



<b>PL.05 12/13</b>
<b>Planning Committee</b>
<b>Date 25<sup>th</sup> July 2012</b>

**Subject: Planning applications for determination**

Report by:	Director of Regeneration and Planning
Contact Officer:	Simon Sharp Senior Growth Strategy & Project Officer 01427 676651
Purpose / Summary:	The report contains details of planning applications that require determination by the committee together with appropriate appendices

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

## IMPLICATIONS

**Legal:**

None arising from this report.

**Financial :**

None arising from this report.

**Staffing :**

None arising from this report.

**Equality and Diversity including Human Rights :**

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

**Risk Assessment :**

None arising from this report.

**Climate Related Risks and Opportunities :**

None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**

Are detailed in each individual item

**Call in and Urgency:**

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

Yes

No

**Key Decision:**

Yes

No

## Executive Summary

1. **127782 - Planning application to carry out development without complying with conditions previously imposed - removal of conditions 14 and 22 and variation of conditions 3, 18 and 21 of planning application M05-P-0486  
Caistor Hospital Site North Kelsey Road Caistor Market Rasen**

**RECOMMENDED DECISION:** Recommendation: That the decision to grant permission subject to the following conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of a section 106 agreement which includes:-

- The securing of affordable housing either on or off the site.
- The securing of a financial contribution towards the provision of community facilities within the town of Caistor commensurate in scale to that reasonably required by the development.
- An obligation requiring the developer to offer the existing chapel building within the site to West Lindsey Council for a sum to be established by an independent qualified chartered surveyor, that obligation expiring after 12 months of the completion and signing of the section 106 agreement.

but that all of the obligations above do not collectively amount to more than the value of the provision of 11.33 affordable homes which is evidenced as being the maximum viable contribution that can be secured from the developer following an assessment of viability by the Council .

2. **128502 - Planning application for installation of wind turbine - 50 metres to hub and 77 metres to blade tip  
Lodge Farm Kettlethorpe Lane Kettlethorpe Lincoln, Lincolnshire LN1 2LD**

**RECOMMENDED DECISION - Grant Planning Permission subject to conditions.**

3. **128536 - Planning application for installation of wind turbine - 50 metres to hub and 77 metres to blade tip**

**Ferry Farm Ferry Lane Kettlethorpe Lincoln, Lincolnshire LN1 2LF**

**RECOMMENDED DECISION:** Defer and delegate approval to the Director of Regeneration and Planning subject to the conditions below and completion of a legal agreement in relation to the use of the managers bungalow.

Continues...

4. **128559 - Planning application for proposed siting of 1no. 36.4m high wind turbine  
Grange Farm Station Road Torksey Lincoln, Lincolnshire LN1 2ES**

**RECOMMENDED DECISION - The decision to grant planning permission, subject to conditions, be delegated to the Director of Regeneration and Planning, subject to the resolution of the issue relating to MOD safeguarding. In the absence of a resolution within 3 months, the matter will be referred back to the next available Planning Committee.**

5. **128608 - Planning application to install 2no. 50kw wind turbines and ancillary works  
Waddingham Grange Farm Waddingham Lincolnshire**

**RECOMMENDED DECISION - Grant permission subject to conditions.**

6. **128607 - Planning application to install 2no. 50kw wind turbines and ancillary works - 35m height to tip of blade  
Grayingham Grange Grange Lane Grayingham**

**RECOMMENDED DECISION: The decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the resolution of issues pertaining to archaeology and MoD safeguarding. In the event of these issues not being resolved within 3 months from the date of this Committee, the application be reported back to the next available Committee upon the expiration of the 3 month period.**

7. **127704 - Application for variation of condition 2 of planning permission 124560 granted 04 June 2010- amended highways plan.  
Willingham Park, North Willingham LN8 3RH**

**RECOMMENDED DECISION: Defer and Delegate approval to the Director of Regeneration and Planning subject to the completion of a variation to the Section 106 agreement.**

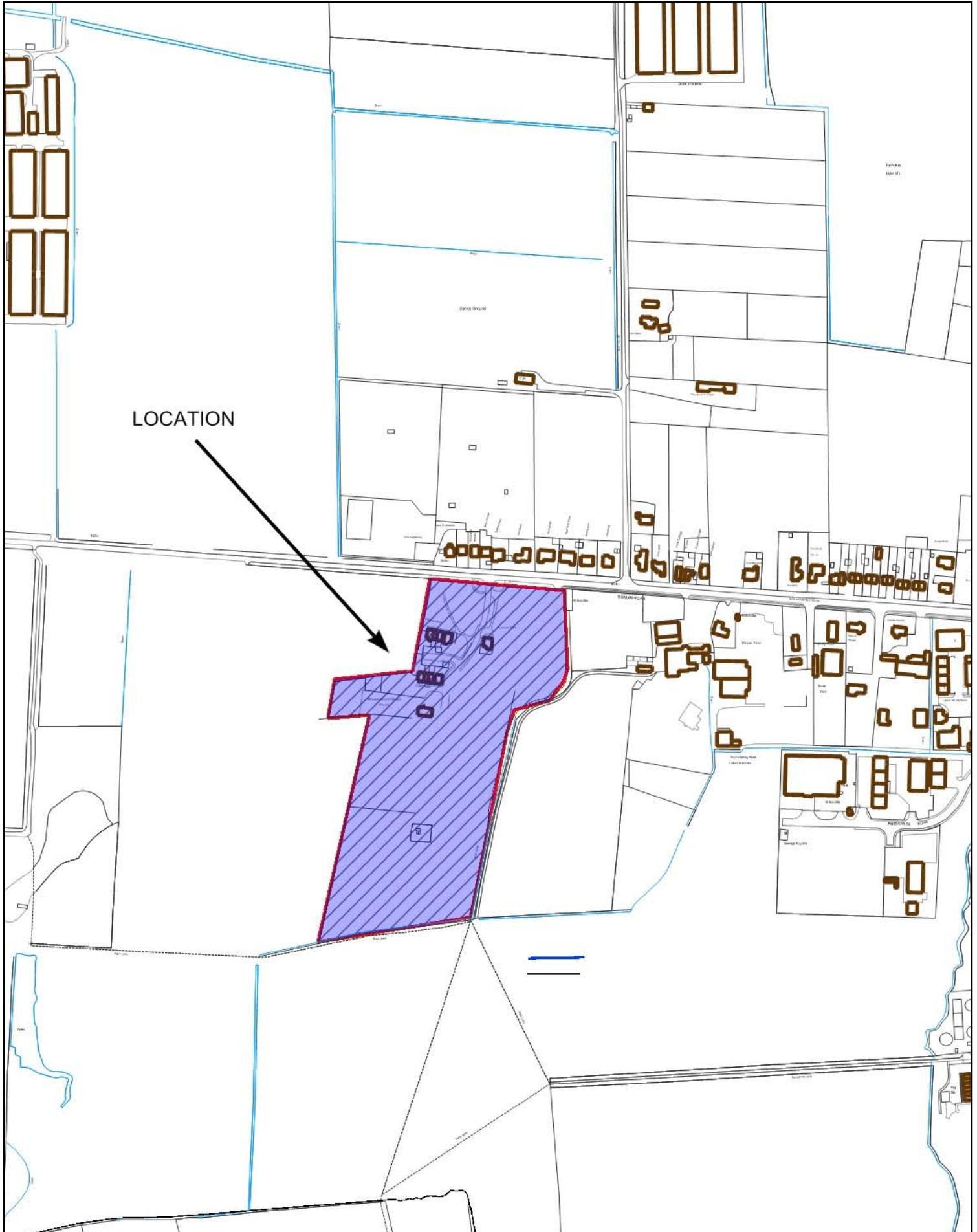
8. **128343 - Planning application for construction of one bungalow, detached garage and summer house  
Land off Gainsborough Road Saxilby Lincoln**

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

Continues....

9. **128747 - Planning Application for dry grain store and dry area.  
Village Farm Marton Gainsborough DN21 5AP**

**RECOMMENDED DECISION: Grant Planning Permission subject to conditions**



LOCATION

## **Planning Application No: 127782**

**PROPOSAL:** Planning application to carry out development without complying with conditions previously imposed - removal of conditions 14 and 22 and variation of conditions 3, 18 and 21 of planning application M05-P-0486

**LOCATION:** Caistor Hospital Site North Kelsey Road Caistor Market Rasen

**WARD:** Caistor

**WARD MEMBER(S):** Councillors Caine and Mrs Lawrence

**APPLICANT NAME:** Lindsey-Caistor Developments Limited

**TARGET DECISION DATE:** 17/11/2011

**DEVELOPMENT TYPE:** Small Major - Dwellings

**CASE OFFICER:** Simon Sharp

**RECOMMENDED DECISION:** Recommendation: That the decision to grant permission subject to the following conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of a section 106 agreement which includes:-

- The securing of affordable housing either on or off the site.
- The securing of a financial contribution towards the provision of community facilities within the town of Caistor commensurate in scale to that reasonably required by the development.
- An obligation requiring the developer to offer the existing chapel building within the site to West Lindsey Council for a sum to be established by an independent qualified chartered surveyor, that obligation expiring after 12 months of the completion and signing of the section 106 agreement.

but that all of the obligations above do not collectively amount to more than the value of the provision of 11.33 affordable homes which is evidenced as being the maximum viable contribution that can be secured from the developer following an assessment of viability by the Council .

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### **Introduction**

This application was deferred following a resolution by members at the June meeting of the Council's Planning Committee.

Members considered that, notwithstanding the Council's approved Section 106 Priorities Document (2011), there is need for a contributions towards a community facility and the securing of the retention of the chapel to make the development acceptable.

The resolution made by members has been afforded weight in the officer's considerations below and the assessment and recommendation amended accordingly.

Specifically, officers had previously concurred with members that community facilities are relevant to the development but, in accordance with the Section 106 Priorities Document (2011), had apportioned all the viable contribution from the developers towards the prioritised affordable housing.

In the light of the members resolution, it is now suggested that the viable contribution is split between affordable housing and the provision of community facilities.

### **Description and relevant history:**

- **Site** – Former Caistor Hospital site on the south side of North Kelsey Road. The site is allocated for residential development in the West Lindsey Local Plan First Review and is partly developed with new housing, the hospital building having been cleared a few years ago.
- **Proposal** - The application seeks to carry out development without complying with conditions 14 and 22 of the previous permission (M05/P/0486) and variation of conditions 3, 18 and 21.

This was an outline permission for 148 dwellings subject to 22 conditions and a section 106 agreement that included provision of monies towards a car park within the town and a contribution towards education. The subsequent reserved matters was for 148 dwellings but varied the layout (as discussed in the assessment). This approval (ref 123208) followed notifications for the demolition of all of the buildings except for the old chapel.

The relevant conditions of the outline permission state the following:-

3. The development shall be laid out in accordance with the amended application site plan number CO3/05/826/200 revision B unless the local planning authority gives its written agreement to any subsequent variation.

Reason: To define the terms of the permission for the avoidance of doubt and to ensure the integrity of the overall design concept for the development is not compromised, in accordance with policy H10 of the West Lindsey Local Plan.

14. No development shall take place until details of the means of signing and implementing the one-way entrance and exit arrangements to and from and within the development have been agreed in writing by the local planning authority and the agreed the measures shall be



carried out before any dwelling on the site is occupied, following which they shall be retained.

Reason:- To provide safe and adequate access to the development in accordance with policy G1 of the West Lindsey Local Plan.

18. No dwelling shall be occupied until details of the arrangements for the provision of affordable housing on plots 9,10,11,15,30,38,56, 62, 71, 72, 105, 117, 135, 136, and 140 to 143 inclusive have first been submitted to and agreed in writing by the local planning authority. Such details shall include:-

- the type and nature of affordable housing provision to be made;
- a programme for the construction of the affordable housing;
- the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the provision of affordable housing in accordance with policy H8 of the West Lindsey Local Plan.

21. No development shall take place until details of the design and appearance of the community building to be erected adjacent the eastern boundary of the site have been agreed in writing by the local planning authority, following which the building shall be completed no later than the time when the construction of the 100<sup>th</sup> dwelling on the site is commenced.

Reason:- To ensure the design of the building is appropriate and that it is constructed in a timely manner in accordance with policy RC10 of the West Lindsey Local Plan.

22. No later than the time when the construction of the 50<sup>th</sup> dwelling on the site is commenced, details of proposals for the future management of the community building referred to in condition 21 shall be agreed in writing by the local planning authority, following which the agreed management arrangements shall be put in place no later than the time the building is completed.

Reason:- To ensure management arrangements are in place by the time the building becomes available for use in accordance with policy G1 of the West Lindsey Local Plan.

A new section 106 agreement has been drafted following a viability assessment. The agreement does not include any contributions towards a community facility, education or car parking but does include

11 on-site affordable housing units and an additional £28,090 towards off site affordable housing provision (the monetary contribution is due to the fact that the viability assessment showed that a contribution of 11.33 dwellings could be afforded by the developer and the £28,090 equates to one third of a dwelling).

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

**Representations:**

**Chairman/Ward member(s):** Councillor Caine – “I have grave concerns that, yet again, an agreement that would benefit and provide essential local funding appears to have been altered. I feel Committee should be aware that conditions at Committee are not adhered to.

**Parish/Town Council/Meeting:** Caistor Town Council accepts removal of condition 14 (one way signing).

Conditions 3 and 18 – The Town Council considers that the original application provides for a good mix of housing and the affordable housing is filtered around the estate. They strongly object to the amendments to condition 18 on the grounds that:-

- The number of affordable housing units does not correlate to the overall size of the development.
- By clustering the units, it increases the risk of creating a “no go” area and cites problems experienced at Sypher Close as a case in point. The Council considers integration of the units to be preferable.
- Siting the affordable housing at the furthest point from the road is unsatisfactory as residents are least likely to have vehicles.

Condition 21 – The Town Council does not accept removal of the condition to provide a community building. The development is dislocated from the main area of the town and a community building is essential.

Condition 22 – The Town Council feels that this should stand for reasons detailed above.

The Council also strongly objects to removal of the chapel on the grounds that it is of historic interest and needs conserving. The education monies should be paid directly to Caistor schools and not LCC. The Town Council should receive the £15,000 for the car parking.

It would seem that town and parish councils are badly served by s106 agreements in the main. Money and facilities very rarely filter down to the areas where the development takes place. The original proposals by the previous owner of the site were to give the chapel to the town to be used as a community building.

**Local residents:** Representations received from 30, Grimsby Road; Rest Haven, North Kelsey Road; Haze Cottage, North Kelsey Road (all Caistor):-

- To provide no public area or even earmark land for future needs within a larger development of main family dwellings needs further consideration.
- Whilst the monetary developer contributions may have already been agreed, the cost of the subsequent improvements let alone the practicality, locations for improvements and impact within the town have been greatly underestimated.
- The chapel should be left on site.
- Increase in traffic from this development and the impact on the town.
- The main customer base of the developer appears to be families as evidenced by the proposed housing mix. The ability to access the schools safely is under pressure at the moment and will increase as a result of the development. Improvements are required.

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

**LCC Public Rights of Way:** Expected to be no encroachment on public rights of way.

**LCC Archaeology:** No further archaeological input required for this application.

**Natural England:** Advise that the Council should ensure that all relevant species have been considered and not affected before determining the application.

**Lincolnshire Police:** No comments

### **Relevant Planning Policies:**

#### **Development Plan**

- **East Midlands Regional Plan 2009**

Policy 13a – Housing provision

[http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

- **West Lindsey Local Plan First Review 2006**

STRAT 1 - Development Requiring Planning Permission

STRAT2 – Residential allocations

STRAT 3 – Settlement hierarchy

STRAT5 – Windfall and infill housing development in Market Rasen and Caistor

RES1 – Housing layout and design

RES5 - Provision of play space/recreational facilities in new residential development

RES6 – Affordable housing

CORE10 – Landscaping and open space within developments

CRT3 – Loss of recreation and community facilities

### **Other policy**

- **The National Planning Policy Framework (2012)**

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

- **Circular 11/95 – The Use of Conditions in Planning Permissions**

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/324923.pdf>

### **Assessment**

#### **Introduction**

An application under Section 73 is, in effect, a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This section provides a different procedure for such applications from that applying to applications for planning permission and requires the Council to consider only the question of the conditions subject to which planning permission should be granted. This does not prevent the Council from looking also at the wider considerations affecting the original grant of permission: the words simply make it clear that whatever decision is reached on the condition, the existing permission itself should be left intact. In other words, the principle cannot be revisited and therefore assessment against housing supply, policy 13a of the Regional Plan and the strategic housing policies of the Local Plan Review (STRAT3 and STRAT5 in this case) is not relevant and the options are as follows:-

1. Grant permission subject to conditions differing from those subject to which the previous permission was granted. The new conditions cannot be any more onerous than the existing permission.

2. Grant permission unconditionally if it is considered that the existing conditions are no longer relevant, necessary or reasonable.
3. Refuse permission if it is considered that the permission should be subject to the existing conditions.

All conditions should be considered against the six tests provided by circular 11/95 that they should be necessary, precise, enforceable, relevant to planning, relevant to the development and reasonable in all other respects. Legal obligations secured through section 106 of the amended Town Planning Act 1990 must, if weight is afforded to them in the determination of the planning application, be:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The new application will also be considered in the context of viability. This is a material consideration which government policy states should be afforded weight to ensure that, amongst other things, national objectives of growth and ensuring developers are able to viably complete developments are fulfilled.

#### **Review of conditions referred to in the application:-**

3. This condition requires the development to be carried out in accordance with a particular layout plan, although it also includes a clause that allows variation at a later date. The reasoning behind the condition was to ensure the integrity of the overall design concept was not compromised. Much of the concept relied upon the semi-circular open space at the front of the site which provides identity to the development and provides a link with the previous hospital layout that also included this feature. Whilst layout was a reserved matter, it can be argued that the condition was necessary to provide clarity and direction for developers to follow so that the character of the site was not diluted (or lost) in the same way as masterplans work on larger sites. The condition is also relatively precise in terms of relating to a specific plan. It obviously relates to a planning matter and the development and is not placing any unreasonable requirements on the developer; the areas of open space outlined in the layout plan are not uncharacteristically large, accord with but do not significantly exceed Local Plan Review requirements (policy RES5) and still provide sufficient net developable land to make the development viable. The reference to a specific plan also makes the condition enforceable.

However, the subsequent reserved matters granted approval for a different layout (PL02 Rev C received 14<sup>th</sup> November 2008), albeit not a materially different layout. For example, the original plan included the retention of two buildings including the chapel, both to be converted into dwellings. The later plan granted at reserved matters stage followed a determination that permitted demolition of all but the chapel and this building was now shown as the only one to be retained, this time for community use rather than a dwelling.

The current application includes a new layout plan which includes further variations but, again, these are not considered to be material amendments to the original scheme. One change of note is the deletion of the community building which will be discussed later in this report. However, for the purposes of condition 3, it is considered that the new condition should refer to the latest plan and the reserved matters. In doing so the condition will be precise, necessary, related to the development, related to planning, enforceable and reasonable in all other respects. For precision, the subsequent variation clause will be omitted as this could provide the potential for material amendments to be made in the future without resorting to a new application.

**14.** This condition related to a requirement for a one-way system. It is unclear from any of the documentation associated with the original application as to why this was considered necessary and the County Highways Authority have confirmed that they are also unclear as to why it was imposed as the imposition was not derived from their advice and is not necessary. There are no objections from residents or the Parish Council relating to the proposed removal of this condition.

**18.** This condition relates to affordable housing provisions within the site. Policy RES6 of the Local Plan Review provides thresholds as to when such affordable housing should be required. The objective of the policy is to secure 25% of the dwellings proposed as affordable, which would be 37 in this case. The number specified in the condition was 16 with particular plots also specified.

There are a number of issues relating to the condition. Firstly the layout changed at the reserved matters stage so that the condition is unenforceable. Secondly, the plots did not relate to an identified need, thirdly conditions should not be used for such matters with financial obligations being necessary to discharge the condition and, finally, an open book financial assessment has shown that a provision of only 11.33 dwellings is viable. With viability clearly being a material consideration and the viability assessment having been reviewed by Council officers, the draft section 106 agreement accompanying the application now specifies an on-site provision of 11 dwellings with the remaining one-third of dwelling provision being in the form of an off-site contribution. With this obligation in place, there is no need for the condition. Since the June Planning Committee it is now proposed to split this viable contribution three ways with some of the contribution going towards community facility in the town and the acquisition of the chapel.

**21 & 22.** These conditions relate to the requirement for a community building to be provided. It is firstly noted that the condition 21 relates to the "erection" of a building and not the conversion of the chapel.

It is also considered that the conditions are not fairly and reasonably related in scale and kind to the development and therefore do not comply with the legal requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2011. The development is for 148 dwellings and is within a town which does have existing facilities, albeit the site is located on the edge of this

settlement. As a comparison, it is noted that the 2,500 dwellings proposed within the new southern neighbourhood for Gainsborough on Foxby Lane could only justify the provision of a small community building and that site was also a similar distance from the main town facilities. Nevertheless, as community facility provision is related to the development, it is now recommended that some of the contribution known to be viable, is apportioned towards the enhancement of existing off-site facilities and the offering of the chapel to the Council for a sum to be independently agreed

### **Review of other conditions and the previous section 106 agreement obligations**

Conditions **1** and **2** are no longer necessary as the reserved matters have been subsequently submitted. The new condition 3 can cover the reference to the approved plans.

The conditions relating to highways junction improvements prior to development commencing and access arrangements (conditions **4**, **15** and **16**) are no longer necessary in some respects as the junction works have been carried out and the development commenced. The conditions also included the wording “near to” which is imprecise and unenforceable and also included a requirement for the design and standard of construction to be such that it is “suitable for adoption for maintenance at the public expense.” This is again a little imprecise and refers to works that can be covered by the Highways Act. These conditions are therefore not retained but a different condition written in the “Grampian” style requiring works to the highway to be completed before first occupation of the dwellings is suggested instead, highway safety still being a material planning consideration relevant to this development and referred to in policy STRAT1 of the Local Plan Review and therefore a condition is still necessary.

Conditions **5** and **6** relating to parking and street lighting are both considered to be still necessary in the interests of highways safety, although the wording requires more precision to ensure that they are enforceable. Conditions would normally require retention of the parking and lighting thereafter but this would be more onerous than the existing conditions and is therefore not included in the revised wording.

