species.

**Health** – This sub-section addresses the comments that have been made about the impact on the health and wellbeing of local residents as a result of the development. Health and well-being influence residential amenity and such an amenity impact is a consideration outlined in policy STRAT1 of the Local Plan Review and is also cited within the National Planning Policy Framework. Noise as a direct impact on residential amenity in terms of disturbance rather than impact on health is considered in the following sub-section.

The Chartered Institute of Environmental Health has concluded that, to date, no peer reviewed articles demonstrate a direct causal link between people living in proximity to modern wind turbines, the noise they emit and resulting physiological health effects. They reference an Institute of Acoustics (IoA) panel of experts in medicine, public health, audiology and acoustics which included Geoff Leventhall, an IoA honorary fellow and UK-based noise and vibration consultant who specialises in problems associated with infrasound and low-frequency noise. The panel concluded that allegations of adverse health effects from wind turbines were unproven and based on a ‘misinterpretation of physiological data’. They continued by stating that

turbines produce low levels of infrasound and low-frequency sound, but there is no credible scientific evidence that these levels are harmful to health

In this context the Chartered Institute of Environmental Health opine that, if anything, reported health effects are likely attributed to a number of environmental stressors that result in an annoyed/stressed state in a segment of the population. Specifically they state that annoyance appears to be more strongly related to visual cues and attitude than to noise itself; self reported health effects of people living near wind turbines are more likely attributed to physical manifestation from an annoyed state than from wind turbines themselves. In other words, it appears that it is the change in the environment that is associated with reported health effects and not a turbine-specific variable like audible noise or infrasound. In summary, regardless of its cause, a certain level of annoyance in a population can be expected, as with any number of projects that change the local environment. The visual change to the landscape as a result of the development has already been assessed in the preceding sub-sections.

Representations have also been received from a number of objectors referring to a child with autism in a neighbouring village. The application has been widely publicised in the village but the Council have not received any verbal or written representation from the family concerned. The National Autistic Society web-site provides the following information on Autism: "Autism is a lifelong developmental disability that affects how a person communicates with, and relates to, other people. It also affects how they make sense of the world around them. It is a spectrum condition, which means that, while all people with autism share certain difficulties, their condition will affect them in different ways. Some people with autism are able to live relatively independent lives but others may have accompanying learning disabilities and need a lifetime of specialist support."

Steps have been taken by the Council within the ambit of Data Protection Legislation to ascertain if the family concerned wanted to make representations in respect of this application. To date the Council has not received a response from the family although it now understood from recent representations that they have left the village. In the absence of specific details or comment about this particular person's condition from the family concerned, it is considered that little weight can be attached to this information when determining the application.

There is also reference to children with similar conditions using land to the west of the site for equestrian use. Again, members are directed to the comments above and it is considered that little weight can be attached to this information when determining the application.

**Residential amenity (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 night-time, remembering that the background level of each period may be different.

The nearest garden area to the turbines is Mill Lodge at the western end of Mill Lane, approximately 500m to the southeast (the garden at its closed point being 440m away).

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 5.9m/s.

The existing noise levels within the curtilage of Mill Lodge is estimated to be approximately 30-35 dB(a) during the daytime (the case officer visited the environs of this dwellings and noted its relatively tranquil setting away from heavily trafficked roads and commercial uses).

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; the noise from both turbines will have reduced to below 35 dBA; even at 100m distance it is estimated that the levels will have reduced to 35 dBa at 5m/s wind speed (and 45 dBA at a 10 m/s wind speed)

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) which is below the fixed limit of 43 dB(A) 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).

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, as detailed above, the nearest house is around 500m away and to the southeast. It is

therefore significantly beyond the maximum 209m distance where flicker would typically occur.

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

**Horses** – The next field but one to the east of the field within which the turbines are proposed to be located appears to be in horsicultural (equine) use, although no planning permission exists for it. The use appears to be occasional but nevertheless established. It is also noted that the land is used for horses that visit the site and which may not be accustomed to having turbines within their vicinity. Some weight therefore must be afforded to this matter as a material consideration although it is advised that this should be limited due to the lack of an established continuous use.

Superseded guidance contained within Planning Policy Statement (PPS) 22 prescribed a minimum distance of 200m between the turbines and the land used by horses, The National Planning Policy Framework does not include such a prescription and this omission is considered reasonable given that turbines heights vary significantly as does the juxtaposition of the sun, the turbine and the horses from site to site.