Details of the boundary treatments required by condition **7** were submitted as part of the reserved matters and therefore this condition is no longer necessary. The same comments applies to condition **8** (landscaping) although a condition is still necessary to require details of the future management of the public areas of open space and details of play equipment as referred to in condition **10**. A Locally Equipped Area of Play (LEAP) would be commensurate in scale to the development proposed, viable and would also reflect the number of family dwellings proposed in accordance with policies RES1 and RES5 of the Local Plan Review. A new condition also needs to include details of the landscaping of the area currently occupied by the chapel building proposed to be demolished.

The provisions of condition **9** relating to footpath linkages are considered to be still necessary.

The public access to the burial ground as referred to in condition **11** can be ensured through other legislation and the quoting of such legislation in this condition is inappropriate and should now be avoided.

With regards to condition **12** (historic building recording), the County Historic Environment Team has confirmed that no further archaeological input is required with regards to this application site. Nevertheless, the National Planning Policy Framework underlines the importance of significant heritage assets, including non-listed buildings within developments. The only remaining building, the Chapel, is just a shell of no architectural or historical merit. It is not statutorily listed and is afforded no protection by any planning condition either on the outline permission or the reserved matters approval. In the absence of protection, there is no need to retain it as a building and any condition requiring its retention would be inappropriate as that would be more onerous than the existing permission. The condition is, therefore, no longer necessary although it is acknowledged that the chapel walls appear structurally sound and it could be used by the West Lindsey or Caistor Town Council's.

Condition **17** requiring protection to trees is still relevant and necessary, the trees subject to the TPO's are still worthy of protection.

Condition **19** which restricts permitted development rights is no longer necessary or enforceable. The details of the affordable housing have changed in terms of plot numbers resulting in the lack of enforceability and the submitted section 106 agreement will ensure that the dwellings remain affordable (the reason for the original condition). It would also be inappropriate to restrict development for affordable housing as the needs of the occupiers sometimes change and extensions are necessary to respond to their needs (such as a growing family).

Condition **20** required security measures to be installed in garage and parking courts. Such courts still exist in the revised layout but it is considered that natural surveillance of these areas through overlooking from dwellings and public areas is adequate and the condition is unnecessary and unreasonable.

Finally, the existing section 106 agreement included obligations relating to education contributions and car parking. The former is related to the development but within the Council's section 106 priorities document falls below affordable housing and therefore, in this instance, it is not viable for the developer to make such a provision. The car parking is not only not a viable provision but is also not considered to be necessary to make the development acceptable in planning terms or directly related to the development. As such it fails two of the three clauses of Regulation 122 of the Community Infrastructure Regulations.

### **Other matters**



The review of the conditions above has included consideration of matters such as highway safety, residential amenity, the provision of public open space, housing mix and the balance between the natural and built environment.

There are no indications on site to suggest that the site is being used as habitat by protected species or is of any other significant ecological value. This judgement follows inspection of the chapel building and noting that the site has been an active building site for a significant period of time.

The development overall provides an appropriate mix of housing to provide the potential for a mixed, sustainable and balanced community. The architectural styles and forms of the buildings proposed draw some references from the local vernacular with the abundant use of brickwork, gabled roof styles and there is a clear hierarchy of space from the very public North Kelsey Road frontage through to the secure and screened private rear garden areas. There are adequate separation distances between dwellings to ensure no significant loss of residential amenity in terms of overlooking, overshadowing and noise and disturbance.

There is no known contamination within the site.

The site is in flood zone 1 as defined by the Environment agency's Flood Zone maps and there are no known flooding issues within the site although a condition relating to surface and foul water drainage is considered necessary to ensure that sustainable means of drainage are employed in the interests of the efficient use of resources and to accord with policy STRAT1 of the Local Plan Review and the provisions of the National Planning Policy Framework and accompanying Technical Guidance.

### **Conclusion and reason for granting**

The application has been considered in the context of the development plan in the first instance, specifically policy 13a of the East Midlands Regional Plan 2009 and policies STRAT 1 - Development Requiring Planning Permission, STRAT 2 – Residential allocations, STRAT 3 – Settlement hierarchy, STRAT 5 – Windfall and infill housing development in Market Rasen and Caistor, RES1 – Housing layout and design, RES5 - Provision of play space/recreational facilities in new residential development, RES6 – Affordable housing, CORE 10– Landscaping and open space within developments and CRT3 – Loss of recreation and community facilities of the West Lindsey Local plan First Review as well as against all other material considerations. In light of this assessment and in accordance with section 73 of the amended Town Planning Act 1990, a new permission is necessary subject to conditions and a section 106 agreement that vary from the conditions and agreements of the original permission.

The existing section 106 agreement included obligations relating to education contributions and car parking. The former is related to the development but within the Council's section 106 priorities document falls below affordable housing and therefore, in this instance, it is not viable for the developer to make such a provision. The car parking is not only, not a viable provision but

is also not considered to be necessary to make the development acceptable in planning terms or directly related to the development. As such it fails two of the three clauses of Regulation 122 of the Community Infrastructure Regulations.

With viability being clearly a material consideration and the viability assessment having been reviewed by Council officers, the section 106 agreement accompanying the application now specifies an on-site provision of community facilities, affordable housing and the offer of the chapel on site, the value being no more than the equivalent of 11.33 affordable dwellings. With this obligation in place, there is no need for condition 18 of the existing permission.

Conditions 21 and 22 of the existing permission related to the requirement for a community building to be provided on site. It is firstly noted that the condition 21 relates to the "erection" of a building and not the conversion of the chapel.

It is also considered that the conditions are not fairly and reasonably related in scale and kind to the development and therefore do not comply with the legal requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2011. The development is only for 148 dwellings and is within a town which does have existing facilities, albeit the site is located on the edge of this settlement. As a comparison, it is noted that the 2,500 dwellings proposed within the new southern neighbourhood for Gainsborough on Foxby Lane could only justify the provision of a small community building and that site was also a similar distance from the main town facilities.

Of the other existing conditions, many of the details were subsequently dealt with through the reserved matters approvals, many related to provision secured through other legislation and some, including the one-way system required by condition 14 are not necessary.

The development overall provides an appropriate mix of housing to provide the potential for a mixed, sustainable and balanced community. The architectural styles and forms of the buildings proposed draw some references from the local vernacular with the abundant use of brickwork, gabled roof styles and there is a clear hierarchy of space from the very public North Kelsey Road frontage through to the secure and screened private rear garden areas. There are adequate separation distances between dwellings to ensure no significant loss of residential amenity in terms of overlooking, overshadowing and noise and disturbance. The development site is not of any significant ecological value or archaeological significance and there are no known contamination issues. The site is in flood zone 1 as defined by the Environment Agency's Flood Zone maps and there are no known flooding issues within the site although a condition relating to surface and foul water drainage is considered necessary to ensure that sustainable means of drainage are employed in the interests of the efficient use of resources and to accord with policy STRAT1 of the Local Plan Review and the provisions of the National Planning Policy Framework and accompanying Technical Guidance.

**Recommendation: That the decision to grant permission subject to the following conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of a section 106 agreement which includes:-**

- **The securing of affordable housing either on or off the site.**
- **The securing of a financial contribution towards the provision of community facilities within the town of Caistor commensurate in scale to that reasonably required by the development.**
- **An obligation requiring the developer to offer the existing chapel building within the site to West Lindsey Council for a sum to be established by an independent qualified chartered surveyor, that obligation expiring after 12 months of the completion and signing of the section 106 agreement.**

**but that all of the obligations above do not collectively amount to more than the value of the provision of 11.33 affordable homes which is evidenced as being the maximum viable contribution that can be secured from the developer following an assessment of viability by the Council .**

### **Conditions**

1. The development shall be completed in accordance with the reserved matters approved on 6<sup>th</sup> February 2009 (WLDC ref 123208) as amended by layout drawing 09711 SK01 dated 10<sup>th</sup> January 2012.

**REASON:** To define the permitted particulars which have been considered as part of this application which are considered acceptable in the context of policies contained within the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework (2012).

2. No dwelling shall be occupied before the parking and/or garaging for that dwelling has been completed in accordance with the approved plans and particulars.

**REASON:** In the interests of highway safety and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and national policy contained within the National Planning Policy Framework (2012).

3. No dwelling shall be first occupied until the street lighting has been completed and is operational between the junction with North Kelsey Road and the highway frontage of that dwelling in accordance with the details specified on drawings 070594/C/046A and 070594/C/047 dated 10<sup>th</sup> November 2009 prepared by Pick Everard.

**REASON:** In the interests of highway and pedestrian safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework (2012).

4. The hard and soft landscaping and public open space approved as a reserved matter on 6<sup>th</sup> February 2009 and specified on drawings 08.728.011 to 025 (inc) dated 16<sup>th</sup> September 2008 shall be completed and subsequently maintained in accordance with the schedule and programme detailed in the Landscape Management Plan dated 12<sup>th</sup> November 2009 (ref CIN.07.728) prepared by Ian Stemp Landscape Associates unless otherwise agreed in writing by the local planning authority with the exception of the areas cross hatched on drawings 08.728.017 and 08.728.023 (the community building), details for the landscaping and future management of which shall be submitted to and approved in writing by the local planning within 3 months from the date of this permission. The said cross-hatched area shall be landscaped and subsequently maintained in accordance with the approved details and programme.

**REASON:** To ensure that there is an appropriate landscaping scheme provided in this edge of settlement position, to achieve an appropriate balance between hard and soft landscaping features and to ensure the timely provision of the landscaping to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework (2012).

5. The pedestrian routes, including the linking footpaths to the eastern and southern site boundaries shall be completed in accordance with the details approved as a reserved matter on 6<sup>th</sup> February 2009 and specified on drawing 070594/C/038 Rev D dated 21<sup>st</sup> October 2009 and in accordance with the schedule and programme detailed in the Landscape Management Plan dated 12<sup>th</sup> November 2009 (ref CIN.07.728) prepared by Ian Stemp Landscape Associates unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure there are pedestrian routes provided within the development at the appropriate time in the interests of sustainability and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework (2012).

6. No dwelling shall be first occupied until a drainage scheme for foul and surface water serving that dwelling has been completed in accordance with details to have been previously submitted to and approved in writing by the local planning authority.

**REASON:** To ensure the provision of adequate sustainable surface and foul water systems to prevent localised flooding and pollution of ground waters and to accord with policy STRAT1 of the West Lindsey

Local Plan First Review 2006 and the National Planning Policy Framework (2012)

7. No dwelling shall be occupied until the junction with North Kelsey Road, the access road and/or driveway leading to it from North Kelsey Road has been completed, less its final wearing course in accordance with a specification to have been previously submitted to and agreed in writing by the local planning authority. The final wearing course shall be completed prior to the occupation of the penultimate dwelling hereby approved.

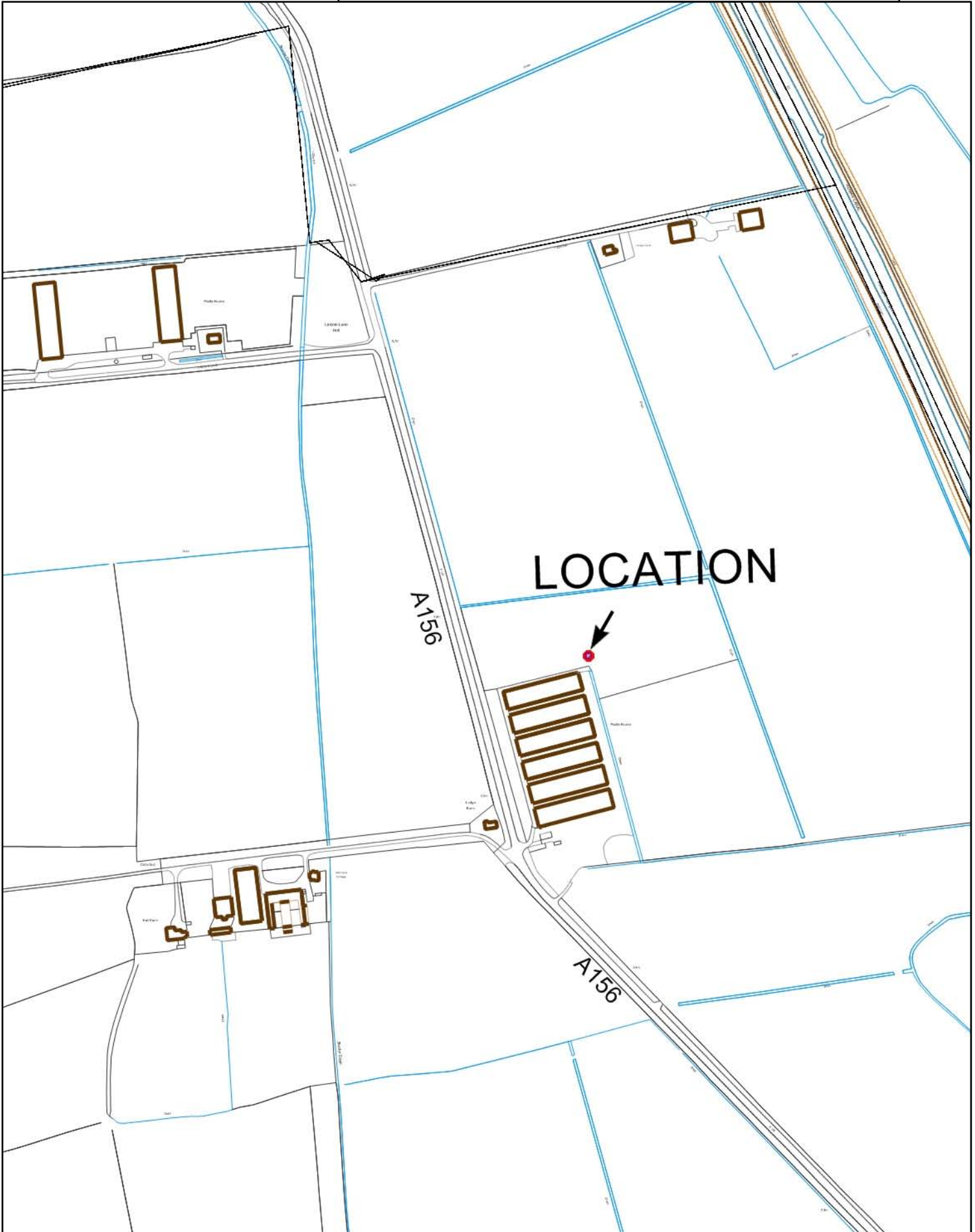
**REASON:** In the interests of highway safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

8. The trees subject to the Caistor Tree Preservation Order 1990 No. 4 shall be protected during construction as follows:
- a chestnut pale or similar fencing shall be provided around the trees at a minimum distance from the trunks equal to the crown spread;
  - b no site hut shall be erected within any crown spread;
  - c no materials, including fuels, shall be stored within any crown spread;
  - d no burning of goods shall take place within 3m of any crown spread;
  - e no services shall be routed under any crown spread.

**REASON:** To protect the trees which are an important to the public amenity of the site and its surroundings and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

9. Within 3 months from the date of this permission details of play equipment to be installed within the approved public open space shall be submitted to and approved in writing by the local planning authority together with a schedule providing the timing and details of its implementation, future management and maintenance. The approved equipment shall be provided in accordance with the approved schedule.

**REASON:** To ensure that play areas are provided as a necessary part of the public open space to accord with the standards contained within policy RES5 of the West Lindsey Local Plan First Review 2006.



## Planning Application No: 128502

**PROPOSAL:** Planning application for installation of wind turbine - 50 metres to hub and 77 metres to blade tip

**LOCATION:** Lodge Farm Kettlethorpe Lane Kettlethorpe Lincoln, Lincolnshire LN1 2LD

**WARD:** Torksey

**WARD MEMBER(S):** Cllr S F Kinch

**APPLICANT NAME:** Mr R Rafferty

**TARGET DECISION DATE:** 19/06/2012

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Grant Planning Permission subject to conditions

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### Introduction

This application is one of five applications that were the subject of a Planning Committee site visit by members on Thursday 12<sup>th</sup> July.

### Description:

- **The Site:** It is located in the open countryside south east of Fenton and to the east of Kettlethorpe on the eastern side of the A156. It is a newly redeveloped poultry farm, with 8 recently constructed single storey poultry sheds with areas of hard standing and related plant. The manager's mobile home is located to the south of the site. The site is relatively flat and screened from the road at close quarters by roadside hedging and trees running alongside the A156. Views of the site are available from further afield to the north and it is clearly visible across open agricultural land when travelling southwards from Fenton. Along the northern boundary, running parallel to a drainage ditch, is a continuous line of hedging. The nearest dwelling to the site is Lodge Farmhouse on the opposite side of the A156, which is in separate ownership.
- **Proposal:** The proposal is for a triple blade, horizontal axis, 500Kw wind turbine, the hub height of which would be 50 m above ground level mounted on a monopole tower. Each blade would be 27m long (radius from the hub) thereby giving a total height of the structure of 77m above ground level when a blade is in the vertical position above the hub. It is to be located centrally between the poultry sheds, 95 metres to the east of the A156. The applicant states in their submission

that they expect to generate 85% of the power requirements of the poultry farm from the turbine.

In support of the application a Noise Report, an Ecological Report and Landscape Visual Impact Assessment have been submitted.

### **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 copy of the Screening Opinion has been placed on the public register and on the planning file.

### **Relevant history:**

127477 - Application identical to the current proposals. Withdrawn in 2011  
 127287- Retrospective planning application for a mobile home to supervise the agricultural business. Consent Granted  
 127234 - Application for a dwelling to supervise agricultural business. Consent Granted  
 127157 - Installation of a solar photovoltaic array, flush mounted, to existing single storey poultry sheds. Consent Granted.  
 126863 - Hazardous substances consent application to store Liquid Petroleum Gas. Consent Granted  
 125677- Redevelopment of poultry unit, including the erection of eight replacement poultry sheds and reception building, together with amendment of access arrangement. Consent Granted.

### **Representations:**

**Chairman/Ward member(s):** No comments received

**Kettlethorpe Parish Council:** This is of major concern to the local community, evidenced by the largest number of residents for some time attending the Annual General Meeting of the Parish Council. As a parish we echo the concerns in relation to noise and visual impacts. These are seen as excessive in size and a money earner when other avenues are available. Also there is a danger of proliferation.



**Fenton and Torksey Lock Parish Council:** A meeting was held on 17<sup>th</sup> May 2012. The concerns of parishioners relate to;

- Visual impacts on a rural area and on the historic Kettlethorpe Hall
- Smaller turbines should be proposed
- Noise figures are vague
- Should be removed if no longer operational

**Newton on Trent Parish Council:** No comments

**Local residents:** 43 representations (including a petition) in total have been received from: Lodge Farm House, Westmoor House, The Old Rectory, Moorland House, Hawthorn House, Harlequin, Old Coach House, Lime Acre, Kettlethorpe Hall, Brambles Cottage, Rivelin Cottage, Gorse Bank, Brewers Cottage, Papaji, Hop Garden Cottage, Chestnut House, The Milk Barn, 2 Ferry Cottages, 9 Kettlethorpe Road, 14 Maltkin Road, 19 Maltkin Court, 19 Addison Place, 21 Addison Place, 23 Addison Place, 25 Addison Place, 2 Sheffield Road, 7 Lincoln Road, 18 Lincoln Road, 26 Lincoln Road, 28 Lincoln Road, 29 Lincoln Road, 35 Lincoln Road, 36 Lincoln Road, Shadwell, Manor Farm House, The Poplars and 15 Grosvenor Avenue. Radjel, Maltkin Road, of these 41 **object** to the proposal on the following grounds:

- Factually incorrect statements on the submitted application forms and drawings
- Misleading visualisations
- Adverse visual impacts
- Noise and sleep disturbance
- Impacts on Listed Buildings
- Health risks associated with turbines
- Effects on aviation
- Negative impact on property values
- Will dominate skyline
- Distraction to motorists at an accident black spot
- Out of character with rural area
- Pylons do not reach a height of 77 metres
- Impacts on protected species more comprehensive surveys required
- Solar panels are more appropriate
- Rotor blade lightning damage
- Contrary to policy STRAT 12 not essential for agriculture
- Will spoil existing views from houses
- Will disperse unpleasant smells from poultry farm
- Will encourage proliferation
- A commercial operation to make money rather than required in connection with existing business
- Strobing effects
- Opposition to subsidies
- Too close to housing
- Industry manuals refer to 400 metre exclusion zones

- Wind is an unreliable source of energy

The 42nd representation from Kettlethorpe Hall is based on the assumption that the primary purpose is to provide power for the poultry business to which it relates:

- If turbine ceases to be used there should be an obligation to remove and reinstate the land.
- Height of turbine should be limited to the size necessary to meet the power requirements of the poultry business.
- Should not be allowed to set a precedent.

If the primary purpose is to be provide electricity to the grid then this letter should be considered an objection to the proposal.

The 43rd representation is from 2, Kettlethorpe Road and does not object to the proposals commenting instead that: I have no qualms with wind turbines

**LCC Highways:** Request that the applicant provides a plan showing the route the component delivery vehicles will take through Lincolnshire and a swept path diagram should be provided to show that the largest vehicle used for the deliveries is able to turn onto the site within the limits of the existing carriageway and access.

**Environment Agency:** No objection but recommend a Flood Risk Assessment is carried out to ensure any sensitive equipment is located above predicted flood levels (This was subsequently submitted).

**MOD:** Awaiting formal comments (although no objections were raised to the previous identical application)

**Humberside Airport:** No safeguarding objection provided condition is attached requiring the applicant to notify the local planning authority within one month of the turbine commencing operation.

**NERL (on behalf of National Air Traffic Safety):** No safeguarding objection.

**Lincolnshire Wildlife Trust:** Originally recommendation for surveys to be carried out. These should be carried out given the turbine is within 50 metres of several features that could be used by foraging or commuting bats before the application is determined (This was done and the results were sent to the Trust).

Revised comments:- We are satisfied given the low levels of recorded bat activity the proposed development should not have any significant negative impacts on local bat populations.

**Conservation (WLDC):** Clear views are afforded from the site from various viewpoints with close up views particularly from the A156 where the turbine will be monolithic in the landscape due to its scale. However, in long distance views which are more pertinent with regards to heritage assets and

landscapes, the turbine will appear in a skyline already littered with comparative power line pylons and therefore the visual impact is far less. Therefore, despite the large scale of the turbine proposed, it is not considered that it will have an adverse impact on any heritage assets.

**Archaeology (LCC):** No further archaeological input required although referred to need to consult English Heritage due to presence of the scheduled monument of the cross in St Peter's and Paul's churchyard 1km away

**English Heritage:** Do not wish to offer any comment

**Natural England:** The proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. We would expect the LPA to assess and consider the possible impacts resulting from this proposal on protected species and on local wildlife sites if the site is on or next to a local wildlife site e.g. Local Nature Reserve.

**WLDC Public Protection:** It is unlikely that nuisance will arise.

### **Relevant Planning Policies:**

#### **Development Plan**

- **East Midlands Regional Plan 2009**

Policy 40 – Regional priorities for low carbon energy generation

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

STRAT 1 Development Requiring Planning Permission

STRAT 12 Development in the open countryside

NBE 10 – Protection of Landscape Character in Development Proposals

NBE17 – Control of potentially polluting uses

#### **Other policy and relevant considerations**

- National Planning Policy Framework 2012
- Circular 1/03 – Aircraft Safeguarding

### **Main issues**

- The principle of a turbine in this open countryside location (STRAT 1 and STRAT 12 and the National Planning Policy Framework)

- The impact of the turbine on the landscape including consideration of cumulative impact (STRAT 12)
- Impact of the turbine on the living conditions of nearby dwellings (STRAT 1 )
- Impact on Protected Species (National Planning Policy Framework)

### **Assessment:**

**Principle** - In the interests of sustainability and prevention of visual intrusion, policy STRAT12 is restrictive of development in the countryside that is not related to agriculture, forestry, a use that requires a countryside location or one that can be supported by another development plan policy. There are no directly relevant policies in the Local Plan but policy 40 of the Regional Plan states that local authorities should promote the development of a distributed energy network using local low carbon and renewable resources. Paragraph 3.3.89 of the supporting justification to the policy states that there are sites available for smaller scale wind development at farms in the Eastern Sub-area of the region. The application site is considered to be one such farm and the Department for Energy and Climate Change (DECC) wind database site (accessed by the case officer on 9<sup>th</sup> July 2012) indicates that the wind speed is 6.2 metres per second to 6.3 metres per second at a height of 45m above ground level. This is considered suitable for a turbine of this blade height above ground level. The surrounding area is also free of natural or built obstructions. The turbine is therefore considered to be able to contribute to the regional renewable energy targets by providing power to the existing farm operation. The applicant estimates an annual carbon saving of 702 tonnes.

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 97).

The principle of a wind turbine therefore is accepted and to be supported. The NPPF states that, when determining planning applications, local planning authorities should “not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy” and “approve the application if its impacts are (or can be made acceptable” (paragraph 98).

**Landscape Impact including cumulative impacts-** It is of relevance in the consideration of potential impacts to note that the landscape is not a designated Area of Great Landscape Value or an Area of Outstanding Natural Beauty. It is also important not to equate visibility with harm. The site is relatively flat and bordered by trees along the A156. It is located within the Till

Vale landscape character area as defined within the West Lindsey Character Assessment (1999). The area has a typically agricultural landscape with large flat open fields with an extensive network of rivers and dykes and ditches that have little visual presence in the landscape. There is a string of small nucleated settlements on higher undulating ground along a minor north-south route. This is the case with the settlement of Hardwick to the east which is on higher undulating ground with a view of the tops of the existing poultry sheds. It will be possible to see the turbine at Lodge Farm and the one proposed at the Ferry Farm (also reported to this Committee meeting (Ref: 128536)) from distant views across the Fosdyke as two vertical structures in the landscape almost a kilometre apart. The structures will be noticeable but it is considered that the landscape has the capacity to absorb the impact. Further east is Saxilby from which views of the turbines will be filtered by distance (2.5km from Sykes Lane to Lodge Farm and 2.0 km to Ferry Farm) and the transmission power lines that stretch across the landscape. To the north of the turbine are agricultural fields. This is not considered a particularly sensitive landscape. To the south are agricultural fields and the A156 which follows an angle of approximately 45 degrees to the south east. The line of the road and existing tree cover limits longer distance views from the north.

To the east is the village of Kettlethorpe and some representations have referred to potential impacts on the Grade II Kettlethorpe Hall and the monument cross within the grounds of the Church of St. Peter and Paul, both of which are listed and approximately 1km distant. The land to the immediate west of the A156 is relatively flat and over distance starts to rise before gradually sloping down. It is at this lower level that Kettlethorpe Hall and the Church sit behind a substantial tree belt which extends along the eastern edges of the village. The case officer can confirm that at this lower level, on the approach to the Hall heading east to west, that the only views available were of a small section of the ridge of the roof. Looking eastwards, from north of the Church, the land rises and it will be possible to see the upper section of the proposed turbine against the backdrop of the existing power transmission lines which are visible in long distance views on the horizon. This outlook is acceptable and it should be noted that there are no objections to the proposal from English Heritage. Consequently it is considered that due to distance separation and topography the turbine will not have a negative impact on the character, appearance or setting of Listed Buildings. Due to tree coverage and natural landform it is also considered unlikely that any views of the turbine at Ferry Farm will be available from Kettlethorpe.

The village of Fenton is located approximately 1.8km to the northwest. Views would not be available from the centre of the village and there is extensive natural vegetation on the south with the closest publicly accessible views from the eastern outskirts of the village along Lincoln Road, approximately 1km to Lodge Farm and 1.8 km to Ferry Farm. The most noticeable turbine will be the one at Lodge Farm as it will be visible across open agricultural land to the north of the site. The most immediate impact of the turbine(s) will be on the landscape in close proximity, primarily on the A156 travelling southwards. The nature of driving is such that views will be fleeting and transitory.

The turbines and the perception of them in the wider landscape will vary depending on the vantage point. Officers are of the opinion that the two turbines are a sufficient distance from each other in order for the impacts on the landscape to be diffused and fall within acceptable limits.

A condition will be attached to any approval requiring the wind turbine to be dismantled and removed should it be decommissioned or cease to be used to generate electricity to prevent the landscape from being proliferated with redundant infrastructure; the contribution to sustainable energy production being afforded weight measured against visual impact when in use.

**Impact on living conditions (noise and flicker)** - 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.

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 individual turbines such as the one 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 farm 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 noise sensitive property not in the control of the applicants is 170 metres to the south west, Lodge Farm House. Background noise levels were obtained from noise monitoring equipment placed on the site for a continuous two week period which measured the noise at 10 minute intervals. The sound pressure level for the proposed turbine assuming a wind speed of 6m/s at hub height is 41.8 dB(A) at this property. Such a wind speed is considered to be an acceptable standard given that the wind speed database (DECC 2010) estimates an average speed of around 6m/s. This is 5.5dB(A) less than the measured background noise level including + 5 dB(A) during the day time period and 6dB (A) less than the measured background noise level including + 5 dB(A) during the night time period. It is considered therefore that noise and sleep disturbance will not arise.

Shadow flicker can cause a problem to nearby properties early in the morning or late in evening. It is caused by the rotating blades interrupting the light from sun when the turbine is between you and the sun. This occurs early in the morning to the west of the turbine and late in the evening to the east of turbine. The effect is likely to be worse on sunny days in winter than in summer, as in summer the sun is much higher for longer and therefore the shadow is more local to the actual turbine. It is generally accepted that some degree of shadow flicker is acceptable, but that limits should be imposed to

restrict the number of hours per year for which any one property is affected. There are no specific rules on this, but a 30 hour per year maximum has been suggested as reasonable in Germany and this seems to be generally accepted. Expected shadow flicker is difficult to predict however some general rules and guidance can be applied. For the proposed turbine distances greater than 540 m should never be affected adversely by shadow flicker.

The applicant has submitted an analysis predicting potential shadow flicker. The closest property not owned by the applicant (Lodge Farm House) is located at a bearing of 206 degrees true. At this bearing the sun will never cast a shadow from the turbine on to the property. The next closest (Fosse Farm) is at a bearing of 6 degrees true and a distance of 405m. The tip of the turbine blade passes 77m to 23m above ground making an inclination range of 10.8 to 3.25 degrees. The sun's path is always above this inclination at this bearing even for the shortest day of the year. A third property (Lincoln Lane) lies at a bearing of 312 degrees true and a distance of 476m. Between 1st December to 15th December, and from 1st January through to the 15th January a shadow may theoretically be cast on this property for a maximum duration of 20 minutes between the hours of 8am to 9am. This makes a total annual potential shadow from the turbine of 10 hours; in practice this will be considerably less as the blade will not always be orientated across the line from the turbine to the house, the sun will not always be shining, and the blades will not always be turning. The 10 hours maximum theoretical exposure to shadow flicker is still below the generally accepted maximum of 30 hours. In the UK a derating of 30% is applied giving a theoretical impact of 3 hours per year which is well below that limit.

All other properties are more than 540m away from the turbine. At this distance the sun's rays diffuse sufficiently around the blades to not create a shadow that would be a nuisance should it flicker on and off due to the rotation of the blades.

**Impacts on protected species** – The ecological report submitted in support of the application was later supplemented by the results of a bat survey. This was required as the turbine was located within 50 metres of hedgerows which have the potential to serve as foraging routes. The report concluded that the proposal would not result in any significant effects on protected species. The survey results indicated a low level of recorded bat activity sufficient for the Lincolnshire Wildlife Trust to come to the view that the development should not have any significant negative impacts on local bat populations and that, provided recommendations are followed, there should not be any significant negative impacts on protected or notable species. There is no reason to withhold consent on the grounds of harm to protected species.

### **Other Matters**

*Inaccurate submission* – Outdated site plans were initially submitted which were subsequently updated together with corrections in the text within the submitted documents.

*Aircraft Safety* – There are no safeguarding objections to the proposals. The MOD has requested that omni directional lighting is fitted to the turbine. This

will be conditioned as part of any consent as will the request from Humberside Airport for notification within one month of the turbine becoming operational. *Grounds of objection* – Comments in relation to the commercial nature of the proposal, the opposition to subsidies, property values and the suggestion of alternative renewable energy alternatives are not valid planning considerations. The safety or efficiency of wind turbines, whilst understandably being a concern to members of the public is not something which is controlled through the planning process. Proliferation is raised as a concern. However, any future proposals for turbines would require planning permission and each proposal would be assessed on its own merits, having regard to cumulative impacts. Loss of views is not considered a material planning consideration. The comments in relation to driver distraction are noted. However, no objections have been raised by LCC Highways. The former companion guide to PPS 22, although now replaced by the NPPF, is useful as it advised that wind turbines should not be treated any differently from other distractions a driver may face.

In response to the County Highways comments, the traffic and vehicle movements associated with the erection of the turbine are not considered to be of such a nature that the information and works requested by LCC could be reasonably required.

### **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, listed buildings or to the living conditions of nearby dwellings and will positively contribute to meeting national and regional targets for reducing carbon emissions and the development of renewable energy sources. Therefore having considered the proposal against the provisions of the development plan and specifically policy 40 of the East Midlands Regional Plan 2009 and saved policies STRAT1, STRAT 12, 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 approval 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 is commenced:**

2.. No development shall take place until details of omni-directional red lighting or infrared lighting to the turbine have been submitted to and approved in writing by the local Planning Authority.

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

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

3. The approved omni directional lighting referred to in condition 2 shall be implemented in accordance with the approved details prior to bringing the turbine into use and retained in perpetuity thereafter.

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

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

4. The local planning authority shall be notified in writing of the intention to commence operation of the turbines hereby permitted at least one month prior to such commencement.

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

5. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of commissioning of the hereby approved development. Written confirmation of the date of commissioning of the development shall be provided to the Planning Authority no later than 1 calendar month after that event.

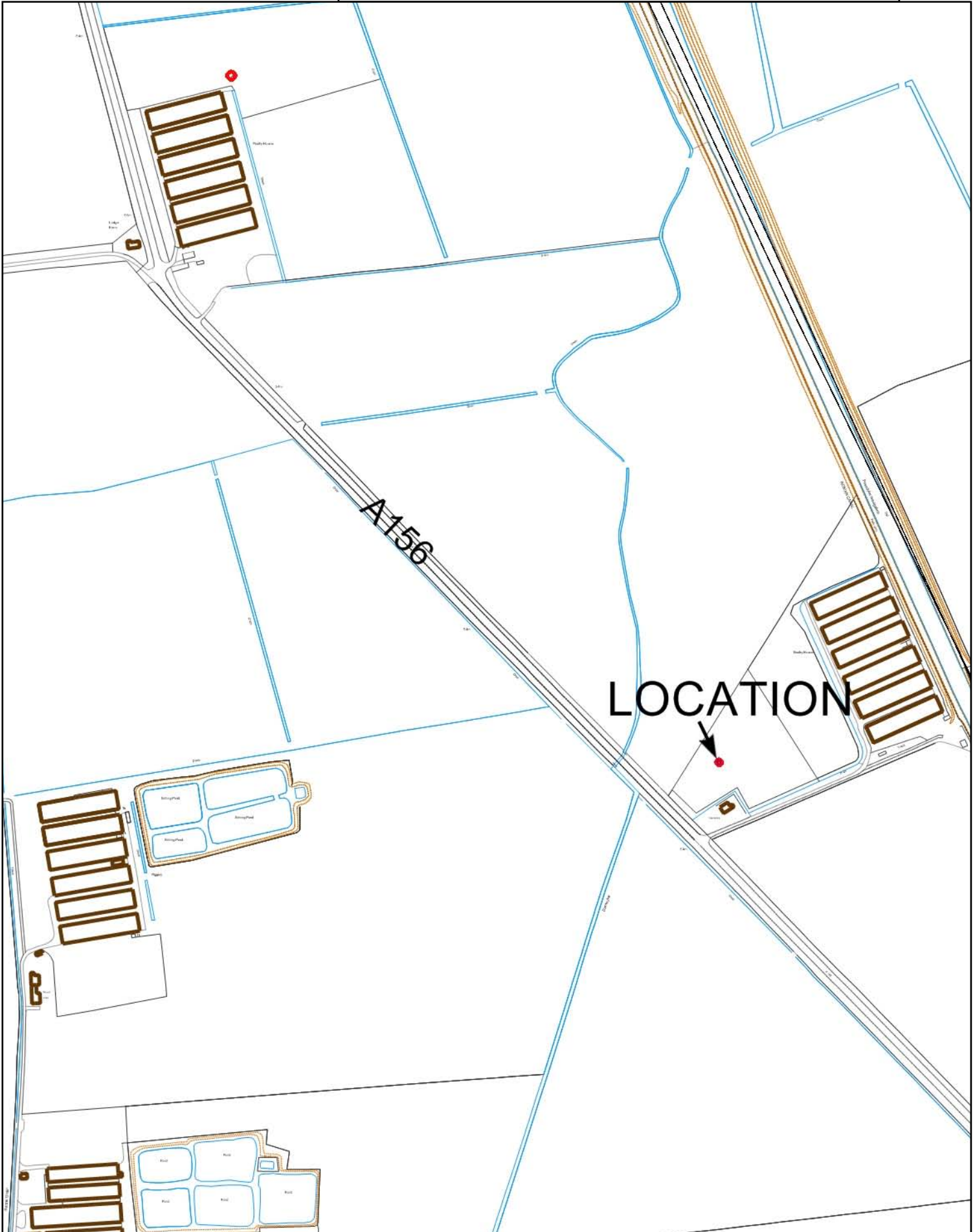
**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

6. Not later than 3 months from the date that the planning permission hereby granted expires, all wind turbines, and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition.

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

7. The turbines shall be removed from the site if they are decommissioned or otherwise cease to be used to generate electricity for a continuous period exceeding six months, unless the local planning authority agrees in writing to any longer period, and the wind turbines and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition within a period of 3 months.

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.



## Planning Application No: 128536

**PROPOSAL:** Planning application for installation of wind turbine - 50 metres to hub and 77 metres to blade tip

**LOCATION:** Ferry Farm Ferry Lane Kettlethorpe Lincoln, Lincolnshire LN1 2LF

**WARD:** Torksey

**WARD MEMBER(S):** Cllr S F Kinch

**APPLICANT NAME:** Mr Rob Rafferty

**TARGET DECISION DATE:** 19/06/2012

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Defer and delegate approval to the Director of Regeneration and Planning subject to the conditions below and completion of a legal agreement in relation to the use of the managers bungalow

### Introduction

This application is one of five applications that were the subject of a Planning Committee site visit by members on Thursday 12<sup>th</sup> July.

### Description:

- **The Site:** It is located in the open countryside between Fenton and Saxilby on the eastern side of the A156, a short distance from its junction with A57. It is a newly redeveloped poultry farm, with 6 recently constructed single storey poultry sheds with areas of hard standing and related plant. A manager's bungalow is located at the front of the site. A tall, wide, roadside hedge and a tree belt screen the buildings from view. On the far side of the units behind a high bank is the Fosdyke Navigation and on this side of the bank is a detached house. Across the other side of the Fosdyke there are a few isolated dwellings in the agricultural landscape with the closest a pair of semi detached dwellings known as Ferry Cottages on Hardwick Lane.
- **Proposal:** The proposal is for a triple blade, horizontal axis, 500Kw wind turbine, the hub height of which would be 50 m above ground level mounted on a monopole tower. Each blade would be 27m long (radius from the hub) thereby giving a total height of the structure of 77m above ground level when a blade is in the vertical position above the hub. It is to be located to the north of the farm manager's bungalow at the end of the poultry units. The applicants state in their submission that they expect to generate 85% of the power requirements of the poultry farm from the turbine.

In support of the application a Noise Report, an Ecological Report and Landscape Visual Impact Assessment have been submitted.

### **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 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 public register and on the application file.

### **Relevant history:**

**127153** - Photovoltaic roof mounted array. Permission granted in 2011.  
**124972** - Redevelopment of poultry unit, including the erection of six replacement poultry sheds and reception building, together with amendment of access arrangement. Permission granted in 2009.

### **Representations:**

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

**Kettlethorpe Parish Council:** This is of major concern to the local community, evidenced by the largest number of residents for some time attending the Annual General Meeting of the Parish Council. As a parish we echo the concerns in relation to noise and visual impacts. These are seen as excessive in size and a money earner when other avenues are available. Dangers of proliferation.

**Local residents:** 18 representations in total have been received: Westmoor House, The Old Rectory, Moorland House, Hawthorn House, Harlequin, Old Coach House, Lime Acre, Kettlethorpe Hall, Brambles Cottage, Rivelin Cottage, Gorse Bank, 2 Sheffield Road, 29 Lincoln Road, 35 Lincoln Road, Manor Farm, The Poplars and 15 Grosvenor Avenue. Radjel, Maltkin Road, Of these 17 **object** to the proposal on the following grounds:

- Factually incorrect statements on the submitted application forms and drawings
- Misleading visualisations
- Adverse visual impacts
- Noise and sleep disturbance
- Health risks associated with turbines
- Effects on aviation
- Negative impact on property values
- Will dominate skyline

- Distraction to motorists at an accident black spot
- Out of character with rural area
- Pylons do not reach a height of 77 metres
- Impacts on protected species more comprehensive surveys required
- Solar panels are more appropriate
- Rotor blade lightning damage
- Contrary to policy STRAT 12 not essential for agriculture
- Will spoil existing views from houses
- Will disperse unpleasant smells from poultry farm
- Will encourage proliferation
- A commercial operation to make money rather than required in connection with existing business
- Strobing effects
- Opposition to subsidies
- Too close to housing
- Industry manuals refer to 400 metre exclusion zones
- Wind is an unreliable source of energy

The 18<sup>th</sup> letter of representation from Kettlethorpe Hall is based on the assumption that the primary purpose is to provide power for the poultry business to which it relates:

- If turbine ceases to be used there should be an obligation to remove and reinstate the land
- Height of turbine should be limited to the size necessary to meet the power requirements of the poultry business
- Should not be allowed to set a precedent

If the primary purpose is to be provide electricity to the grid then this letter should be considered an objection to the proposal

**LCC Highways:** No comments received

**Environment Agency:** No objection but recommend a Flood Risk Assessment is carried out to ensure any sensitive equipment is located above predicted flood levels (This was subsequently submitted).

**Archaeology (LCC):** No objections.

**MOD:** No safeguarding objection. In the interests of air safety the turbine should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute.

**Humberside Airport:** No safeguarding objection provided condition is attached requiring the applicant to notify the local planning authority within one month of the turbine commencing operation.

**NERL (on behalf of National Air Traffic Safety):** No safeguarding objection

**Lincolnshire Wildlife Trust:** Note the recommendation for surveys to be carried out. These should be carried out given the turbine is within 50 metres

of several features that could be used by foraging or commuting bats before the application is determined (This was done and the results were sent to the Trust) We are satisfied given the low levels of recorded bat activity the proposed development should not have any significant negative impacts on local bat populations.

**Conservation (WLDC):** Clear views are afforded from the site from various viewpoints with close up views particularly from the A156 where the turbine will be monolithic in the landscape due to its scale. However, in long distance views which are more pertinent with regards to heritage assets and landscapes, the turbine will appear in a skyline already littered with comparative power line pylons and therefore the visual impact is far less. Therefore despite the large scale of the turbine proposed it is not considered that it will have an adverse impact on any heritage assets.

**Natural England:** The proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. We would expect the LPA to assess and consider the possible impacts resulting from this proposal on protected species and on local wildlife sites if the site is on or next to a local wildlife site e.g. Local Nature Reserve.

**Public Protection:** It is unlikely that odour nuisance will arise

### **Relevant Planning Policies:**

#### **Development Plan**

- **East Midlands Regional Plan 2009**

Policy 40 – Regional priorities for low carbon energy generation

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

STRAT 1 Development Requiring Planning Permission

STRAT 12 Development in the open countryside

NBE 10 – Protection of Landscape Character in Development Proposals

NBE17 – Control of potentially polluting uses

#### **Other policy and relevant considerations**

- National Planning Policy Framework 2012
- Circular 1/03 – Aircraft Safeguarding

### **Main issues**

- The principle of a turbine in this open countryside location (STRAT 1 and STRAT 12 and the National Planning Policy Framework)
- The impact of the turbine on the landscape including consideration of cumulative impact (STRAT 12)
- Impact of the turbine on the living conditions of nearby dwellings (STRAT 1 )
- Impact on Protected Species (National Planning Policy Framework)

### **Assessment:**

**Principle** - In the interests of sustainability and prevention of visual intrusion, policy STRAT12 is restrictive of development in the countryside that is not related to agriculture, forestry, a use that requires a countryside location or one that can be supported by another development plan policy. There are no directly relevant policies in the Local Plan but policy 40 of the Regional Plan states that local authorities should promote the development of a distributed energy network using local low carbon and renewable resources. Paragraph 3.3.89 of the supporting justification to the policy states that there are sites available for smaller scale wind development at farms in the Eastern Sub-area of the region. The application site is considered to be one such farm and the Department for Energy and Climate Change (DECC) wind database site (accessed by the case officer on 9<sup>th</sup> July 2012) indicates that the wind speed is 6.2 metres per second to 6.3 metres per second 45m above ground level. This is considered suitable for a turbine of this blade height above ground level. The surrounding area is also free of natural or built obstructions. The turbine is therefore considered to be able to contribute to the regional renewable energy targets by providing power to the existing farm operation. The applicant estimates an annual carbon saving of 702 tonnes.