In this instance the site is to the east of the turbines and so the moving shadows created by turbines have the potential to affect horses in the afternoon. The British Horse Society guidance on their web-site advises that, as a starting point when assessing a site and its potential layout, a separation distance of three times the overall height should be the target for areas other than National Trails and Ride UK routes. This distance is 3 x 35m which is 105m. The field is beyond this distance. It is also noted that there are other features such as the road, which are nearer to the horses, that could give rise to circumstances that could startle horses (such as motorbikes).

In this context, it would not be considered reasonable to withhold permission on the grounds of impact on horses, despite the objection from the British Horse Society.

**Other Matters** – The organisations responsible for civilian aviation have stated that they have no objections with regard to **aircraft safeguarding**. However, 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.

In response to the County Highways Authority 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 in relation to the highway** could be reasonably required. Nevertheless, it is acknowledged that, during the construction phase, there will be a significant number of traffic movements, including heavy goods vehicles, over a short period of time that could give rise to unacceptable impacts if no controls were put in place. For example, the amenity of residents could be unacceptably harmed by such traffic accessing the site through

Normanby and Owmbly villages rather than directly from the A15. Similarly construction traffic could leave residues of mud and other organic materials on the road that would be detrimental to highway safety; the engineering operations to construct the access route resulting in the potential for such residues being higher than that normally associated with farming activities in the locality. These matters can be dealt with through a Construction Management Plan, the necessity for which can be secured by a condition. The County Highways Authority have not objected on the grounds that **ice propelled from the turbines** onto Normanby Cliff Road or the rotation of the turbines causing a **distraction to motorists** would be detrimental to highway safety

Representations have quoted the **policy adopted by Lincolnshire County Council**. This policy has not undergone any form of robust consultation or been adopted by West Lindsey District Council, the local planning authority for development of this nature. The policy is therefore afforded no weight in this assessment. There are also no policies within the East Midlands Regional Plan, the West Lindsey Local Plan First Review, national or other local policy documents approved by this Council that place a **minimum distance between turbines and dwellings**. Each proposal is considered on its own merits as it has been done here.

The **loss of value to a dwelling** as the result of the development is not a relevant planning consideration.

LCC Archaeology have confirmed that the level of investigation required to assess **archaeology** potentially affected by the proposal is such that it can be the subject of conditions. The case officer noted the presence of A Scheduled Monument to the south of Mill Lodge but, due to the screening between this Monument and the site and the distance, its setting is not considered to be affected.

Finally, it is proposed that conditions are imposed to ensure that the development is dismantled and the land restored to its existing agricultural use and condition 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 and reason for granting**

The additional information submitted with the application over and above that submitted within application 128606 (in the form of the planning statement addendum, the Landscape and Visual Impact Assessment and appeal decision APP/N2535/A/12/2181210) demonstrates to a sufficient detail that the reasons for refusal on application 128606 have been overcome and that, on balance, the proposal is not considered to give rise to significant unacceptable impacts, including visual impact and impact on residential amenity and will positively contribute to meeting national and regional targets for reducing carbon emissions and the development of renewable energy sources.

However the proposed turbines will in their proposed position be 23 km from, detectable by, and will cause unacceptable interference to the ATC radar at RAF Waddington. The turbines would therefore cause unacceptable harm to aviation safety contrary to the advice set out in the Overarching National Policy Statement for Energy (EN-1)

**RECOMMENDED DECISION: Refuse planning permission on grounds relating to the harmful impact on aviation safety**

**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: 129621**

**PROPOSAL:** Planning application for replacement dwelling - resubmission

**LOCATION:** The Aviary Hall Drive Burton Lincoln, Lincolnshire LN1 2RD

**WARD:** Saxilby

**WARD MEMBER(S):** Councillor Brockway, Councillor Cotton

**APPLICANT NAME:** Mr and Mrs Dawkins

**TARGET DECISION DATE:** 16/04/2013

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Ian Elliott

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

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#### **Description:**

The application site is a detached bungalow within the residential area of Burton which is extremely sensitive due to its position within the Burton Conservation Area and setting of various listed buildings. The dwelling is currently unoccupied which is reflected by its deteriorating condition. It sits within a good sized plot with generous garden areas to the east and south. Parking facilities are provided by a driveway off the eastern boundary. The site includes the former estate office to Burton Hall, which does not reflect the design of the distinctive character of the area. Neighbouring properties are off each boundary with an area of open space to the east and south east. The listed buildings that are in close proximity to The Aviary are:

1. No.1 The Granary – Grade 2 Listed
2. No.2 The Granary – Grade 2 Listed
3. Georgian House – Grade 2 Listed
4. Burton Hall – Grade 2 Star Listed

There are a number of locally important buildings within the Conservation Area and near to The Aviary. These are:

1. China House
2. 1 The Hallyard
3. 2 The Hallyard
4. 3 The Hallyard
5. 4 The Hallyard

The site includes a number of trees protected under tree preservation (Burton No.2) order 1951. The whole garden is covered by a woodland schedule (W1) and any tree within it is protected regardless of species and size. In addition the garden area is part of the Historic Parks and Gardens.