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 97). The principle of a wind turbine therefore is accepted and to be supported. The NPPF states that, when determining planning applications, local planning authorities should “not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy” and “approve the application if its impacts are (or can be made acceptable)” (paragraph 98).

**Landscape Impact including cumulative impacts-** . It is of relevance in the consideration of potential impacts to note that the landscape is not a designated Area of Great Landscape Value or an Area of Outstanding Natural Beauty. There are also no Scheduled Ancient Monuments, the setting of



which could be affected. It is also important not to equate visibility with harm. The site is relatively flat and bordered by trees along the A156. It is located within the Till Vale landscape character area as defined within the West Lindsey Character Assessment (1999). The area has a typically agricultural landscape with large flat open fields with an extensive network of rivers and dykes and ditches that have little visual presence in the landscape. There is a string of small nucleated settlements on higher undulating ground along a minor north south route. This is the case with the settlement of Hardwick to the north east which is on higher undulating ground with a view of the tops of the existing poultry sheds. It will be possible to see the turbine at Ferry Farm and the one proposed at the Lodge Farm poultry farm (also reported to this same Planning Committee Ref: 128502) from distant views across the Fosdyke as two vertical structures in the landscape almost a kilometre apart. The structures will be noticeable but it is considered that the landscape has the capacity to absorb the impact. Further east is Saxilby from which views of the turbines will be filtered by distance (2km from Sykes Lane to Ferry Farm and 2.5 km to Lodge Farm) and the transmission power lines that stretch across the landscape. To the north of the turbine are agricultural fields with the Fosdyke also running across the area. This is not considered a particularly sensitive landscape. To the south are agricultural fields and Drinsey Nook with public vantage points limited and dominated by the road network. North West of the site is Kettlethorpe but, due to tree coverage and natural landform, it is highly unlikely that it will be possible to see the Ferry Farm turbine. Long distance views of the Lodge Farm turbine would be available due to its location on a more direct line to the east of the village although tree coverage and the natural landform will reduce the views available from within the buildings in the village. The village of Fenton is located approximately 1.8km to the northwest. Views would not be available from the centre of the village and there is extensive natural vegetation on the south with the closest publicly accessible views from the eastern outskirts of the village along Lincoln Road, approximately 1km to Lodge Farm and 1.8 km to Ferry Farm. The most immediate impact of the turbine(s) will be on the landscape in close proximity, primarily on the A156 travelling southwards. The nature of driving is such that views will be fleeting and transitory.

The turbines and the perception of them in the wider landscape will vary depending on the vantage point. Officers are of the opinion that the two turbines are a sufficient distance from each other in order for the impacts on the landscape to be diffused and fall within acceptable limits.

A condition will be attached to any approval requiring the wind turbine to be dismantled and removed should it be decommissioned or cease to be used to generate electricity to prevent the landscape from being proliferated with redundant infrastructure; the contribution to sustainable energy production being afforded weight measured against visual impact when in use.

**Impact on living conditions (noise and flicker)** - 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.

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 individual turbines such as the one 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 farm 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 noise sensitive property not in the control of the applicants is 220 metres to the east next to the Fossdyke. Background noise levels were obtained from noise monitoring equipment placed on the site for a continuous two week period which measured the noise at 10 minute intervals. The sound pressure level for the proposed turbine assuming a wind speed of 6m/s at hub height is 39.5 dB(A) at this property. Such a wind speed is considered to be an acceptable standard given that the wind speed database (DECC 2010) estimates an average speed of around 6m/s. This is 9dB(A) less than the measured background noise level including + 5 dB(A) during the day time period and 8dB less than the measured background noise level including + 5 dB(A) during the night time period. It is considered therefore that noise and sleep disturbance will not arise. With regards to the manager's bungalow, ETSU for DTI 1997 advises that, where the dwellings are occupied by person's with a financial stake in the wind turbine, that a higher limit of 45dB (A) can be applied. This limit is exceeded as the bungalow is only 35 m from the turbine. To overcome this issue the agents have offered to sign a unilateral undertaking to prevent the bungalow being occupied as a dwelling house for the life time of the turbine. The building could still be utilised as an office and provision of a restroom with kitchen and toilet facilities for employees. Subject to the signing of this unilateral undertaking, it is considered the proposed turbine would not harm the residential amenities of surrounding properties

Shadow flicker can cause a problem to nearby properties early in the morning or late in evening. It is caused by the rotating blades interrupting the light from sun when the turbine is between you and the sun. This occurs early in the morning to the west of the turbine and late in the evening to the east of turbine. The effect is likely to be worse on sunny days in winter than in summer, as in summer the sun is much higher for longer and therefore the shadow is more local to the actual turbine. It is generally accepted that some degree of shadow flicker is acceptable, but that limits should be imposed to restrict the number of hours per year for which any one property is affected. There are no specific rules on this, but a 30 hour per year maximum has been suggested as reasonable in Germany and this seems to be generally accepted. Expected shadow flicker is difficult to predict however some general rules and guidance can be applied. For the proposed turbine, distances greater than 540 m should never be affected adversely by shadow flicker.

The applicant has submitted an analysis predicting potential shadow flicker. The closest dwelling not owned by the applicant is located at a bearing of 80 degrees true and a distance of 220m from the proposed turbine. With regard to the impact of shadow flicker, mature, dense trees are located in direct sight of the turbine and the dwelling itself is located side on to the proposed turbine. Due to the orientation of the dwelling and the presence of mature trees, it is considered that there will be no material adverse impact on the dwelling resulting from shadow flicker caused by the proposed turbine. The second nearest dwelling, not owned by the applicant, is located at a bearing of 70 degrees true from the turbine, and at a distance of 245m. The tip of the turbine blade passes 77m to 23m above ground making an inclination range of 17.4 to 5.36 degrees. The sun's path will cause a potential shadow for 30 days from 22nd September and for a further 30 days from the 21st February for this property. The shadow will be cast for a maximum duration of 30 minutes a day if the blades are orientated directly across the path of the sun.

Therefore, there is a potential maximum theoretical exposure to shadow flicker of 30 minutes x 60 days = 30 hours. In practice the sun will not always be shining, the wind will not always align the blades across the path of the sun, and the wind will not always be of insufficient strength to turn the blades. The true extent of the exposure will therefore be significantly less than 30 hours per year. In the UK a derating of 30% is used to allow for such factors giving 9 hours theoretical impact which is well below the maximum guidance figure.

A third property lies at the same bearing but a greater distance from the turbine of 310m. This house will be subjected to a slightly reduced exposure due to the reduced duration, potential daily shadow and the reduced number of potential days of shadow. It should be noted that properties 2 and 3 are positioned side on to the proposed turbine and are unlikely to be affected by any shadow flicker. There are also mature trees located to the west of those dwellings in direct line of sight of the turbine and this will mitigate any potential shadow flicker that might arise. All other properties are more than 540m away from the turbine. At this distance the sun's rays diffuse sufficiently around the blades to not create a shadow that would be a nuisance should it flicker on and off due to the rotation of the blades. No properties will be affected by shadow flicker to an extent greater than the advisory maximum.

**Impacts on protected species** – The ecological report submitted in support of the application was later supplemented by the results of a bat survey. This was required as the turbine was located within 50 metres of hedgerows which have the potential to serve as foraging routes. The report concluded that the proposal would not result in any significant effects on protected species. The survey results indicated a low level of recorded bat activity sufficient for the Lincolnshire Wildlife Trust to come to the view that the development should not have any significant negative impacts on local bat populations and that, provided recommendations are followed, there should not be any significant negative impacts on protected or notable species. There is no reason to withhold consent on the grounds of harm to protected species.

## **Other Matters**

*Inaccurate submission* – Outdated site plans were initially submitted which were subsequently updated together with corrections in the text within the submitted documents.

*Aircraft Safety* – There are no safeguarding objections to the proposals. The MOD has requested that omni directional lighting is fitted to the turbine. This will be conditioned as part of any consent as will the request from Humberside Airport for notification within one month of the turbine becoming operational.

*Grounds of objection* – Comments in relation to the commercial nature of the proposal, the opposition to subsidies, property values and the suggestion of alternative renewable energy alternatives are not valid planning considerations. The safety or efficiency of wind turbines, whilst understandably being a concern to members of the public is not something which is controlled through the planning process. Proliferation is raised as a concern however any future proposals for turbines would require planning permission and each proposal would be assessed on its own merits, having regard to cumulative impacts. Loss of views is not considered a material planning consideration. The comments in relation to driver distraction are noted however no objections have been raised by LCC Highways. The former companion guide to PPS 22 although now replaced by the NPPF is useful as it advised that wind turbines should not be treated any differently from other distractions a driver may face.

## **Conclusion and reason for decision**

This is a proposal that subject, to the imposition of the conditions discussed above and completion of a unilateral undertaking preventing residential occupation of the managers bungalow, 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 and regional targets for reducing carbon emissions and the development of renewable energy sources. Therefore having considered the proposal against the provisions of the development plan and specifically policy 40 of the East Midlands Regional Plan 2009 and saved policies STRAT1, STRAT 12, 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 approval is considered appropriate.

**Recommendation: Defer and delegate approval to the Director of Regeneration and Planning subject to the conditions below and completion of a legal agreement in relation to the use of the managers bungalow**

**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 is commenced:**

2.. No development shall take place until details of omni-directional red lighting or infrared lighting to the turbine have been submitted to and approved in writing by the local Planning Authority.

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

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

3. The approved omni directional lighting referred to in condition 2 shall be implemented in accordance with the approved details prior to bringing the turbine into use and retained in perpetuity thereafter.

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

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

4. The local planning authority shall be notified in writing of the intention to commence operation of the turbines hereby permitted at least one month prior to such commencement.

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

5. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of commissioning of the hereby approved development. Written confirmation of the date of commissioning of the development shall be provided to the Planning Authority no later than 1 calendar month after that event.

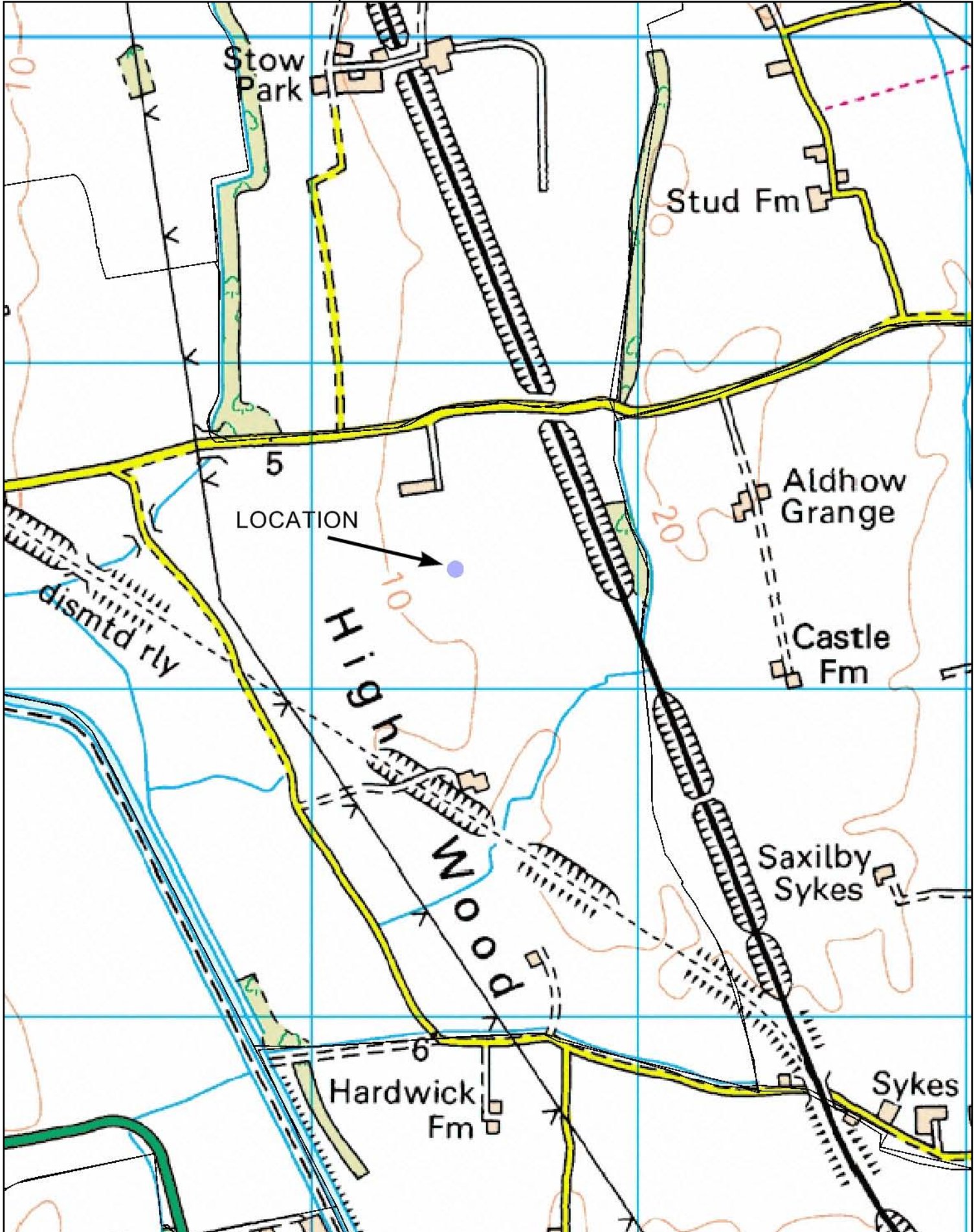
**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

6. Not later than 3 months from the date that the planning permission hereby granted expires, all wind turbines, and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition.

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

7. The turbines shall be removed from the site if they are decommissioned or otherwise cease to be used to generate electricity for a continuous period exceeding six months, unless the local planning authority agrees in writing to any longer period, and the wind turbines and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition within a period of 3 months.

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.



## **Planning Application No: 128559**

**PROPOSAL:** Planning application for proposed siting of 1no. 36.4m high wind turbine

**LOCATION:** Grange Farm Station Road Torksey Lincoln, Lincolnshire LN1 2ES

**WARD:** Torksey

**WARD MEMBER(S):** Cllr Kinch

**APPLICANT NAME:** Mr Moulds

**TARGET DECISION DATE:** 13/06/2012

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Kirsty Catlow

**RECOMMENDED DECISION:** The decision to grant planning permission, subject to conditions, be delegated to the Director of Regeneration and Planning, subject to the resolution of the issue relating to MOD safeguarding. In the absence of a resolution within 3 months, the matter will be referred back to the next available Planning Committee.

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### **Description:**

The application seeks planning permission for the erection of one wind turbine measuring 35.4 metres to the hub and 46 metres to the blade tip.

The application site is located in the open countryside, 2.7km to the east of Torksey. It would be located 260m to the south of High Wood Farm and 660m to the north of Highwood Farm.

The settlements of Torksey, Fenton and Kettlethorpe are located 2.5km to the west and southwest respectively. Saxilby is located 3.5km to the southeast and Sturton by Stow is located 3km to the northeast.

An existing turbine measuring 24.6m to hub and 34.2m to blade tip has recently been installed to the east of Grange Farm, 1.5km to the north west of the application site.

### **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 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 copy of the Screening Opinion has been placed on the public register and on the application file.



**Relevant history:**

**127174** – Planning application for one wind turbine (24.6m to the hub and 34.2m to the blade tip) at Grange Farm granted planning permission 11<sup>th</sup> August 2011.

**Representations:**

**Chairman/Ward member:** No representations received.

**Torksey Parish Council:** No objections, however there is some concern that many more may follow and this is felt to be a bad thing for the area. Mr Rose who will be more affected by the turbine has been visited, as the turbine will be directly opposite his house, and he had no objections to the project.

**Local residents:** Three letters of representation has been received from M E and MB Crowder of Highwood Farm, Torksey, Mr Williamson of Manor Farm, Hardwick and Mr J Crowder of Crown Farm Cottage, making the following objections / comments;

- The turbine will serve no benefit, only monetary as all the electricity generated will be fed into the grid.
- The applicant already has an existing turbine situated close by.
- The siting of the turbine will spoil views across the open countryside
- The proposed turbine would be in close proximity to a number of properties
- What happens to the turbines after their 25 year life span
- The white paint makes them stand out on a clear day
- Allowing this turbine could set a precedent for future turbine / wind farm developments
- Request the application be considered at Planning Committee

**Natural England:** This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on nature conservation.

**Archaeology:** Due to the proximity of the scheduled monument 22768 (The Medieval Bishop's Palace and Deer Park, Stow) it is recommended that you consult with English Heritage. No further archaeological input is required.

**English Heritage:** No response received.

**Government Pipelines and Storage Systems:** Confirm that the turbine would not have an affect on their operations.

**Humberside Airport:** No safeguarding objection, subject to a condition requiring the applicant to notify Humberside Airport of the turbine commencing operation.

**NATS:** The proposed development has been examined by our technical and operational safeguarding teams and although the proposed development is likely to impact our electronic infrastructure NATS has no safeguarding objection to the proposal.

**MOD Safeguarding:** Awaiting response.

### **Policies:**

#### **Development Plan**

- **East Midlands Regional Plan**

Policy 40 Regional Priorities for Low Carbon Energy Generation  
[http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

- **West Lindsey Local Plan First Review 2006**

STRAT 1 Development Requiring Planning Permission  
 STRAT 12 Development in the Open Countryside  
 NBE 17 Control of Potentially Polluting Uses

#### **Other guidance:**

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

### **Main issues:**

- The Principle of Wind Turbine Development in the Open Countryside
- Impact on Landscape and setting of SAM's
- Impact on Ecology
- Residential Amenity (including Noise and Shadow Flicker)
- Aircraft Safeguarding
- Other Issues

### **Assessment:**

**The Principle of Wind Turbine Development in the Open Countryside -**  
 In the interests of sustainability and prevention of visual intrusion, policy STRAT12 is restrictive of development in the countryside that is not related to agriculture, forestry, a use that requires a countryside location or one that can be supported by another development plan policy. There are no directly

relevant policies in the Local Plan but policy 40 of the Regional Plan states that local authorities should promote the development of a distributed energy network using local low carbon and renewable resources. Paragraph 3.3.89 of the supporting justification to the policy states that there are sites available for smaller scale wind development at farms in the Eastern Sub-area of the region.

The National Planning Policy carries forward, in Section 10, the support given to 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. Neither the Regional Plan nor the NPPF require a developer to prove the need for renewable energy developments but turbines inevitably, due to their height, will always have some degree of visual impact and the benefits of providing renewable energy need to be weighed against visual and any other impact.

**Impact on Landscape and setting of SAM's** - In assessing the impact on the landscape it is important to have regard to its appearance, character, openness and the people that inhabit it. It is acknowledged that this is a subjective matter and opinions on this issue will differ.

The site is located within the Till Vale in the West Lindsey Landscape Character Assessment (1999), which is described as an agricultural landscape with large, flat, open fields and a strong rural character. The landform becomes rolling and the landscape more enclosed by hedgerows and trees towards the west.

In essence, the area is characterised by gentle rolling open agricultural land largely unspoilt with some small pockets of trees and isolated farm buildings. There are a number of existing vertical structures in the vicinity comprising of telegraph poles and electricity pylons to the west of the application site and there is one other turbine (24.6m to hub and 34.2m to blade tip) in the vicinity of the site at Grange Farm, 1.5km to the north west.

In support of the application the agent's have submitted 4 photomontages and officers are satisfied that they provide a true representation of how the turbine will appear within the landscape.

View point 1 is 950m from the south west on a country lane to the west of Highwood Farm. From this location the turbine would be seen in a slightly elevated position against the skyline in the context of a tree lined boundary hedge and power lines in the foreground.

View point 2 is 1.16km from the north west on a highway junction to the south east of Brampton. From this location the turbine would be viewed in the distance and in the context of trees and pylons in the foreground.

View point 3 is 541m from the north east on a country lane to the west of the railway line. This is the most prominent public vantage point where the turbine will be visible from. It will be readily visible against the skyline with telegraph poles and pylons in the background.

View point 4 is 2.8km from the south east on the B1241 to the south of Ingleby Hall Farm. From this location, due to the rolling landscape and the presence of hedgerows, the turbine would not be visible.

Although the surrounding area is rural in character, it does contain a number of vertical structures and is not considered to be particularly sensitive to change. Public vantage points of the turbine will be limited and the number of people directly affected by the change to the landscape would be very limited.

In terms of cumulative impacts the applicant has provided 3 photomontages illustrating how the turbines would be viewed in relation to one another from public vantage points. Officers are of the opinion that the two turbines are a sufficient distance from each other in order for the impacts on the landscape to be diffused and fall within acceptable limits.

There is a Scheduled Ancient Monument (SAM) known as The Medieval Bishop's Palace and Deer Park located 750m to the north west of the site and National Planning Policy Framework advises that Local Planning Authorities must take into consideration the impact of a development on the setting of heritage assets, taking into account their significance. Whilst the turbine would be visible from this SAM, given the separation distances and the slim line nature of the structure, it is not considered that it would significantly harm the setting of these heritage assets.

**Impact on Ecology** - Natural England guidance notes on the impacts of wind turbines on bats advise that in order to protect bats and birds turbines should be located at least 50m of hedgerows or woodlands. The proposed turbine would be located 55m from the nearest hedgerow located along the northern boundary and 700m from the nearest cluster of trees to the north west which are outside the identified parameters.

There are no SSSI's or other areas of specific nature conservation within the vicinity of the application site.

Following consultation with the Lincolnshire Wildlife Trust they are of the opinion that the turbine would not have an adverse impact on protected species.

**Residential Amenity (including Noise and Shadow Flicker)** - 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 individual turbines such as the one under consideration here.

The nearest noise sensitive properties, not within the applicants' control, are High Wood Farm located 260m to the north of the site and Highwood Farm located 660m to the south of the site.

In low noise environments, such as for the current application, the advice is that wind farm noise should be limited to an absolute level within the range of 35-40dB(A). At night time (defined as 11pm to 7am) 43 dB(A) is recommended.