The planning application seeks permission for a replacement dwelling (resubmission)

**Relevant history:**

128645 - Planning application to demolish existing building and construct 1 no. dwelling – 27/07/12 – Refused

**Representations:**

**Chairman/Ward member(s):** No representations received to date

**Parish/Town Council/Meeting:**

Members are pleased that the proposed building has been moved back but they still have concerns over the design and that it is not in keeping with the surrounding properties. Also they have concerns regarding drainage.

**English Heritage:**

The proposal should be determined with regard to paragraph 121 and 131 of the National Planning Policy Framework. However, the proposal does not have to copy the older neighbouring dwellings but should fit in as part of an harmonious group. The building should be as unobtrusive as possible to reduce any impact on the grade 2 star listed Burton Hall and the character and appearance of the conservation area. The use of timber on the elevations would be more appropriate for the proposed building.

**Area Development Tree Officer:**

The removal of the tulip tree would be a negative impact on the ecological value of the site but this could be compensated for by planting one or more native trees within the site.

The previous appeal to remove the tulip tree was purely based on the health of the tree therefore the tree remained. The removal of the tree is justified if it allows a suitable development to improve the site.

The proposal will encroach the root protection area of the large yew by nearly 50% of its radius. This is a large intrusion into what is essentially a no dig area. The design and access statement states the building will be constructed on a mini pile and ground beam system which involves excavating to a depth of between 400-600mm. This will potentially cause a significant amount of root severance to the yew tree. The position of the existing dwelling and concrete path will have already reduced the root spread therefore any root severance will only occur between the tree and the dwelling and path. The construction could be made above ground but this would result in a dwellings height increase.

Further information is required on the proposed sewerage treatment plant to ensure its position and pipe work do not impact on the root plates of protected trees.

Protective fencing is required on the outer edges of the root protection areas or if restricting the construction can be positioned a bit closer to the trees providing suitable ground protection is used over the vulnerable ground. These should be in place before any demolition work or clearance work begins and remain in place throughout the construction.

**Conservation Officer:**

The Aviary is sited within a particularly sensitive area of the village of Burton. In addition to being within the Burton Conservation Area the site sits in Hall Drive which originally served Burton Hall as a collection of ancillary domestic and service buildings. Primarily built in the same period they have now been converted to residential accommodation. Immediately to the north is the former stable block to Burton Hall, now called The Granary, which is a particularly fine late 18<sup>th</sup> century example attributed to the architect James Paine and listed grade II. To the west are the former stables and coach house, collectively referred to as The Hallyard, which are recognised as locally important buildings within the Conservation Area appraisal. To the south is the surviving southern wing Burton Hall itself designed also by James Paine in 1768 which is listed grade II \* and the site is adjacent to its historic park and garden. The Aviary itself is an extension and conversion of the former estate office and to the south east is the Georgian House, formerly serving as a laundry but visually separated from the application site by a historic high wall.

This application has benefited from extensive pre application discussions and it was acknowledged that in this instance a contemporary design would be acceptable. The reasoning was that it was considered that a modern design would best achieve the required low visual impact structure with proportions, scale and height which respected the existing hierarchy of buildings and in particular the adjacent Granary, listed grade II. The use of contemporary architectural design is a principle supported by the government's advisor on the historic environment – English Heritage. Advice on this approach can be found in the publication, 'Building In Context – New Development in historic Areas' produced by English Heritage and CABE (Commission for Architecture and the Built Environment) 2001. This publication advocates buildings that are recognisable of 'our age' whilst understanding and respecting historic context.