The sound pressure level at the proposed turbine is 92.1dB(A) at a wind speed of 5m/s and 94.8dB(A) at a wind speed of 10m/s. The wind speed database (DECC) estimates an average wind speed in this area of 6.3m/s.

The sound pressure produced by the turbine reduces as the distance from the turbine increases. The sound pressure level at 260 metres from the turbine will be 33dB(A) at a wind speed of 5m/s and 36dB(A) at a wind speed of 10m/s.

As a result it is considered that the sound pressure levels produced by the turbine will be at an acceptable level at the nearest noise sensitive property.

Shadow flicker can cause a problem to properties located to the north of turbines. It is caused by the rotating blades interrupting the light from sun when the turbine is between you and the sun. Shadow flicker has only been known to occur within 10 rotor diameters of a turbine 130 degrees either side of north. The diameter of the turbine will be 19.2m which would result in shadow flicker potentially occurring over a distance of 192m. Given that the nearest property to the north is located 260m from the proposed turbine shadow flicker is not an issue.

**Aircraft Safeguarding** -Humberside Airport and NATS have no safeguarding objections to the proposal, subject to a condition requiring the applicant to inform Humberside Airport once the turbine has been installed.

### **Other Issues**

*Future Development* - Any future proposals for wind turbines in this area would require planning permission and each proposal would be assessed on its own merits, having regards to any cumulative impacts.

### **Conclusion:**

Having regards to Policy 40 of the East Midlands Regional plan and policies STRAT 1, STRAT 12 and NBE 17 of the West Lindsey Local Plan First Review 2006 and the guidance contained within the National Planning Policy Framework, the wind turbine will have a positive contribute towards developing renewable energy sources and meeting national and regional targets, which provides the policy support for allowing development in the open countryside. The turbine is not considered to devalue or cause significant harm to the character or appearance of the open countryside,

subject to a condition requiring its removal if it ceases to operate or is decommissioned. Nor will the proposal harm protected species, aircraft safeguarding or the living conditions of nearby dwellings.

**Recommendation: The decision to grant planning permission, subject to conditions, be delegated to the Director of Regeneration and Planning, subject to the resolution of the issue relating to MOD safeguarding. In the absence of a resolution within 3 months, the matter will be referred back to the next available Planning Committee.**

**Conditions:**

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

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

2. Within once calendar month of the turbine commencing operation, the applicant shall notify the Local Planning Authority and Humberside Airport in writing that the turbine has commenced operating.

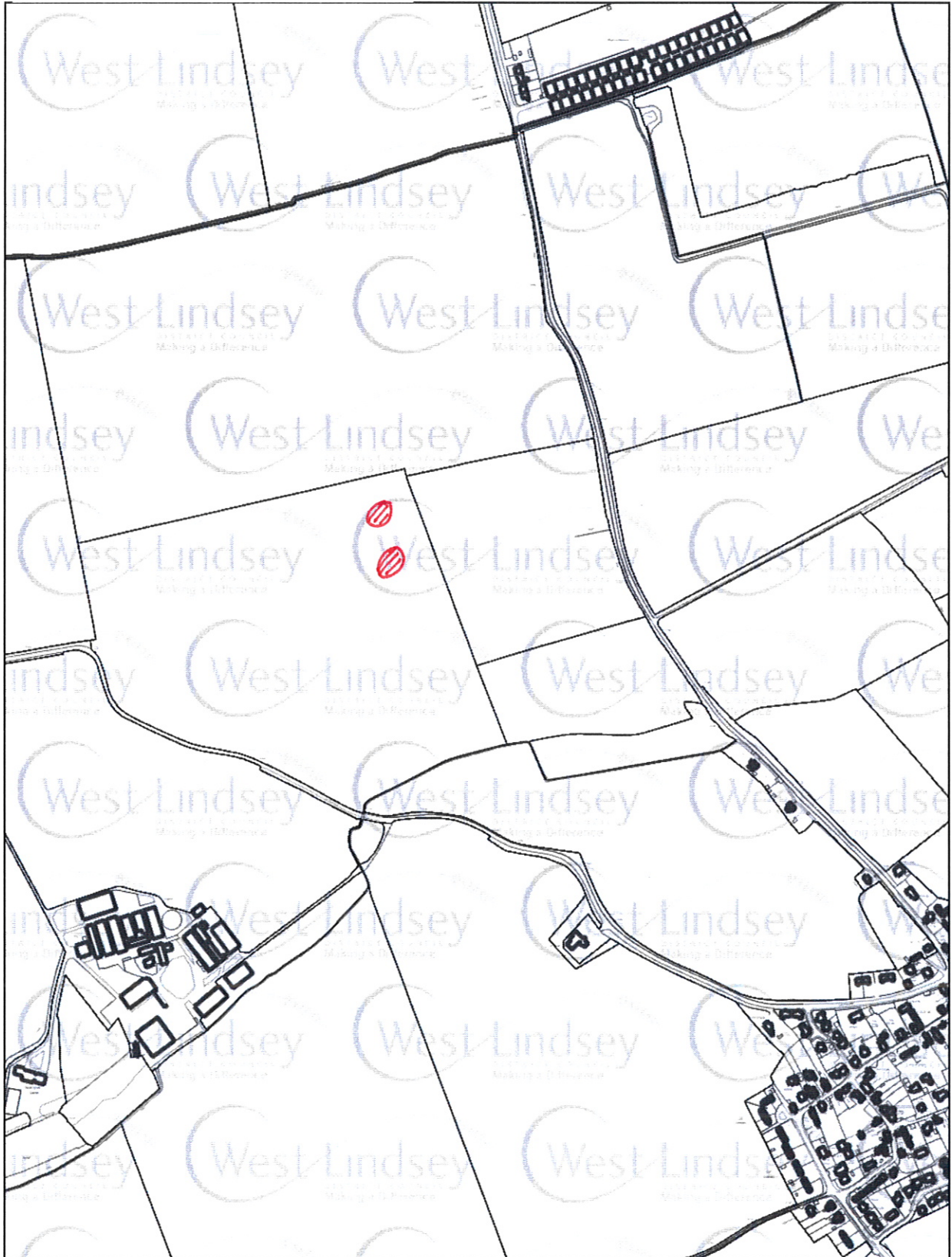
Reason: So that a record can be kept of all operational turbines to aid in the assessment of cumulative impacts in the interests of air safety.

3. If the turbine is decommissioned or otherwise ceases to be used to generate electricity for a continuous period of six months or more, then the wind turbine and all ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition within a period of 3 months, unless otherwise approved in writing by the local planning authority.

Reason: To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, to prevent the landscape from being proliferated with redundant infrastructure to the detrimental of the visual amenities and character of the area, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

**Notes:**

None.



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## **Planning Application No: 128608**

**PROPOSAL:** Planning application to instal 2no. 50kw wind turbines and ancillary works

**LOCATION:** Waddingham Grange Farm Waddingham Lincolnshire

**WARD:** Waddingham and Spital

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

**APPLICANT NAME:** Warden Farming Co. Ltd.

**TARGET DECISION DATE:** 25/06/2012

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Simon Sharp

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

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### **Introduction**

This application is one of five applications that were the subject of a Planning Committee site visit by members on Thursday 12<sup>th</sup> July.

### **Description:**

**Site** – To the northwest of Waddingham village, to the north of Kirton Road (B1205) and west of Redbourne Road.

**Proposal** - To erect two identical, 50Kw, 3 - blade, horizontal axis turbines (C & F 50 type), 25m high to hub and 35m to blade tip. The blade sweep diameter proposed is 20.9m. They will be positioned 85m apart. The access track will be from Kirton Road. Cabling will be underground. The turbines are to provide a source of power to the applicant's pig farm (current need 900 MWh).

### **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:**



The applicant has a concurrent application for two turbines at Grayingham, also on this agenda (128607). Two twin blade, horizontal axis, 11Kw turbines, have been erected to the east of the site at Mount Pleasant. These have a hub height of 18.3m, with maximum blade tip height of 25m. They are located 100m apart

### **Representations:**

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

- Cllr Strange (County Member and neighbouring ward member) states that he would hope this application, together with applications 128607 (Grayingham) and 128606 (Normanby ) go to Committee on the grounds of multiple applications and the need for turbines to be discussed. They affect so many people's line of sight. If every farmer decided to erect two or three rather than a mix of renewables, then the district will become of a forest of 35 metre turbines.
- Councillor Howitt-Cowan (neighbouring ward member) has enquired at to the whether this application will be going to Committee (with applications 128607 and 128606).

**Waddingham Parish Council** – No major concerns or objections to the proposed application. However there are currently already two wind turbines off Redbourne Road previously passed and the Parish Council hope that this trend will not continue with two wind turbines appearing here and there around the Parish over the coming months or years. This I am sure would raise concerns and objections.

**Grayingham Parish Meeting** (neighbouring parish) – The Parish supports the concept of renewable green energy generation, provided it takes account of the appearance of our open rural countryside. As with previous applications, the Parish has mixed views on these larger turbines, a number of concerns relate to the environmental aspects, including the unacceptable cumulative impact on the natural environment that a total of eight turbines will bring (two existing at Waddingham, two existing at Grayingham + this development + application proposed at Grayingham (128607)). The Council must look at policies STRAT1, STRAT12 and NBE10 of the West Lindsey Local Plan First Review. The turbines will spoil the landscape character and open countryside views. The photomontages should show the existing turbines clearly – they do not. There are many buildings on the farms to be served by the turbines, the roofs of which could support photovoltaic cells. Concerns have been raised about bats and birds (in particular owls). Question whether enough in depth work has been done to ensure the wildlife is not going to be affected.

**Hemswell Parish Council** (other parish in the locality) – Would like to express their deep concern regarding the amount of wind turbine applications for this area of Lincolnshire.

The Parish Council ask that WLDC limit the amount of applications and the one you do accept be situated much closer to the buildings for which they will supply the electricity.

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

- Although not within an area defined as being of outstanding beauty, scientific interest or historic significance, the Waddingham site is nevertheless an example of the traditional British countryside. It is a patchwork of fields, hedgerows, trees, farm buildings and isolated dwellings that has evolved over hundred of years. The turbines will be visible from public roads, public footpath, bridleways and other public land and will form the backdrop to the 13<sup>th</sup> Century Church of St. Mary & St. Peter's Church in the historic village of Waddingham
- Renewable energy can be generated without the intrusion of wind turbines into a hitherto unmarred landscape.
- Efficiency of turbines is deeply suspect.
- Both national and local plans make clear the preservation of the landscape as an important issue.
- The NPPF makes clear the sentiments of local communities will be influential in all planning decisions.
- Fully recognise and understand national desire to promote sustainable development and to promote energy from renewable and low carbon sources. However, recent development and anticipated proliferation of wind turbines and wind farm development will result in an unacceptable impact on the character and appearance of the Lincolnshire countryside.
- Better achieved through photovoltaic systems.
- The National Planning Policy Framework, in defining "sustainable development" recognises three dimensions, including an environmental role which seeks to protect and enhance the natural environment. Policies STRAT1, STRAT12 and NBE10 seek to protect the countryside from inappropriate development. The Cliff Area of Great Landscape Value is in close proximity to the site and the proposal would detrimentally affect the overall character of West Lindsey (policy NBE10 para 6.63)
- In views from the west the structures will be seen against the backdrop of the Lincolnshire Wolds (AONB)

- Impact on bats and birds as bats are often seen in the area.

**MoD Safeguarding** – No objection

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

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

**LCC Archaeology** – The proposed development lies within a prehistoric landscape including the locations of three Bronze age barrows which are between 300m and 400m away. Recommend that, prior to any groundwork, the developer should be required to commission a Scheme of Archaeological Works.

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

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

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

**WLDC Environmental Protection** – No objection with regards to noise.

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

### **Relevant Planning Policies:**

#### **Development Plan**

- East Midlands Regional Plan

Policy 40 - Regional Priorities for Low Carbon Energy Generation  
<http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.>

[gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

- West Lindsey Local Plan First Review 2006

STRAT 1 – Development Requiring Planning Permission

STRAT 12 - Development in the Open Countryside

NBE 10 – Protection of landscape character in development proposals.

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

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

### **National and other policy**

- National Planning Policy Framework (2012)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>
- Circular 1/03 – Aircraft Safeguarding

### **Assessment:**

**Principle** - In the interests of sustainability and prevention of visual intrusion, policy STRAT12 is restrictive of development in the countryside that is not related to agriculture, forestry, a use that requires a countryside location or one that can be supported by another development plan policy. There are no directly relevant policies in the Local Plan but policy 40 of the Regional Plan states that local authorities should promote the development of a distributed energy network using local low carbon and renewable resources. Paragraph 3.3.89 of the supporting justification to the policy states that there are sites available for smaller scale wind development at farms in the Eastern Sub-area of the region. The National Planning Policy Framework carries forward, in Section 10, the support given to 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. Neither the Regional Plan nor the NPPF require a developer to prove the need for renewable energy developments but turbines inevitably, due to their height, will always have some degree of visual impact and the benefits of providing renewable energy need to be weighed against visual and any other impact. 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.

In this regard, this Council have also corporately requested that developers explore other forms of renewable energy in advance of proposing wind power although members should noted that the NPPF states that, when determining planning applications, local planning authorities should "not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy" and "approve the application if its impacts are (or can be made acceptable" (paragraph 98).

In response, the applicant has set out their requirements and consideration of other sources of energy. The turbines are intended to provide power for a pig farm on the same holding. The demand in 2010 was 900 MWh per year. Anaerobic digestion (AD) was considered but the manure from the farm and the other pig farms within the applicant's control would need to be supplemented by other feedstock. This is because of the relatively low methane yield of manure. Other feedstocks could include food waste (which would incur a prohibitive cost) or energy crops. These again could be imported onto the farm or grown on the arable land also within the applicant's ownership. However, it is estimated that one quarter of the 800 ha currently used for food crops would need to be used for the feedstock which is not only economically unsustainable but would also take out a large proportion of land put over to local food production which would reduce the overall environmental sustainability.

Representations have also been received suggesting that photovoltaic panels be used, either mounted on the roofs of the farm buildings at Waddingham Grange or as ground mounted arrays. Such installations have been granted permission elsewhere in the district serving intensive livestock units and could certainly be part of the option as a renewable energy supply. However, for the annual 900 MWh, it has been estimated that in excess of 5 ha of land would be required, far in excess of the area of roof available. This takes land out of food production, is costly to install and also produces no power at night which conflicts with the 24 hours operation of the livestock unit (requiring light and mechanical ventilation).

Wind power is considered appropriate in this location, the Department for Energy and Climate Change (DECC) wind database site (accessed by the case officer on 11<sup>th</sup> July 2012) indicating average wind speeds of 5.7m/s at 25m above ground level and 6.2m/s at 45m above ground level. The surrounding area is also free of natural or built obstructions, the site being on a watershed with the land gently falling to a wide valley to the north and a small valley to the southeast. The large arable fields result in very few obstructions and the area is characterised by a gently rolling landscape, all factors pointing towards the suitability of the location for wind derived energy generation. A location closer to the farm buildings which the turbines would serve can be discounted; the best wind-turbine performance happens with strong laminar wind, in which all of the air flows in a single direction. When wind flow comes over the edge of a roof or around a corner, it separates into streams and separating the flow creates a lot of turbulence.

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

In summary the turbines proposed are therefore considered to be able to contribute to the regional renewable energy targets by providing for approximately 330 MWh of the 900 MWh per annum need for the farm (over one third).

**Visual Impact on the landscape** – 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 long views from the east, south and north, although views from the west are restricted to those east of the top of the cliff escarpment. 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 on a watershed, it is to be expected that there will be views available of the turbines from various public vantage points around the site. In this context, the case officer requested that the applicant prepare a series of photomontages that depict the turbines within the landscape from a series of vantage points. These have been prepared and will be included as part of the PowerPoint presentation to Committee. The areas where the turbines are predicted to be visible from are individually assessed as follows, these assessments include cumulative impact with the turbines near to the site within West Lindsey (there are no turbines within Redbourne or Kirton Lindsey parishes to the north in North Lincolnshire with or planned with the benefit of planning permission):-

*Kirton Road (B1205)*– The turbines are predicted to be in the line of sight along most of the length of this road between the junction with the A15 and the village of Waddingham itself. There is a long straight immediately from the junction with the A15 and the two turbines at Mount Pleasant are visible along much of its length. The proposed turbines will be in the middle distance of this view and therefore all four turbines will be visible and there will be a cumulative impact and change in the nature of this view. It is a finely balanced decision as to whether this is a detrimental impact; 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 landscape which are quite different to structures around them, are visually prominent, but have assimilated into the landscape, such as church towers, windmills and grain silos. In the view from along the abovementioned straight, there are no such other structures and the turbines will visually protrude above the backdrop of the Lincolnshire Wolds. However, it is not considered that they would appear visually intrusive; they are slender in form and graceful in movement, even at higher rpm. Furthermore, in most normal lighting conditions where grey skies predominate, their colouring will mean that they will not contrast heavily against the surrounding sky. 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).

Approximately half way between the A15 and Waddingham village, Kirton Road sweeps through a series of bends within a more open landscape with an open boundary on its northern side before rising up to a bend adjacent to the dwelling called High Grange before dipping down into the main core of the village. This stretch of roadway provides views which would include the turbines being clearly visible within the panorama, the turbines being around 300m from the road. The same vistas also afford views of the existing Mount Pleasant turbines although, this time, there is lateral distance between the proposed and existing turbines and the former will not appear in front of or directly alongside the latter. The turbines will be largely seen against sky from these vantage points as there is no high land as a backdrop. The pale colouring and slender forms therefore helps them assimilate acceptably into the landscape. The tower of the listed St. Mary and St. Peter's Church in Waddingham village is visible from the higher points of the Kirton Road and the existing and proposed turbines are/will be in the same wide panorama. The National Planning Policy Framework advises that local planning authorities must take into consideration the impact of a development on the setting of heritage assets, taking into account their significance. However, they are not in the same peripheral vision from a human eye and the proposed turbines will not dominate or compete against the importance of the Church tower. Specifically, the quintessentially English scene of the church tower surrounded by the roofscape of the village and trees will remain and not be diluted by the proposed turbines.

*High Street and footpath between High Street and Kirton Road* – The turbines will be visible from the houses at the western end of High Street although views from the road itself are largely blocked by the houses. Views are afforded from the footpath that runs between High Street and Kirton Road. These views are similar to the views from Kirton Road, albeit more distant.

*Common Road (B1205) and Clock House Farm* – The views from the village green alongside Common Road, and from the countryside surrounding Clock House Farm to the southeast of the village are limited by hedges, trees and buildings. These views do not change throughout the seasons. Again the views of the Church tower set within the heart of the village will not be adversely affected by the introduction of the turbines.

*Redbourne Road* – The turbines will be clearly visible from sections of this road especially from the crest of the climb on the outskirts of the village adjacent to the access to Mount Pleasant Farm. Further towards the centre of the village, the views are more limited although the proposal will be visible on the higher ground above Nos. 1 to 4 Redbourne Road. The existing turbines at Mount Pleasant Farm are also close to the road at this point although they are never within the same vista as the proposal. It is considered that the same considerations apply as from Kirton Road; the turbines will be visible but their shape and colouring will assist in assimilating them into the landscape and much of the height will be seen against the backdrop of the sky due to the relatively low land to the west.

*Ermine Street (A15)* – To the north of the County Boundary, in the vicinity of the Redbourne junction, the A15 has been improved and sits in a low cutting. This restricts views south-eastwards towards the application site. However, to the south of the avenue of trees that mark the access to Redbourne Grange, the vista opens out and the proposed turbines will be visible. In this vista the existing turbines are also visible as is the very top of the tower of the Church of St. Mary and St. Peter. However, all of these features are at least 1.5km from the view point and, at this distance, it is considered that the proposal does not detract from the overall landscape character.

*Nettleton Top/Caistor Top (Lincolnshire Wolds AONB)* – These viewpoints are approximately 14km from the application site and, although technically within the Zone of Visual Influence due to the elevation of the land, the view is so distant that two 35m turbines are not considered to adversely affect the enjoyment of the views from within the AONB. Specifically, even on a clear day the existing turbines are very difficult to pinpoint with the naked eye and the addition of 10m to the height and an extra blade will not change this lack of visibility.

**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 hedgerow to the 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.

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

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



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

The nearest garden area to the turbines are at No. 4, Redbourne Road (430m away) and High Grange on Kirton Road (440m away). No. 4 Redbourne Road is to the southeast of the application site and High Grange to the south so neither is downwind assuming a south-westerly prevailing wind. The sound power for the proposed turbines (C & F 50) assuming a wind speed of 5m/s at hub height is 80 DBA, increasing to 94 dBA at 10m/s (the operational limit). To recall, the DECC database estimates an average speed of around 5-6m/s.

The existing noise levels within the curtilage of No. 4 Redbourne Road and High Grange is estimated to be approximately 30-35 dB(a) during the daytime; both dwellings are on relatively quiet roads and not within the vicinity of significant noise generating uses such as a general industrial use.

In this context, even with the added noise levels derived from both turbines, it is not considered that the noise level generated at this distance would adversely affect the living conditions of the occupiers of the house when they are in the rear gardens; 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 a 5 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 430 away. 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.

**Other Matters** – The organisations responsible for civilian aviation and the MoD 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 comments, the traffic movements associated with the erection of two prefabricated mono-pole structures and the subsequent maintenance vehicle movements are not considered to be of such a nature that the information and works requested by LCC could be reasonably required. Furthermore, the movements would not cause unacceptable levels of noise and disturbance.

LCC Archaeology 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.

Finally, it is proposed that conditions are imposed to ensure that the development is dismantled at the end of the 25 year period, or earlier in the event that the turbines cease to be used for the generation of electricity for a continuous period exceeding 6 months. The Inspector for the appeal at Thoresway (ref 127407) considered that these conditions complied with the requirements of Circular 11/95.

### **Conclusion and reason for granting**

This is a proposal that is not considered to give rise to any 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. It is therefore acceptable under the requirements of the development plan, notably policy 40 of the East Midlands Regional Plan 2009 and policies STRAT1 and STRAT12 of the West Lindsey Local Plan 2006 as well as national guidance contained within the National Planning Policy Framework (2012).

### **RECOMMENDED DECISION: Grant permission subject to the following conditions**

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

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

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

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

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

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

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

3. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 2 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

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

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

4. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 2.

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

**5.** Following the archaeological site work referred to in condition 4 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

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

**6.** The report referred to in condition 5 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

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

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

**7.** The local planning authority shall be notified in writing of the intention to commence operation of the turbines hereby permitted at least one month prior to such commencement.