To this end the design and materials achieve a modern contribution to this sensitive setting. The massing, scale, proportions and modular form all respond appropriately to the classical geometry of many of the contextual buildings and take care not to detract from the traditional character. Particular care has been taken in the external facing materials and utilisation of modern materials is considered compatible with the modern idiom of the design. The original plan sought a metallic finish however; negotiations have resulted in a stone appearance for the cladding which includes a strong linear detail, responding to the coursed squared stone construction of the Granary. Timber cladding also respects the soft landscaping of the plot which, to a large extent, informs the character of the site. The doors to the east elevation are not a

successful element of the scheme and appear undersized for a double door appearance

The new dwelling is consequently of its own time and sits in a clearly ancillary relationship to the Granary. Its location on the plot is further to the south than the existing dwelling, which sits uncomfortably close to the Granary, taking the opportunity to enhance the significance of the Granary by improving its setting. Enclosure to the Hall Yard is still provided, although to a lesser degree as due to the newly created degree of separation. Therefore, it is considered in light of the above comments that this proposal will preserve the setting of the grade II listed Granary, the grade II\* listed Burton Hall, the setting of the locally important Hallyard and the setting of the Conservation Area and Historic Park and Garden.

**Local residents:**

Representations received from 1, 2, 3 The Hallyard, 2 The Granary Flats and Burton Hall Estate:

- The existing drainage system could become overloaded causing blockages.
- The design is incongruous and out of character with the nearby listed buildings, and the Burton conservation area and village.
- The massing and scale will have a detrimental effect on the setting of the grade 2 listed building (The Granary).
- The scale will dominate Hall Yard as viewed from the west.
- The building materials are inappropriate for the location.
- Detrimental to the residential amenity of immediate neighbours.
- Parking could be an issue especially as the boundaries are in dispute.

Supporting comments received from 1 The Granary Flats:

- The position respects the important buildings and minimises potential negative visual impact.
- The lowered height reduces the detrimental impact on the view of and from the Granary.
- The modern design sensitively reflects contemporary architectural practice whilst respecting the general locale.
- The visual impact is moderated by its dimensions and proximity to other established buildings.

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

**Environment Agency:** No representations received to date

**Archaeology:** No objections

**Building Control:** No representations received to date

**Relevant Planning Policies:**

West Lindsey Local Plan First Review 2006

STRAT 1 Development Requiring Planning Permission

SUS 7 – Building Materials and Components

RES 1 – Housing Layout and Design

NBE 8 – Historic Parks and Gardens

CORE 10 – Open Space and Landscaping within Developments

National Guidance

National Planning Policy Framework:

Chapter 7: Requiring Good Design

Chapter 12: Conserving and Enhancing the Historic Environment

Other relevant documentation/legislation

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Burton Conservation Area Appraisal

**Main issues :**

- Principle
- Setting of Listed Buildings and Conservation Area
- Amenity
- Trees
- Foul and surface water drainage
- Parking

**Assessment:**

Principle

The applicants are proposing to demolish the existing detached bungalow and replace it with a two storey modern contemporary detached family dwelling.

The existing dwelling has been unoccupied for an unknown period of time but its deteriorating condition reveals it may have been vacant for some time.

The poor condition of the dwelling clearly demonstrates an opportunity to renovate the existing dwelling or construct a new dwelling that preserves and enhances its sensitive location. The proposal utilises parts of the existing footprint and the suggested design has been submitted to respect and reflect its location. The concept of proposing a modern design within such a sensitive location does not mean it is unacceptable providing it sits comfortably and respectfully within its surroundings. In principle it is considered that an appropriate modern contemporary dwelling is acceptable.

Setting of Listed Buildings and Conservation Area

The adjacent and opposite designated heritage assets are recognised as making a significant contribution to the character of the area. Along with the deteriorating condition of the dwelling the site and surrounding area would benefit from a new build that reflects its surroundings and respects its sensitive location. There is a real opportunity to rejuvenate the plot by constructing a well proportioned single storey dwelling of appropriate design that improves the presence of the heritage assets.

Paragraph 137 of the National Planning Policy Framework promotes this idea stating that local planning authorities should look to enhance or better reveal the significance of conservation areas and heritage assets. The existing dwelling is approximately 2 metres from The Granary and its removal provides a genuine opportunity to site a new build further away from The Granary to enhance its setting within its surroundings.

The proposed dwelling takes this opportunity by positioning the main element of the dwelling approximately 8.5 metres from The Granary with the balcony above the kitchen approximately 6 metres from The Granary. The proposal will therefore enhance the setting of The Granary by providing a clearer separation distance. This increased separation will lessen the feeling of enclosure to The Hall Yard but not to an extent that significantly impacts on Hall Yard.