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

**8.** The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of commissioning of the hereby approved development. Written confirmation of the date of commissioning of the development shall be provided to the Planning Authority no later than 1 calendar month after that event.

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

**9.** Not later than 3 months from the date that the planning permission hereby granted expires, all wind turbines, and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition.

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

**10.** The turbines shall be removed from the site if they are decommissioned or otherwise cease to be used to generate electricity for a continuous period exceeding six months, unless the local planning authority agrees in writing to any longer period, and the wind turbines and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition within a period of 3 months.

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.



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## **Planning Application No: 128607**

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

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

**WARD:** Hemswell

**WARD MEMBER(S):** Councillor Howitt-Cowan

**APPLICANT NAME:** Warden Farming Co. Ltd.

**TARGET DECISION DATE:** 25/06/2012

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Simon Sharp

**RECOMMENDED DECISION:** The decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the resolution of issues pertaining to archaeology and MoD safeguarding. In the event of these issues not being resolved within 3 months from the date of this Committee, the application be reported back to the next available Committee upon the expiration of the 3 month period.

### **Introduction**

This application is one of five applications that were the subject of a Planning Committee site visit by members on Thursday 12<sup>th</sup> July.

### **Description:**

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

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

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

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

### **Relevant history:**

The applicant has a concurrent application for two turbines at Waddingham, also on this agenda (128608). Two twin blade, 25 m high to tip, horizontal axis turbines, have been erected to the south of the site at Grayingham Cliff Farm. These were granted under separate applications (126042 and 127400) but serve the same farm and are 60m apart.

### **Representations:**

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

Cllr Strange has also written to the Council regarding this application stating he would hope this application, together with applications 128608 (Waddingham) and 128606 (Normanby ) go to Committee on the grounds of multiple applications and the need for turbines to be discussed. They affect so many people's line of sight. If every farmer decided to erect two or three rather than a mix of renewables, then the district will become of a forest of 35 metre turbines.

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



**Hemswell Parish Council** (other parish in the locality) – Would like to express their deep concern regarding the amount of wind turbine applications for this area of Lincolnshire.

The Parish Council ask that WLDC limit the amount of applications and the one you do accept be situated much closer to the buildings for which they will supply the electricity.

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

- Although not within an area defined as being of outstanding beauty, scientific interest or historic significance, the Grayingham site is nevertheless an example of the traditional British countryside. It is a patchwork of fields, hedgerows, trees, farm buildings and isolated dwellings that has evolved over hundreds of years. The turbines will be visible from public roads, public footpaths, bridleways and other public land and will form the backdrop to the 12<sup>th</sup> century Church of St. Radegunda in the historic village of Grayingham.
- Contrary to LCC policy.
- They will be 10.5 m higher than existing turbines.
- Set a precedent and make it difficult to resist future turbine developments
- Renewable energy can be generated without the intrusion of wind turbines into a hitherto unmarred landscape
- Both national and local plans make clear the preservation of the landscape as an important issue.
- The NPPF makes clear the sentiments of local communities will be influential in all planning decisions.
- Fully recognise and understand national desire to promote sustainable development and to promote energy from renewable and low carbon sources. However, recent development and anticipated proliferation of wind turbines and wind farm development will result in an unacceptable impact on the character and appearance of the Lincolnshire countryside.
- Better achieved through photovoltaic systems.
- The National Planning Policy Framework, in defining “sustainable development” recognises three dimensions, including an environmental role which seeks to protect and enhance the natural environment. Policies STRAT1, STRAT12 and NBE10 seek to protect the countryside from inappropriate development. The Cliff Area of Great Landscape Value is in close proximity to the site and the proposal would detrimentally affect the overall character of West Lindsey (policy NBE10 para 6.63)

- In views from the west the structures will be seen against the backdrop of the Lincolnshire Wolds (AONB)
- Impact on bats and birds as bats are often seen in the area.

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

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

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

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

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

**NERL Safeguarding** – No objection.

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

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

**WLDC Environmental Protection** – No objection with regards to noise.

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

## **Relevant Planning Policies:**

### **Development Plan**

- East Midlands Regional Plan

Policy 40 - Regional Priorities for Low Carbon Energy Generation  
[http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

- West Lindsey Local Plan First Review 2006

STRAT 1 – Development requiring Planning Permission  
 STRAT 12 - Development in the open countryside  
 NBE 10 – Protection of landscape character in development proposals.

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

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

### **National and other policy**

- National Planning Policy Framework (2012)  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>
- Circular 1/03 – Aircraft safeguarding

### **Assessment:**

**Principle** - In the interests of sustainability and prevention of visual intrusion, policy STRAT12 is restrictive of development in the countryside that is not related to agriculture, forestry, a use that requires a countryside location or one that can be supported by another development plan policy. There are no directly relevant policies in the Local Plan but policy 40 of the Regional Plan states that local authorities should promote the development of a distributed energy network using local low carbon and renewable resources. Paragraph 3.3.89 of the supporting justification to the policy states that there are sites available for smaller scale wind development at farms in the Eastern Sub-area of the region. The National Planning Policy carries forward, in Section 10, the support given to 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. Neither the Regional Plan nor the NPPF require a developer to prove the need for renewable energy developments but turbines inevitably, due to their height, will always have some degree of visual impact and the benefits of providing renewable energy need to be weighed against visual and any other impact. 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.

In this regard, this Council have also corporately requested that developers explore other forms of renewable energy in advance of proposing wind power although members should noted that the NPPF states that, when determining planning applications, local planning authorities should "not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy" and "approve the application if its impacts are (or can be made acceptable" (paragraph 98).

In response, the applicant has set out their requirements and consideration of other sources of energy.

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

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

Wind power is considered appropriate in this location, the Department for Energy and Climate Change (DECC) wind database site (accessed by the case officer on 11<sup>th</sup> July 2012) indicating average wind speeds of 5.7m/s at 25m above ground level and 6.2m/s at 45m above ground level. The surrounding area is also free of natural or built obstructions, the site being on a watershed with the land gently falling to a wide valley to the north and a

small valley to the southeast. The large arable fields result in very few obstructions and the area is characterised by a gently rolling landscape, all factors pointing towards the suitability of the location for wind derived energy generation. A location closer to the farm buildings which the turbines would serve can be discounted; the best wind-turbine performance happens with strong laminar wind, in which all of the air flows in a single direction. When wind flow comes over the edge of a roof or around a corner, it separates into streams and separating the flow creates a lot of turbulence. It is also noted that, whilst some of supply will be lost to impedance and resistance, with the turbines located the proposed distance from the buildings they will serve, this is like to be a negligible loss. In summary, the turbines proposed are therefore considered to be able to contribute to the regional renewable energy targets by providing nearly all of the 340MWh need for the farm.

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

The dip slope location means that there is potential for long views from the east, south and north. Some views from the west are restricted due to being within the lee of the Cliff escarpment. The theoretical zone of visual influence (ZVI) is therefore a large area, particularly from the north and east, the land gradually rising to the south restricts views more from this direction.

In this context, the case officer requested that the applicant prepared a series of photomontages that depict the turbines within the landscape from a series of vantage points. These have been prepared and will be included as part of the PowerPoint presentation to Committee. The areas where the turbines are predicted to be visible from are individually assessed as follows, these assessments include cumulative impact with the turbines near to the site within West Lindsey (there are no turbines within Kirton Lindsey parish to the north in North Lincolnshire with or planned with the benefit of planning permission):-

*B1205 adjacent to Kirton Airfield to the north of application site* – The turbines are predicted to be in the line of sight along most of the length of this road between the junction with the A15 and the crossroads with the B1398, only disappearing for a few metres behind the copse next to the access to Uncle Henry's. The two turbines at Grayingham Cliff Farm are visible within this panorama. The land levels to the south of the application site mean that most of the two turbines will be seen against the backdrop of the sky. The pale colouring and slender form will therefore result in them being visible, but not obtrusively so. At the junction of the B1400 and the B1205 the angle of the view is such that the two proposed turbines will be seen directly in front of the existing Grayingham Cliff Farm turbines. The distance from this particular vantage point to the application site is 900m and at this distance the turbines will not appear as an unacceptable clutter within the landscape and will not detract from the surrounding dip slope character of stone walls, arable fields and pantile roofed buildings.

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

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

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

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

The proposal is not on any major migratory route for birds and based upon advice from Natural England, it is considered that no areas designated for

their natural conservation interest nor the local wildlife, including owls, will be adversely affected by the proposal. In this context, it is not considered that there is any justification to refuse this application which is supportable in principle, on the grounds of harm to protected species.

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

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

The nearest garden area to the turbines is 130m to the southeast. It is not downwind assuming a south-westerly prevailing wind but still relatively close and therefore the impact needs to be considered. The sound power for the proposed turbines (C & F 50) assuming a wind speed of 5m/s at hub height is 80 dBA, increasing to 94 dBA at 10m/s (the operational limit). To recall, the DECC database estimates an average speed of around 5-6m/s.

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

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

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

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

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

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

An objection has been received from MoD safeguarding; they state that the turbines will cause unacceptable interference to the air traffic control radar at RAF Waddington. It is not unknown for the MoD to object in this way and then withdraw their objection at a later date. Therefore, members are asked to consider the other issues relating to this development and then delegate the responsibility of resolving this safeguarding issue to officers should they be minded to grant permission

In response to the County Highways comments, the traffic movements associated with the erection of two prefabricated mono-pole structures and the subsequent maintenance vehicle movements are not considered to be of such a nature that the information and works requested by LCC could be reasonably required. Furthermore, the movements would not cause unacceptable levels of noise and disturbance.

LCC Archaeology has noted that the proposed development lies within an area of archaeological sensitivity. It includes crop marks of a prehistoric complex including ditched boundaries and small irregular shaped enclosures. There is also the remains of a Roman farmstead and evidence of a Bronze or Iron Age settlement. They have advised that the potential significance of these heritage assets is such that the applicant should evaluate the site prior



to determination of the application, This will then help to identify if and where features of archaeological interest exist and will inform them if any further intrusive evaluation is required to identify the nature, extent and significance of any archaeological features on site. The applicant is aware of these comments but there is currently a crop covering the application site. In this context it is considered only reasonable, given the potential cost of the investigative works, for the applicant to know whether the Council are minded to grant permission before harvest and then be able to instruct an archaeologist to carry out the investigative works.

Therefore, in the same way as the MoD safeguarding issue, members are asked to delegate the responsibility of resolving this issue if they are minded to grant permission.

Finally, it is proposed that conditions are imposed to ensure that the development is dismantled at the end of the 25 year period, or earlier in the event that the turbines cease to be used for the generation of electricity for a continuous period exceeding 6 months. The Inspector for the appeal at Thoresway (ref 127407) considered that these conditions complied with the requirements of Circular 11/95.

### **Conclusion and reason for granting**

This is a proposal that is not considered to give rise to any 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. It is therefore acceptable under the requirements of the development plan, notably policy 40 of the East Midlands Regional Plan 2009 and policies STRAT1 and STRAT12 of the West Lindsey Local Plan 2006 as well as national guidance contained within the National Planning Policy Framework (2012).

**RECOMMENDED DECISION: The decision to grant permission subject to conditions below be delegated to the Director of Regeneration and Planning upon the resolution of issues pertaining to archaeology and MoD safeguarding. In the event of these issues not being resolved within 3 months from the date of this Committee, the application be reported back to the next available Committee upon the expiration of the 3 month period.**

### **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 is commenced:**

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

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

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

3. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 2 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

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

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

4. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 2.

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

5. Following the archaeological site work referred to in condition 4 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

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

6. The report referred to in condition 5 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

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

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

7. The local planning authority shall be notified in writing of the intention to commence operation of the turbines hereby permitted at least one month prior to such commencement.

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

8. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of commissioning of the hereby approved development. Written confirmation of the date of commissioning of the development shall be provided to the Planning Authority no later than 1 calendar month after that event.

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

9. Not later than 3 months from the date that the planning permission hereby granted expires, all wind turbines, and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition.

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

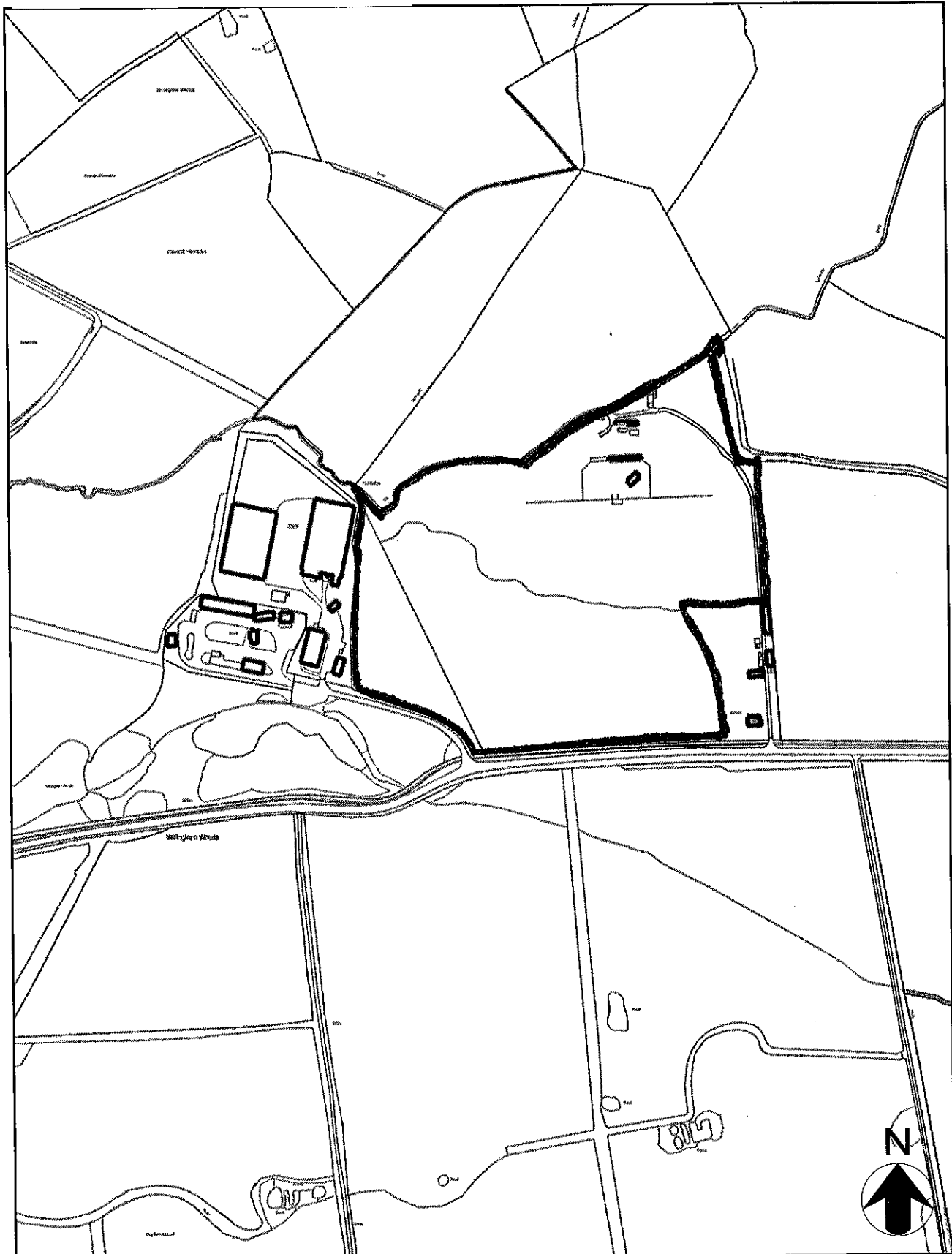
10. The turbines shall be removed from the site if they are decommissioned or otherwise cease to be used to generate electricity for a continuous period exceeding six months, unless the local planning authority agrees in writing to any longer period, and the wind turbines and ancillary equipment shall be

dismantled and removed from the site and the land reinstated to its former condition within a period of 3 months.

**Reason:** To ensure the turbine does not remain as a permanent feature in the landscape once it is no longer operational, in accordance with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.



1:5000



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## Planning Application No: 127704

**PROPOSAL:** Application for variation of condition 2 of planning permission 124560 granted 04 June 2010- amended highways plan.

**LOCATION:** Willingham Park, North Willingham LN8 3RH

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllr K Bridger and Cllr B W Keimach

**APPLICANT NAME:** UC Holdings

**TARGET DECISION DATE:** 25/11/2011

**DEVELOPMENT TYPE:** Large Major - Other

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Defer and Delegate approval to the Director of Regeneration and Planning subject to the completion of a variation to the Section 106 agreement

### Description

- **Site** – The site originally formed part of the Willingham Hall Country Estate and covers approximately 9.6 hectares and is situated 1.6km to the west of North Willingham and 3km to the east of Market Rasen at Willingham Woods, just north of the A631. The site lies just outside the Lincolnshire Wolds AONB and within an Area of Great Landscaped Value (AGLV) as designated in the adopted Local Plan First Review 2006. The site also contains a walled garden, which originally belonged to Willingham Hall. The site is partly open grassland and partly wooded, with the woodland being a mix of self-set trees and specimen trees that formed the landscaped grounds of Willingham Hall. The walled garden is situated within the woodland at the northern side of the site and is obscured from public view by trees.

The northern boundary of the site is defined by a stream running along the outer edge of the woodland and further north is open farmland. The area to the south of the woodland is open grassland and Wisteria Cottage is located immediately to the east of the site, which was a functioning part of the original hall. Located immediately to the west of the site is a large industrial estate and Lincolnshire County Council Depot, beyond this site lies the Forestry Commission Country Park. A public footpath located towards the western side of the site runs across on a general north to south alignment.

- **Relevant History and Proposal** – Planning permission was granted on 4<sup>th</sup> of June 2010 for “a tourism and leisure development consisting

of 30 woodland lodges, restaurant-bar with conferencing facilities - Use class A3-A4-D1, farm shop - Use class A1, cycle hire facilities - Use class A1, site office - Use class B1, residents' gymnasium - Use class D2 and the restoration of the historic walled garden". Planning permission was issued following the completion of a section 106 legal agreement. This covered a number of items including an agreed phasing construction programme, a walled garden restoration scheme, a woodland maintenance strategy and controls on the management and occupation of the holiday lodges. The principal element of the 106 was a financial contribution of £200,000 towards sustainable transport improvements to be used by Lincolnshire County Council to cover off-site highway works and improved public and sustainable transport infrastructure. Condition 2 of planning permission 124560 lists the highway drawings that the permission relates to. This application seeks to amend this by adding an additional drawing to the list. This drawing, which has been formally submitted, covers all the works which the applicants argue are necessary in terms of sustainable transport improvements and which would be carried out under a section 278 highways agreement. This they argue would negate the financial contribution required under the section 106. Draft heads of terms have been submitted for a new section 106 agreement which removes the "sustainable transport contribution" and largely retains the remaining requirements of the original section 106.

### **Representations:**

**Chairman/Ward member(s):** No comments have been received

**North Willingham Parish Council Meeting:** 25 parishioners voted against the application. Reasons for rejection:

- Permission previously granted is located on a notoriously dangerous series of "S" bends on the A631 in very close proximity to a popular picnic and rest area for commercial and holiday traffic and day visitors to the Willingham Woods complex. In the past five years four fatal accidents have taken place in the immediate vicinity of the proposal
- The scale of the development suggests a wide ranging clientele base with a requirement for substantial opening hours throughout the year. Given this the reduction in the proposed expenditure will mean that it will be totally inadequate to serve this "major" development proposal

**Local residents:** No comments received.

**LCC Highways:** No objections subject to amended conditions being imposed and changes to the original legal agreement reflecting the latest agreed plans.

**LCC (Rights of Way):** It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal. The construction should not pose any danger or inconvenience to the public use of the right of way. If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division.

**Environment Agency:** Do not wish to make any comments.

**LCC Archaeology:** Previous comments made apply. A programme of historic recording is required

### **Relevant Planning Policies:**

#### **Development Plan**

- **East Midlands Regional Plan 2009**  
 Policy 26 - Protecting and enhancing the regions natural and cultural heritage  
 Policy 27 - Regional priorities for the historic environment  
 Policy 30 - Regional priorities for managing and increasing woodland Cover  
 Policy 42 - Regional priorities for tourism  
[http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)
- **West Lindsey Local Plan First Review 2006 (saved policies)**  
 STRAT 1 - Development Requiring Planning Permission  
 STRAT 12 - Development in the Open Countryside  
 SUS 1 - Development Proposals and Transport Choice  
 SUS 3 - Public Transport Infrastructure  
 SUS 4 - Cycle and Pedestrian Routes in Development Proposals  
 RTC 9 - Restaurants & Cafes, Drinking Establishments and Hot Food Takeaways  
 NBE 8 - Historic Parks and Gardens  
 NBE 10 - Protection of Landscape Character in Development Proposals  
 NBE 14 - Waste Water Disposal

#### **Other policy and relevant considerations**

- Good Practice Guide on Planning for Tourism (2006)
- National Planning Policy Framework 2012  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>



- Circular 11/95 Use of conditions in planning permissions

### **Main Issues**

- Whether the detailed public transport infrastructure improvements are satisfactory to serve the site and proposed development

### **Assessment:**

**Introduction** - An application under Section 73 of the amended 1990 Planning Act is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This section provides a different procedure for such applications from that applying to applications for planning permission, and requires members to consider only the question of the conditions subject to which planning permission should be granted. This does not prevent members from looking also at the wider considerations affecting the original grant of permission; the words simply make it clear that whatever decision is reached on the condition, the existing permission itself should be left intact. In other words, the principle cannot be revisited.

The options open to the Council are therefore as follows:-

1. Grant permission subject to conditions differing from those subject to which the previous permission was granted. **The new conditions cannot be any more onerous than the existing permission.**
2. Grant permission unconditionally if it is considered that the existing conditions do not pass the six tests contained within Circular 11/95 (precision, necessary, relevant to planning, relevant to the development, enforceable and reasonable in all other respects)
3. Refuse permission if it is considered that the permission should be subject to the existing conditions.

**Condition 2** - The amended highway plan as originally submitted was not considered satisfactory, however, following a series of amendments the following public transport improvements are now shown on Drawing NEA 1127-P-002E:

- Bus stops with lay-bys on both sides of the A631
- 3 metre wide shared cycle/pedestrian footpath to the north of the A631 carriageway that extends beyond the site frontage to connect in to the existing shared cycle/pedestrian footpath to the west
- Pedestrian and cycle refuge that provides access to and from the west bound bus stop and lay-by and a new 3 metre wide shared

cycle/pedestrian footpath on the southern side of the A631 that leads directly to the bridleway to the south east of the site

- Shared cycle/pedestrian footpath that runs alongside the new access road into the site
- Direct footpath link into the site from the bus stop on the northern carriageway of the A631 and the new cycle/pedestrian footpath

These improvements are considered acceptable by and have been arrived at following consultation with LCC Highways. Accordingly it is considered appropriate to add this to the list of approved highway drawings set out by condition 2.