The introduction of a modern design provides the best approach to achieving a low visual impact structure with proportions, scale and height which respected the existing hierarchy of buildings and in particular the adjacent grade 2 listed The Granary. The position and design of the buildings will therefore reduce the uncomfortable relationship between the existing dwelling and The Granary and reduce the potential massing impact of the new dwelling.

Policy Res 11 of the West Lindsey Local Plan Review 2006 and Paragraph 61 of the National Planning Policy Framework promote quality design that is sympathetic and integrates into its natural, built and historic environment. In addition paragraph 60 states that policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness as stated in paragraph 61.

The design and materials will achieve a modern contribution to this sensitive setting and although not to everyone taste can be successfully integrated. The massing, scale, proportions and modular form all respond appropriately to the classical geometry of many of the contextual buildings and take care not to detract from the traditional character. Particular care has been taken in the external facing materials and utilisation of modern materials is considered compatible with the modern idiom of the design. The original plan sought a metallic finish however; negotiations have resulted in a stone appearance for the cladding which includes a strong linear detail, responding to the coursed squared stone construction of the Granary. Timber cladding also respects the

soft landscaping of the plot which, to a large extent, informs the character of the site.

The first floor doors to the east elevation are not a successful element of the scheme as they do not relate to the proposed design and are more office building in style and appearance. . The final design and appearance of the doors can be agreed through a condition attached to the permission.

Therefore due to its size, position, design and material finish it is considered that the proposal will preserve the setting of the nearby listed buildings, the setting of the locally important Hall Yard and the setting of the conservation area and Historic Park and Garden.

#### Amenity

The creation of a two storey dwelling will introduce first floor windows to a plot which currently possesses a single storey dwelling.

Due to the separation distance and screening the first floor windows on the east and south elevations will not overlook any neighbouring dwellings. The first floor windows on the west elevation look towards The Granary and the Hallyard. The dwellings occupying The Granary and Hallyard have open front garden areas and front elevations that are already publicly viewable from the highway.

The north elevation will include a mix of windows and doors to the ground and first floor. The folding kitchen doors face north east away from The Granary with the dwellings to the north east protected by a high boundary wall. In addition the kitchen has some high level windows facing north west which are in position purely for the purpose of receiving light.

The openings serving bedroom 3 are further to the east than the windows on the south elevation of The Granary therefore creating at an angle which reduces overlooking. The remaining window to the north elevation will look directly towards The Granary. However this window will serve a bedroom which although is primary living space is considered not to have a significant enough impact on overlooking to The Granary.

The position of the balcony to the north east could impact on the privacy of the residents to The Granary. To remove this potential impact a glazed screen of appropriate height will need to be installed along the entire north west side of the balcony. This can be secured by an attached condition to the permission.

The existing dwelling is currently very close to The Granary but this is reduced by its single storey status. The proposed two storey dwelling will not have an overbearing impact on The Granary due to its proposed position, its modern design incorporating a flat roof and the comparison with the current position of The Aviary.

The proposal will not cause any loss of light on the neighbouring dwellings due to its height and the separation distance.

### Trees

The proposal will include the removal of a protected tulip tree and affect other trees by encroaching into their root protection area. At a previous appeal it was determined to retain the tulip tree but this decision was purely based on the health of the tree and not a proposed development of the site.

It is considered that the removal of the tulip tree is acceptable as the proposal in question improves the site and preserves the setting of the local area. The loss of the tree can be mitigated by planting an appropriate native replacement tree or trees on the site.

The encroachment of the proposal into the root protection area of the large yew is more of a concern and the construction of the dwelling must not endanger the health and presence of the tree. It is therefore essential that the proposed method for the foundation construction does not have a negative impact on the tree and its roots.

Furthermore protective fencing is required on the outer edges of the root protection areas or if restricting the construction can be positioned a bit closer to the trees providing suitable ground protection is used over the vulnerable ground. The protective fencing should be retained in place until the development is complete.

The replacement planting, foundation details and protective fencing can be dealt with and agreed through a pre-development condition on the permission.

The proposed sewerage treatment plant and its associated pipe work will be installed under the north east garden area therefore will not impact on any trees or their roots.

### Foul and surface water drainage

The design and access statement states that the proposal will include a Klargestor BioDISC BA-BD high performance package sewerage treatment plant. It will be installed under the north east garden area therefore its position will not impact on any of the neighbouring dwellings or the health of the protected trees.

A condition will be attached to the permission to ensure the sewerage treatment plant is installed in accordance with the approved plan.