**Condition 3** - This requires the design and materials of the proposed lodges to be submitted to and approved in writing before the commencement of development and thereafter implemented in accordance with the approved details. This condition is still considered necessary, relevant to the development, relevant to planning, enforceable and reasonable in all other respects. As with the remaining conditions discussed below it is considered helpful to further split them into those categories where approval is required before development can commence, those which apply or are to be observed during the course of the development and conditions which remain in force following completion of development. The reasons for conditions also need to make reference to the National Planning Policy Framework if applicable.

**Condition 4** - This requires the implementation of a programme of archaeological and historic recording to provide a record before any alteration takes place and to inform the restoration work on the walled garden the details of which are to be submitted to and approved in writing and implemented thereafter in accordance with the approved details. This condition is still considered necessary, relevant to the development, relevant to planning and it can be simplified by splitting the various elements into separate conditions.

**Condition 5** - This requires the submission and approval of details in relation to mitigating any potential effects on legally protected species and the requirement for development to conform to the agreed details. This condition is still considered necessary, relevant to the development, relevant to planning, enforceable and reasonable in all other respects. The original condition 8 required similar details in relation to Bats, however, as they are also a protected species this additional condition is considered unnecessary.

**Condition 6** - This restricts the timing of site clearance operations that involve the destruction and removal of vegetation to ensure that breeding birds are not affected in the interests of wildlife habitats and nature conservation. This condition is still considered necessary.

**Condition 7** – This requires approval to the details of an emergency access to the log cabins. This is not a planning matter and was not a requirement of LCC Highways and is **not** considered necessary, reasonable or relevant.

**Condition 8** – Not required. See Condition 5 above

**Condition 9** - This requires the submission and approval of details for a surface water and foul drainage scheme for the site and its subsequent implementation and maintenance thereafter. This condition is still considered necessary.

**Condition 10** - This requires the submission and approval of details for a scheme to inspect and maintain non-mains drainage systems to reduce the risk of pollution to controlled waters. This condition is still considered necessary, relevant to the development, relevant to planning, enforceable and reasonable in all other respects.

**Conditions 11 to 13** - These require the submission and approval of details for noise attenuation and extraction and filtration of cooking fumes, and, implementation of approved details in the interests of residential amenity. These conditions are still considered necessary and relevant to the development.

**Condition 14** – This requires the submission and implementation of a waste minimisation statement. The intent is laudable but this is not a planning matter and is **not** considered reasonable or necessary.

**Condition 15** – This requires the submission and approval of further details relating to the vehicular access to the public highway, and, implementation of approved details in the interests of the safety of users of the public highway and of the site. This condition is still considered necessary, relevant to the development, relevant to planning, enforceable and reasonable in all other respects.

**Condition 16** - This requires the submission and approval of a Travel Plan and its subsequent implementation in accordance with the approved details to ensure that access to the site is sustainable and reduces dependency on the car. This condition is still considered necessary, relevant to the development, relevant to planning, enforceable and reasonable in all other respects.

**Condition 17** - Limits the hours of construction. This condition is still considered necessary, relevant to the development, relevant to planning, enforceable and reasonable in all other respects.

**Condition 18** - This requires the submission and approval of details of external lighting and subsequent implementation in order to safeguard the visual amenities of the area given its setting within an Area of Great Landscape Value. This condition is still considered necessary, relevant to the development, relevant to planning, enforceable and reasonable in all other respects.

**Condition 19** - This requires the approved landscaping to be carried out in the first planting season following occupation of the buildings or the completion of the development whichever is the sooner and the replacement

of any planting removed, damaged or diseased within a period of 5 years from completion. This condition is still considered necessary, relevant to the development, relevant to planning, enforceable and reasonable in all other respects.

**Condition 20** – Requires details of a CCTV scheme to monitor all public access areas. This is **not** considered necessary or relevant to planning.

**Condition 21** – This requires improvements to vehicle access in accordance with specified drawings prior to the commencement of the approved use. This condition is still considered necessary, relevant to the development, relevant to planning, enforceable and reasonable in all other respects and will only require updating by referring to the most recent drawings.

**Condition 22**- Requires clearing of all obstructions exceeding 0.6 metres in height from land between the highway boundary and vision splays on a specified drawing prior to bringing the access in use. As above this is still considered necessary but will be updated by referring to the most recent drawings submitted.

**Condition 23** - Requires arrangements shown on the approved plans for the parking/turning/manoeuvring/loading/unloading of vehicles to be available at all times when the premises are in use to enable calling vehicles to wait clear of the carriageway of Willingham Road and to allow vehicles to enter and leave in a forward gear in the interests of highway safety. This is still considered relevant.

**Condition 24** - Requires the future monitoring and provision of the local badger population. This is **not** considered relevant to planning or necessary as it duplicates legislation already in place namely the protection of Badgers Act (1992).

**Conditions 25 to 28** - These set out the permitted hours of opening for the various components. These will require amendment as different hours are set for different uses across a single development. As an example the restaurant - bar/ conference facility can be open between 0700 and 23.30 Monday to Saturday whilst the cycle hire facility can only be open between 0900 and 1900 on the same days. This is not considered reasonable and it is proposed to set the same time limits across all the uses.

**Condition 29** – This condition restricts delivery times to between 07.00 and 20.00 Monday to Saturdays (inclusive) and 10.00 and 18.00 on Sundays and Bank and Public Holidays. This condition is still considered necessary and relevant to the development.

## **Conclusion**

The changes proposed have been arrived at following consultation with LCC Highways and will provide the sustainable transport improvements that were originally intended to be provided via a Section 106 agreement by means of a

planning condition. All the original conditions have been assessed and some are considered not necessary or require amendments as discussed above. Option 1 outlined above in the introduction to this report is therefore, considered the most appropriate course of action.

**Recommendation: Defer and delegate approval to the Director of Regeneration and Planning subject to the completion of a variation to the Section 106 agreement and 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. This permission excludes the particulars of the design and materials to be used for the no. 30 woodland lodges proposed and no development shall take place until full details have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the materials and design preserve the character and appearance of this historic garden and Area of Great Landscape Value in accordance with policies STRAT 1, NBE 8 and 10 of the adopted West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

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

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

7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds and Historic recording in accordance with the national Planning Policy Framework 2012.

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

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds and Historic recording in accordance with the national Planning Policy Framework 2012.

5. No development shall commence until, a working design, method statement and timetable of works to mitigate any undue adverse effects on legally protected species has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** to safeguard wildlife in the interests of nature conservation in accordance with the National Planning Policy Framework 2012 and to make adequate provision for species protected by the Wildlife & Conservation Act 1981.

6. Site clearance operations that involve the destruction and removal of vegetation on the site shall not be undertaken during the months of March and August inclusive, except when approved in writing by the Local Planning Authority, to ensure that breeding birds are not adversely affected.

**Reason:** to safeguard wildlife habitat in the interests of nature conservation in accordance with the National Planning Policy Framework 2012 and to make adequate provision for species protected by the Wildlife & Conservation Act 1981.

7. No development shall commence until a scheme for surface water disposal for the whole development reflecting the principles of sustainable drainage and including an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority (LPA).

**Reason:** To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water

drainage system and to accord with the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework

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

**Reason:** To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with the West Lindsey Local Plan First Review 2006 Policies STRAT 1 and NBE 14 and to accord with the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework.

**9.** No development shall commence until a scheme to regularly inspect and maintain the non-mains drainage systems has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To reduce the risk of pollution of controlled waters in accordance with the West Lindsey Local Plan First Review 2006 Policies STRAT 1 and NBE 14 and to accord with the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework

**10.** No development shall commence until details of an external lighting scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall conform to the Institute of Lighting Engineers Guidance Notes for the Reduction of Light Pollution for Zone E1: Intrinsically dark areas.

**Reason:** To minimise light pollution and potential glare in order to reduce the prominence of the site in this historic garden and Area of Great Landscape Value and to safeguard the amenity of residents in accordance with Policies STRAT 1, NBE 8, NBE10 and NBE 18 of the adopted West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

**11.** No development shall commence until details of noise attenuation measures for extraction and ventilation equipment have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard the amenity of residents and in accordance with Policies STRAT 1 and NBE 17 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

**12.** No development shall take place until a scheme for the enclosure of any noise emitting plant and machinery with sound-proofing material, including details of any sound-insulating enclosure mounting to

reduce vibration and transmission of structural borne sound has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard the amenity of residents and in accordance with Policies STRAT 1 and NBE 17 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

**13.** No development shall take place until details of a scheme for the extraction and filtration of all cooking fumes has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard the amenity of residents and in accordance with Policies STRAT 1 and NBE 17 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

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

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

**15.** No development shall take place until a Travel Plan has been submitted to and approved in writing by the local planning authority.

**Reason:** To minimise the use of non sustainable forms of transport to and from the development in the interests of sustainability in accordance with Policy SUS 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012

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

**16.** This permission relates to the amended highways plans reference NEA 1127-P-002E dated 17<sup>th</sup> Jan 2012, 60098991-P-0700-001 Rev B, 60098991-P-0000-001 Rev D dated received 3rd Feb 2010 and the original approved plans reference numbers J0833 (08) 001, J0833 (08) 002 Rev A, J0833 (08) 003 Rev A, J0833 (08) 004 Rev A, J0833 (08) 005 Rev A, J0833 (08) 006 Rev A, j0833 (08) 009, j0833 (08) 010, j0833 (08) 012 and j0833 (08) 008A dated 27/08/2009.



**Reason:** For the avoidance of doubt as to what is authorised by this permission.

**17.** The access works shall be carried out in accordance with the details as agreed by the Local Planning Authority and referred to in condition 14 and thereafter retained in perpetuity

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

**18.** The log cabin development shall be carried out in accordance with the details as agreed by the Local Planning Authority and referred to in condition 2.

**Reason:** To ensure that the materials and design preserve the character and appearance of this historic garden and Area of Great Landscape Value in accordance with policies STRAT 1, NBE 8 and 10 of the adopted West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

**19.** Construction and restoration works shall only be carried out between the hours 08:00 and 17:30 hours Monday to Fridays inclusive and 08:00 and 13:00 on Saturday. There shall be no construction or restoration works on Sundays and Bank Holidays unless specifically prior agreed in writing by the Local Planning Authority.

**Reason:** To protect the amenity of nearby residents in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

**20.** The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 4

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

**21.** Following the archaeological site work referred to in condition 4 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

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

**22.** The report referred to in condition 21 and any artefactual evidence recovered from the site shall be deposited within 3 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

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

**23.** The provisions for protected species shall be implemented as approved and referred to in condition 5

**Reason:** to safeguard wildlife in the interests of nature conservation in accordance with the National Planning Policy Framework 2012 and to make adequate provision for species protected by the Wildlife & Conservation Act 1981.

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

**24.** The development hereby approved shall not be brought into use until the vehicle accesses off Willingham Road have been improved in accordance with drawing NEA 1127-P-002E dated 17th Jan 2012 and retained thereafter in perpetuity.

**Reason:** In the interest of safety of the users of the public highway and the safety of the users of the site in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

**25.** Before the hereby approved access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing NEA 1127-P-002E dated 17th Jan 2012 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height in perpetuity.

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

**26.** The arrangements shown on the approved plan 60098991-P-0000-001D dated 03/02/2010 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

**Reason:** To enable calling vehicles to wait clear of the carriageway of Willingham Road and to allow vehicles to enter and leave the highway

in a forward gear in the interests of highway safety in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

**27.** The development hereby approved shall not be brought into use until the surface water drainage scheme agreed in writing by the Local Planning Authority as referred to in condition 7 has been fully completed and it shall thereafter be retained in perpetuity.

**Reason:** To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework.

**28.** The development hereby approved shall not be brought into use until the foul drainage scheme agreed in writing by the Local Planning Authority as referred to in condition 8 has been fully completed and it shall thereafter be retained in perpetuity.

**Reason:** To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with the West Lindsey Local Plan First Review 2006 Policies STRAT 1 and NBE 14 and to accord with the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework.

**29.** The inspection and maintenance of the non mains drainage systems shall be carried out in accordance with the approved details as referred to in condition 9.

**Reason:** To reduce the risk of pollution of controlled waters in accordance with the West Lindsey Local Plan First Review 2006 Policies STRAT 1 and NBE 14 and to accord with the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework.

**30.** The development hereby approved shall not be brought into use until the lighting scheme referred to in condition 10 has been implemented in full and thereafter retained in perpetuity.

**Reason:** To minimise light pollution and potential glare in order to reduce the prominence of the site in this historic garden and Area of Great Landscape Value and to safeguard the amenity of residents in accordance with Policies STRAT 1, NBE 8, NBE10 and NBE 18 of the adopted West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

**31.** The development hereby approved shall not be bought into use until the noise attenuation scheme for ventilation and extraction referred to in condition 11 has been implemented in full and thereafter retained in perpetuity.

**Reason:** To safeguard the amenity of residents and in accordance with Policies STRAT 1 and NBE 17 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

**32.** The development hereby approved shall not be bought into use until the noise attenuation scheme for plant and machinery referred to in condition 12 has been implemented in full and thereafter retained in perpetuity.

**Reason:** To safeguard the amenity of residents and in accordance with Policies STRAT 1 and NBE 17 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

**33.** The development hereby approved shall not be bought into use until the ventilation and extraction details of cooking fumes referred to in condition 13 has been implemented in full and thereafter retained in perpetuity.

**Reason:** To safeguard the amenity of residents and in accordance with Policies STRAT 1 and NBE 17 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012.

**34.** No part of the development shall be occupied prior to the implementation of the approved travel plan referred to in condition 15. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development hereby approved is in use.

**Reason:** To minimise the use of non sustainable forms of transport to and from the development in the interests of sustainability in accordance with Policy SUS 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework 2012

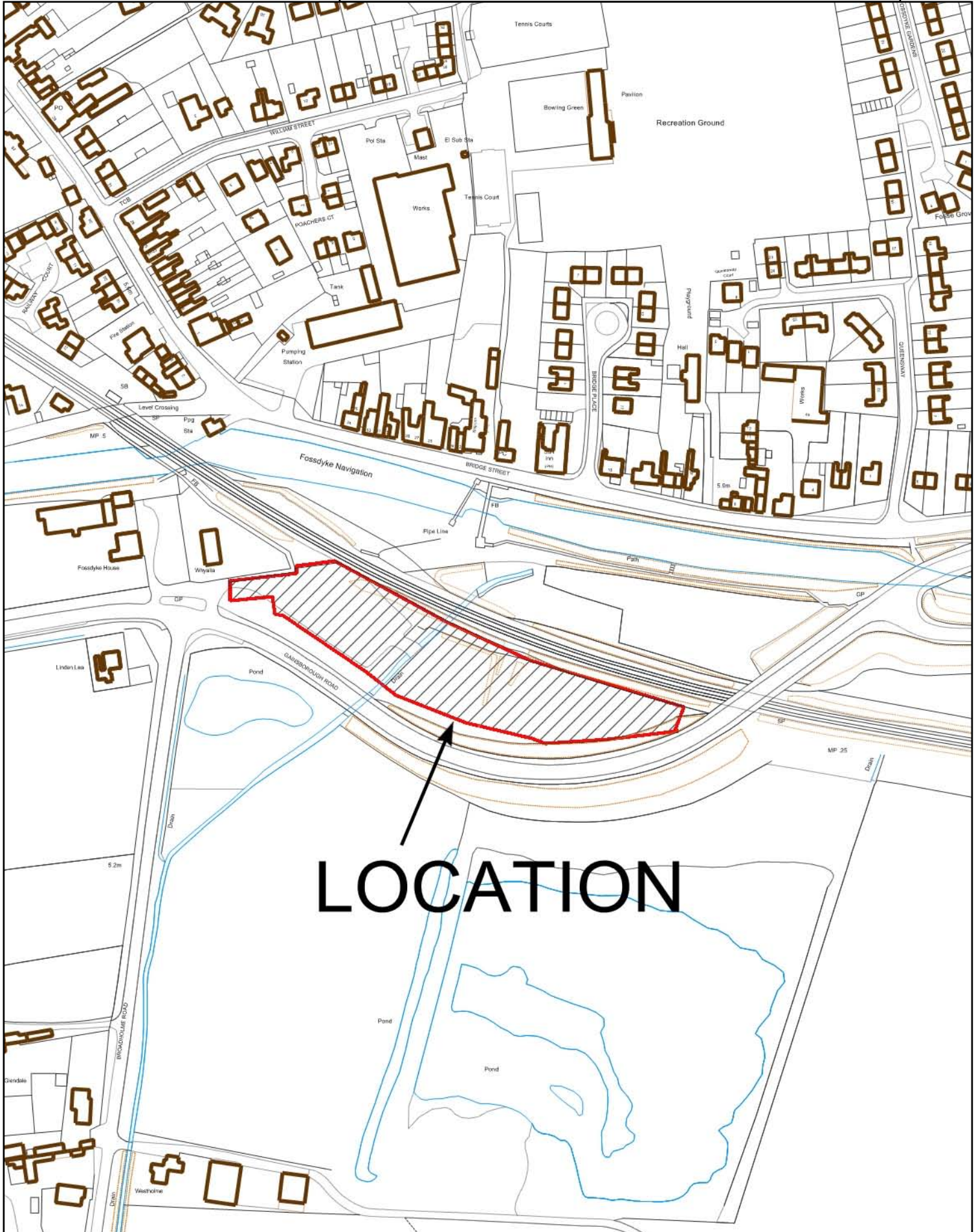
**35.** The facilities within the development shall only be open for use between the hours of 7.00 am to 11.30 pm Monday to Saturday (inclusive) and between the hours of 8:00am and 11:00pm on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenity of nearby residents in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

**36.** No deliveries shall be taken at or despatched from the site outside

the hours of 7:00am to 8:00pm Monday to Saturday (inclusive) and 10:00am and 6:00pm Sundays and Bank and Public Holidays.

**Reason:** To protect the amenity of nearby residents in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies)



## Planning Application No: 128343

**PROPOSAL:** Planning application for construction of one bungalow, detached garage and summer house

**LOCATION:** Land off Gainsborough Road Saxilby Lincoln

**WARD:** Saxilby

**WARD MEMBER(S):** Cllr Brockway and Cllr Cotton

**APPLICANT NAME:** Mr Nicklinson

**TARGET DECISION DATE:** 18/04/2012

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Vicky Maplethorpe

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

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### Introduction:

This item is being reported to committee at the request of Councillor Brockway for the following reasons:

1. I think the inclination could be to turn the application down because the land is flood plain, but this land is above the flood plain and other houses in the village have been built in the flood plain itself, so there is precedent for granting permission.
2. Until Mr Nicklinson came along the land was nothing but a wasteland covered in rubbish, right at the entrance to the village and close to two other residences. He has already improved the site by cleaning it up and planting trees etc. This is of immediate benefit to the village.
3. Mr Nicklinson wants to live on the land and this would also be of benefit to the village. His current behaviour suggests that the land would be maintained and would be unlikely to return to its previous poor state.
4. Mr Nicklinson has made a big effort to forge good relations with the nearby residents who would be happy to see a bungalow on the site, so residents are supportive.
5. The entrance to the land is close to that of the two nearby houses and so a single bungalow would be appropriate, because it would mean that there would be accommodation for only one family, avoiding vehicular congestion from other uses. The nature of the entrance to this land is such that I feel there would be very few other uses to which it could be reasonably put. We've got a chance for a solution here.
6. This is a good opportunity for the village to have its entrance improved quite considerably at no cost to existing residents.
7. Mr Nicklinson is a young, family man and so he is likely to be integrated into village life through his own efforts and through his children. This is not a planning reason, but it does help to give a clear picture.
8. Peter Odams, the Chair of Saxilby Parish Council, strongly supports Mr Nicklinson's application, as do I.

**Description:**

The application site comprises a piece of land located to the south of Saxilby and the Fossey Canal. It is accessed off Gainsborough Road. To the south and east of the site is open countryside and to the west are residential dwellings. To the north of the site is a railway line, beyond which are other dwellings. The site is located within Flood Zone 3 and is just outside the conservation area. Public Right of Way Saxi/227/1 runs from the north of the site, over the river into the main body of the village.

The application seeks permission to erect 1 bungalow, detached garage and summer house.

**Relevant history:**

None

**Representations:**

**Chairman/Ward member(s):** Cllr Brockway requests the application be referred to committee.

**Saxilby Parish Council:** Concerns expressed regarding dyke being filled in and the culvert under the A57; possible uncontrollable tipping on the site which may have contaminated land and was subsequently covered over by top soil a number of years ago; increased traffic access onto an already known dangerous road junction.

**Local residents:** One letter of comment received from Chiselwood, Fossey House Gainsborough Road 'would want the restriction of the number of properties to be clarified on the land for future reference; would like clarification for site access as vehicles cutting across and damaging new pathway and grass verge.'

One letter of support from Whyalla, Gainsborough Road 'We feel the planned bungalow will be an improvement to the area as at present it is only waste ground, and once built it should not cause any further disturbance, and two vehicles should not be a safety problem with regard to entering or existing from or to Gainsborough Road.'

**LCC Highways:** No objections

**Environment Agency:** Withdraw original objections.

**Archaeology:** No objections, request conditions.

**Environmental Protection:** Issues raised flooding, contamination, biodiversity and drainage.

**British Waterways:** No comments.



**Network Rail:** No objections.

**Upper Witham Internal Drainage Board:** No objections but comments made

### **Relevant Planning Policies:**

#### **Development Plan**

- **East Midlands Regional Plan**

Policy 13a Regional housing provision

[http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

- **West Lindsey Local Plan First Review 2006**

STRAT1 – Development Requiring Planning Permission

STRAT3 – Settlement hierarchy

STRAT6 – Windfall and infill housing in Primary Rural Settlements

STRAT9 – Phasing of Housing Development and Release of Land

STRAT12 – Development in the open countryside

RES1 – Housing Layout and Design

#### **National guidance**

- **National Planning Policy Framework**

6 – Delivering a wide choice of high quality homes

7 – Requiring good design

10 – Meeting the challenges of climate change, flooding and coastal change

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>

Technical Guidance to NPPF

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2115548.pdf>

### **Main issues**

- **Principle**
- **Impact on residential amenities**
- **Impact on streetscene/surrounding countryside**
- **Flood risk/surface water drainage**
- **Noise**
- **Other matters**

## **Assessment:**

### **Principle**

The site is located outside the settlement boundary for Saxilby and in policy terms is classed as being in the open countryside. Policy STRAT12 states planning permission will not be granted for development proposals in the open countryside that is, outside of the settlements listed in policy STRAT3, unless it is essential to the needs of agricultural, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location. The proposal does not require a countryside location and therefore cannot be supported under STRAT12. However, in reality the site is only separated from the main body of the village by the Fosdyke Canal and railway line. It is the officers opinion that the A57 (Gainsborough Road), which runs along the southern boundary of the site forms, a clear dividing line between the land and the open countryside beyond. The erection of a modest dwelling would not, in the officers opinion, result in the suburbanisation of the countryside or detract from its visual appearance or be harmful to the character and appearance of the area. The site is also only a short distance from the village centre which can be accessed on foot via the public footpath to the north of the site.

The Planning Inspectorate has also endorsed this approach at a similar site in North Kelsey (planning ref 120960).

The National Planning Policy Framework also highlights a presumption in favour of sustainable development on brownfield sites.

There is an over supply of housing in the District and the need for supply cannot be used as a reason to support the application. However, there are other material considerations in this case and it is considered that the erection of one dwelling would not undermine the housing position.

### **Impact on residential amenities**

The nearest dwelling to the site is Whyalla, a detached dwelling to the north west. The proposed dwelling is a bungalow and it is set over 60 metres from Whyalla. Access to the site will be via the existing access. A letter of support was received from the occupiers of Whyalla. It is considered that the size, scale and location of the proposed bungalow, garage and summer house will not result in any adverse affects on the residential amenities of Whyalla.

### **Impact on streetscene/surrounding countryside**

The new dwelling is single storey. An embankment runs along the southern boundary of the site with Gainsborough Road. The mature trees growing along this embankment will provide screening for the new dwelling, garage and summer house which will not be highly visible from Gainsborough Road or the countryside beyond.

To the north of the site, on the opposite side of the railway, is the conservation area. Due to the size, scale and location of the proposed bungalow it will not result in any adverse impacts on the conservation area.

In order to ensure suitable boundary treatment is erected and appropriate landscape planting is provided to ensure there is minimal impact on the surrounding area conditions will be attached to any permission requiring details of such to be submitted for approval.

### **Flood risk/surface water drainage**

A Flood Risk Assessment has been submitted with the application. Section 10 of the National Planning Policy Framework (NPPF) and the Technical Guidance to the NPPF requires a sequential approach to be taken at all stages of planning and it aims to steer new development away from areas at highest risk of flooding. The site is located within Flood Zone 3 which has a high probability of flooding. However, the applicant submitted additional plans which showed the ground levels on the site are actually above the flood level. Following this information the EA withdrew their original objection and recognised the land is within Flood Zone 1. They also requested a condition be attached to any permission requiring finished floor levels to be no lower than 7.45m above AOD, which will be attached to any approval.

The Internal Drainage Board also originally objected, but after receiving the revised plan they too no longer object provided the driveway is constructed from a permeable surface and that surface water is discharged via a soakaway. However, given the potential for ground contamination at the site soakaways may not work and a substitute sustainable drainage system will be required. A condition requiring details of a scheme for the disposal of surface and foul waters will be attached to any permission.

### **Noise**

The site is located adjacent to a railway line which runs along the north boundary of the site. There will be noise from the railway line, however, the new dwelling is sited over 15 metres from the boundary with the railway and it is located within an existing residential area. Network Rail have no objections.

### **Other matters**

Public footpath Saxi/227/1 runs from the north of the site. Due to the size and scale of the proposed bungalow it will not have an adverse affect on the setting of the footpath.

The site has potential for contamination as it is at least in part a former landfill; subject to two reported pollution incidents; within 50m of potential contaminated land use (railway); within 250m of former potential contaminated land uses. The Environmental Protection officer has requested a contaminated land report be prepared due to the level of potential contamination. Therefore a condition will be attached to any permission requiring a report to be submitted.

The site has been identified as having archaeological interest but not of sufficient scale to request an archaeological pre-assessment. However in order to protect potential archaeological remains on the site conditions will be attached requiring a scheme of archaeological investigation to be carried out and submitted for approval.

## **Conclusion**

The site is classed as previously developed land and is in a sustainable location within Saxilby which is classed as a Primary Rural Settlement. It is surrounded by infrastructure and is separated from the open countryside to the south by Gainsborough Road. This provides the justification required by Policy STRAT 12 of the West Lindsey Local Plan First Review 2006 for supporting such development in the open countryside and outweighs the issues relating to the current over supply of housing in the District. The proposed dwelling would be in keeping with the character of the surrounding area and would not result in any adverse impacts upon residential amenity, highway safety or the surrounding countryside and would not increase risk of flooding. The development therefore complies with the National Planning Policy Framework and policies STRAT1: Development Requiring Planning Permission, STRAT 3: Settlement Hierarchy, STRAT 6: Windfall and Infill Housing Development in Primary Rural Settlements, STRAT 9: Phasing of housing development and release of land and RES 1: Housing Layout and Design of the West Lindsey Local Plan First Review 2006.

## **Recommendation: Grant permission subject to the following conditions:**

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

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

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

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

2. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted and measures for the protection of trees to be retained during the course of development has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

3. No development shall take place until a site investigation and assessment of possible contaminants on the site has been submitted to the local planning authority for approval. Any measures shown in the assessment to be necessary, including either the removal or encapsulation of contaminants shall be undertaken before any of the proposed development is commenced.

Reason: To established whether the site may be contaminated and, if so, to ensure that any measures of decontamination are undertaken to enable the proposed development to take place.

4. No development shall take place until full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling, hedgerows to be retained, or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the dwelling is first occupied.

Reason: To ensure the provision of appropriate boundary treatment in the interest of the visual amenity of the area in accordance with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.

5. No development shall take place until a scheme for the disposal of foul and surface waters have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment and in accordance with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006.

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

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

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

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

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

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

8. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 6.

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

9. Following the archaeological site work referred to in condition 8 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

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

10. The report referred to in condition 9 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

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

11. The finished floor level of the bungalow shall be set no lower than 7.45 m above Ordnance Datum (AOD) in line with drawing 002 revision C received on 6<sup>th</sup> July 2012.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy STRAT1 and the National Planning Policy Framework.

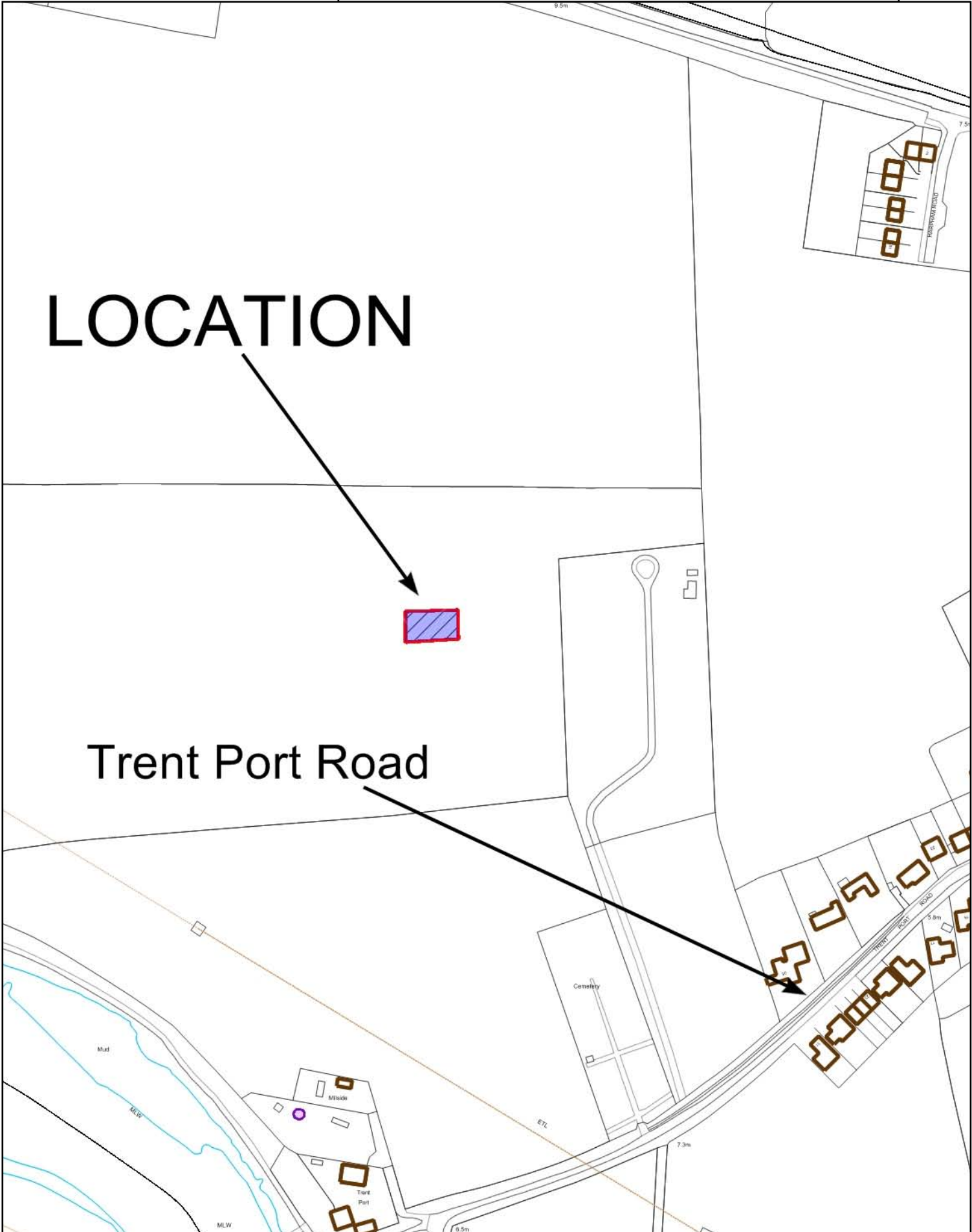
12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development,

whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

### **Informatives**

- The written scheme required by condition 6 shall be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environmental Advisor.
- Part of the development encroaches onto an existing public highway. In order for the developer to deliver the proposed development, part of the existing public highway will be required to be stopped up. The developer shall be required to make an application under the Town and Country Planning Act 1990 to authorise the removal (stopping up) of the affected highways. It is the responsibility of the developer to ensure that an application is submitted to the Secretary of State for Transport, Local Government and the Regions requesting that he make an Order authorising the stopping up of the relevant highways. The approval of the Secretary of State should be obtained prior to any development commencing on site.
- Please see attached response from Network Rail.





## Planning Application No: 128487

**PROPOSAL:** Planning Application for dry grain store and dry area.

**LOCATION:** Village Farm Marton Gainsborough DN21 5AP

**WARD:** Torksey

**WARD MEMBER(S):** Cllr Kinch

**APPLICANT NAME:** Mrs C Tindale

**TARGET DECISION DATE:** 28/05/2012

**DEVELOPMENT TYPE:** Minor - Manufacture/Storage/Warehouse

**CASE OFFICER:** Fran Bell

**RECOMMENDED DECISION:** Grant Planning Permission subject to conditions

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### Description:

- **Site** - The application site is to the north of Trent Port Road and is above the level of the road. It is visible from parts of the village and from the hill to the east. The field has various caravans, sheds, motor cars and other pieces of machinery on it together with varieties of poultry and associated items. Another agricultural shed is partly constructed to the north east of the proposed site.
- **Proposal** - This application seeks permission to build a dry grain store and dry area measuring 15.9 metres wide by 29 metres long with an eaves height of 4.7 metres and a ridge height of 7.3 metres. It will be a portal frame structure of steel cladding sheets in forest green. A landscaping belt of trees will also be planted to the south west of the building.

### Relevant history:

128078 Agricultural Determination for agricultural storage building. Prior approval not required 28<sup>th</sup> December 2011.

128248 Agricultural Determination for proposed portal frame building for timber processing and log store. Planning permission required 23<sup>rd</sup> February 2012

128249 Agricultural Determination for proposed portal frame building for grain storage and animal feed preparation. Planning permission required 21<sup>st</sup> February 2012.

Enforcement proceedings 2005 and 2006.

### Representations:

**Chairman/Ward member(s):** None received

**Parish Council:** Would like reassurance that public rights of way will not be affected especially by the tree planting/coppicing. Concerned that the traffic may increase – there are already large lorries with trailers driving down Trent Port Road. The proposed planting and eventual coppicing should be at least 2m away from the public footpath. The Parish Council would like assurance that this building will not be used as a manufacturing facility. There is some doubt as to whether there are as many livestock as quoted in the supporting documents. Is there proof that there is this number of animals?

**Local residents:**

Objections received from 10 local residents raising the following issues:

- Untidy / rubbish on land with more arriving recently – visible from public footpath
- Unlawful actions including living on land, camp site on neighbouring land and court orders ignored / Police involvement.
- WLDC should not agree to this application until outstanding court orders complied with.
- Use of building will not be as proposed
- Validity of application
- Visibility of building under construction
- Size of buildings
- Building construction not thermally efficient
- Waste management – no provision for removal of waste / dumped on land
- Coppice take a number of years to mature – where will wood come from in meantime?
- Land not big enough to grow grain to feed poultry
- Are the flocks registered?
- Numbers of animals involved do not need building of this size for feed preparation
- Other buildings owned by applicant elsewhere in village could be used for animal feed.
- Lack of care for animals
- Traffic especially large vehicles on narrow lane
- Feed supply from Devon not sustainable / Mr Tindale takes 30 – 50 minutes to return with straw bales
- No environmental statement identifying species on land.
- No valid business plan
- Lack of regard for residents / devalues properties
- Impact on public footpath

**LCC Highways:** None received

**LCC Footpaths:** No comments or observations to make.

**Environment Agency:** None received

**WLDC Tree Officer:** Verbal comments that mix seems alright but suggests including willow as a good tree to coppice. Will need details of final mix, height, girth, distance of planting.

**LCC Archaeology:** Within an area of Roman activity with a scheduled Roman fort in the field immediately to the north and the associated Roman town straddling Littleborough Lane. High potential that ground works will disturb archaeological remains. Need to have a Scheme of Archaeological Works secured by condition. Envisage would involve monitoring of groundworks with ability to stop and record. Given proximity to scheduled monument, it is recommended that English Heritage be consulted.

**English Heritage:** Do not wish to comment. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### **Relevant Planning Policies:**

#### **Development Plan**

- **East Midlands Regional Plan**

Policy 1: Regional Core Objectives

Policy 18: Regional Priorities for the Economy

Policy 30: Regional Priorities for Managing and Increasing Woodland Cover

[http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East\\_Midlands\\_Regional\\_Plan2.pdf](http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf)

- **West Lindsey Local Plan First Review 2006**

STRAT1 Development Requiring Planning Permission

STRAT12 Development in the Open Countryside

CRT9 Public Rights of Way affected by Development

NBE20 Development on the edge of settlements

#### **National guidance**

- National Planning Policy Framework (March 2012)

<http://communities.gov.uk/publications/planningandbuilding/nppf>

### **Main issues**

- Principle
- Visual appearance
- Tree belt
- Traffic
- Archaeology

## **Assessment:**

**Principle** - Permitted development rights allow for 465 square metres of agricultural building on an agricultural holding. This measurement has to include any other buildings within 90 metres and allowed in the last two years. Therefore, as a previous agricultural building was allowed via an agricultural determination last year within 90 metres of this site, combined with this building, the footprint exceeds that allowed under permitted development rights. Therefore, this planning application is required instead of an agricultural determination.

Each case has to be judged on its own merits, regardless of other breaches, Enforcement Orders or applications that may be ongoing. It would be unreasonable of the Local Planning Authority to refuse this application on the grounds that the applicant needed to tidy his land up. The Local Planning Authority is currently pursuing separate action in relation to outstanding breaches. This application is valid even if there are other breaches on the land. The land is still classed as being in agricultural use.

Policy STRAT12 of the Local Plan controls development in the countryside to that which is essential to agriculture, horticulture, forestry or some other essential need. This development will support an existing agricultural business and so can be supported in this location. It is on the edge of Marton within site of a public right of way. However, the public right of way will not be diverted by the development and the outlook from it will be improved with the planting of a tree belt (discussed further below) and therefore the proposal does not fail against policy CRT9. The tree belt will also soften the appearance of the site. The proposal complies with NBE20 as buildings such as this are found on settlement edges and in the open countryside around the District.

The land is part of Village Farm and the applicant has 74 cattle, 10 horses, 350 poultry for food egg and 80 poultry for fertile egg. The feed for the poultry is currently stored in wheelie bins across the site. The applicant buys the food from Devon at present as it is cheapest. However, it is the intention to grow the basic ingredients at the farm in the form of grain and pulses. This will be mixed with molasses, minerals and vitamins to form the feed. This will save money and will involve less transport as the bulk of the feed will be grown locally and deliveries will drop from fortnightly to every two months. Once the feed is mixed, it will be distributed around the holding to the location of the stock.

The barn will be used to store the grain, prepare the animal feed and then store the mixed feed. A biomass boiler will be installed to provide the heat to dry the grain. The fuel for the boiler will be provided from the site. The aim is to coppice the woodland belt that will be planted. This will contain over 1000 trees with other planting planned for the future.

In response to the objections regarding the appearance of the site, the applicant has responded to say there are seven pylons running across the

farm and five large power stations nearby, which she considers to be more of an eyesore.

Objections have been raised that the building will not be used as described. In order to ensure that the building is used for the use described, a condition restricting it to be used for agricultural purposes only will be attached to the consent. If there is a breach, then enforcement action can be taken. However, it is unreasonable to refuse the application on the assumption that the building may not be used for the purposes described.

There are no other buildings in the applicants ownership that could be used for the same purpose.

**Visual Appearance** -The building is a standard agricultural steel building and will be seen in context with the other building being constructed under agricultural permitted development rights. It will be visible from the rear of properties on Trent Port Road and in the distance from the parts of the village on the hill.

In time, the tree belt will help to screen the building and the rest of the site from the public right of way. However, these trees have not been planted yet.

The building is large but buildings of this type are typical in an agricultural context such as this. It is not considered that the structure will be visually intrusive in this setting. The size will allow for grain storage throughout the year as well as storage of mixed feed and an area for preparation.

**Tree Belt** - The majority of the tree belt will consist of a mix of ash, oak and beech with a limited planting mixture of cherry, sycamore and hazel. The Tree Officer has suggested including willow which is a good tree for coppicing. However, the final mix including the numbers per species, height and girth on planting and position will be required by condition, as will the requirement to plant the belt in the next planting season after permission is granted. A retention condition will also be added. The addition of the tree belt should encourage an increase in biodiversity and is supported by Policy 30 in the Regional Plan which seeks to increase the amount of woodland cover.

**Traffic** -The amount of deliveries will be reduced as a result of this proposal. Deliveries will be every two months rather than once a fortnight. The access to the east was the subject of enforcement action but as it has been in place for more than four years it now has immunity from enforcement action.

**Archaeology** - Given the Roman remains and previous finds in the area, it is considered necessary to add the conditions requiring a specification to be submitted, groundworks to be monitored with the ability to stop and record, the report of the works to be submitted and any finds logged at the archive.

English Heritage has been consulted on the potential impact on the Scheduled Ancient Monument of the Roman Fort in the field to the north but they have replied that they do not wish to offer any comments. The impact on

the Scheduled Ancient Monument is minimal given the strong field boundary between the fort and the development site.

**Other Matters** - The care of animals and flock registration are not covered by planning legislation and cannot form part of the consideration of this application. DEFRA is the responsible for animal welfare.

It is not a requirement to supply a business plan for a development such as this. An environmental statement would not be required for this building. These statements are usually required for barn conversions where protected species may be resident. However, this structure is yet to be built.

### **Conclusions and reasons for decision**

The proposal has been considered against the Development Plan particularly Policy 1: Regional Core Objectives, Policy 18: Regional Priorities for the Economy and Policy 30: Regional Priorities for Managing and Increasing Woodland Cover of the East Midlands Regional Plan and saved policies STRAT1 Development Requiring Planning Permission, STRAT12 Development in the Open Countryside, CRT9 Public Rights of Way affected by Development and NBE20 Development on the edge of settlements of the West Lindsey Local Plan First Review June 2006 together with the guidance contained in the National Planning Policy Framework March 2012. In light of this assessment, the proposals are considered acceptable as they will allow feed to be prepared on site for the animals, lessening the environmental impact of transporting feed long distances and tidying up the various storage containers across the site. The tree belt will improve the setting of the public right of way and will increase local biodiversity. Buildings such as this are found at the edge of settlements and in the open countryside across the District. This case has been considered on its own merits and any other applications, breaches or Enforcement actions against the land owners cannot be taken into account.

**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 a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

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

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

3. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 2 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

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

4. No development shall commence until details of the tree belt have been submitted to and approved in writing by the Local Planning Authority. The details shall include numbers of plants of different species, height on planting, width on planting, protection measures against animals and the distance between trees.

Reason: To ensure that the tree belt is planted in an acceptable manner for the well-being of the trees, that the development is screened and that the setting of the public right of way is enhanced in accordance with saved policies STRAT1, STRAT12, CRT9 and NBE20 of the West Lindsey Local Plan First Review June 2012 and Policy 30 of the East Midlands Regional Plan March 2009.

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

5. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 2

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

6. Following the archaeological site work referred to in condition 5, a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

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

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

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

8. The tree belt shall be planted in accordance with the details approved by condition 4 in the first planting and seeding season following the date of this consent and shall be retained thereafter. Any trees which within a period of 5 years from the planting of the tree belt die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the tree belt is planted in a speedy and diligent way allowing it time to mature while the building is constructed and that initial tree losses are overcome in the interests of the visual amenities of the locality and the public right of way in accordance with saved policies STRAT1, STRAT12, CRT9 and NBE20 of the West Lindsey Local Plan First Review June 2006 and Policy 30 of the East Midlands Regional Plan March 2009.

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

9. The building hereby permitted shall be used for agricultural purposes only.

Reason: To define the terms of the planning permission for the avoidance of doubt in accordance with West Lindsey Local Plan First Review Policy STRAT1 and STRAT12.

**Notes to the Applicant**



The written scheme required by condition 2 shall be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor (tel 01522 550382)

In relation to condition 4, willow shall be included in the tree mix as it is good for coppicing.