A further condition will be attached to ensure that surface water is dealt with an appropriate method with adequate capacity.

### Parking

The off street parking facilities will be located in the north east corner of the site. The proposal will therefore provide adequate off street parking facilities.

It needs to be noted that this particular section of the site is currently under an ownership dispute between the applicants and another party. After discussion the applicant has confirmed they own the site and provided land registry



evidence which is in the file. This dispute is a civil matter between the parties and not to be considered as part of the decision making process.

**Conclusions and reasons for decision:**

The proposal has been considered against policies STRAT 1: Development Requiring Planning Permission, RES 1: Housing Layout and Design, NBE 8: Historic Parks and Gardens, SUS 7: Building Materials and Components and CORE 10: Open Space and Landscaping within Developments of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained National Planning Policy Framework

Chapter 7 Requiring Good Design and Chapter 12 Conserving and Enhancing the Historic Environment. In light of this assessment it is considered that the proposal to construct a modern dwelling is acceptable in this unique location due to its design, massing and material finish. The proposal will preserve the character and appearance of the Burton Conservation Area and the positioning of the dwelling further away from The Granary will enhance this buildings grade 2 listed setting. In addition the dwelling will not have a detrimental impact on the protected trees or the drainage systems providing that the attached conditions can be met and agreed.

**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.

**Recommendation: 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 details of the foundation construction method to be used has been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed method.

Reason: To safeguard the potential negative impact on the protected trees and their roots in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

3. No development shall take place until details of the external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

Reason: To safeguard the character and appearance of the building(s) and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

4. Notwithstanding the approved details on plans reference 116/12/02/G, prior to work commencing on site, details of the ground floor east elevation door to the shall be submitted to and approved by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character, appearance and setting of the Listed Building in compliance with West Lindsey Local Plan First Review Policies STRAT 1.

5. No development shall take place until, details of the design, position and height of the frosted screen to the north west side of the balcony have been submitted to and approved in writing by the Local Planning Authority. The screen shall be retained and maintained as such thereafter.

Reason: To protect the neighbour's privacy from overlooking in accordance with policies STRAT 1 and RES 11 or the West Lindsey Local Plan First Review 2006.

6. No development shall take place until, details of the number, position and species of tree(s) to replace the existing tulip tree have been submitted to and approved in writing by the Local Planning Authority. The approved tree(s) shall be carried out in the first planting season following the completion of the development; and any tree(s) 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, unless the Local Planning Authority gives written consent to any variation. The tree(s) should be retained thereafter.

Reason: To provide appropriate mitigation for the loss of the existing tulip tree, in the interest of visual amenity in accordance with West Lindsey Local Plan First Review Policies STRAT 1 and CORE 10.

7. No development shall take place until, details of the form and position of the protection of the on site trees have been submitted to and approved in writing by the Local Planning Authority. The protected measures shall be erected in the positions approved before the development is commenced and thereafter retained until completion of the development. Nothing shall be stored or placed in any area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.

Reason: To safeguard an existing tree on the site during construction works, in the interest of visual amenity in accordance with West Lindsey Local Plan First Review Policies STRAT 1 and CORE 10.

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

8. 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: 116/12/01/F dated 19<sup>th</sup> February 2013 and 116/12/02/G and 116/12/03/I dated 25<sup>th</sup> March 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 define the terms of the planning permission for the avoidance of doubt and to ensure an acceptable quality of design to avoid the development having an adverse impact on the living conditions of the neighbouring dwellings in accordance with West Lindsey Local Plan First Review Policy STRAT1.

9. Construction hours shall only occur between 7am-6pm on Monday to Friday and 7am-1pm on a Saturday. No construction work shall take place on a Sunday or a Bank Holiday.

Reason: To protect the living conditions of adjoining properties and the locality in general in accordance with West Lindsey Local Plan Review Policy STRAT1.

10. The sewerage treatment plant and associate pipe work shall be installed in accordance with drawing submitted on 11<sup>th</sup> April 2013. The works shall be carried out in accordance with the details shown on the approved plan.

Reason: To safeguard the protected tree on site during construction works, in the interest of visual amenity in accordance with West Lindsey Local Plan First Review Policies STRAT 1 and CORE 10.

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

11. Surface water from the extensions shall be discharged by way of an existing drainage system or a new or existing soakaway with sufficient capacity.

**Reason**

To ensure adequate drainage facilities are provided to serve the development and in accordance with policies STRAT1 of the West Lindsey Local Plan First Review 2006.