



PL.09 12/13
Planning Committee
Date 28 November 2012

Subject: Planning applications for determination

Report by:

Director of Regeneration and Planning

Contact Officer:

Nick Ethelstone
Area Team Manager
01427 676629

Purpose / Summary:

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

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal:
None arising from this report.

Financial :
None arising from this report.

Staffing :
None arising from this report.

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

Risk Assessment :
None arising from this report.

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

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

Call in and Urgency:

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

Yes

No

Key Decision:

Yes

No

Executive Summary

1 Planning Application Nos: 128044, 128045, 128047 and 128048

PROPOSALS:

- Planning application for erection of a livestock building (Building A)**
- Planning application for erection of a livestock building (Building B)**
- Planning application for erection of a livestock building (Building C)**
- Planning application for erection of a livestock building (Building D)**

LOCATION: Holme Hill Farm Waddingham Road South Kelsey Market Rasen, Lincolnshire LN7 6PN

RECOMMENDED DECISIONS:

128044 – Grant planning permission, subject to conditions and a Unilateral Undertaking requiring the owner of the adjacent land to undertake disposal of the slurry in accordance with the Waste Management Plan dated May 2012 and restricting HGV routing.

128045 – Grant planning permission, subject to conditions and a Unilateral Undertaking requiring the owner of the adjacent land to undertake disposal of the slurry in accordance with the Waste Management Plan dated May 2012 and restricting HGV routing.

128047 – Grant planning permission, subject to conditions and a Unilateral Undertaking requiring the owner of the adjacent land to undertake disposal of the slurry in accordance with the Waste Management Plan dated May 2012 and restricting HGV routing.

128048 – Grant planning permission, subject to conditions and a Unilateral Undertaking requiring the owner of the adjacent land to undertake disposal of the slurry in accordance with the Waste Management Plan dated May 2012 and restricting HGV routing

2 Planning Application No: 128778

PROPOSAL: Planning application for proposed replacement hangars, ancillary workshops and offices

LOCATION: Wickenby Airfield Watery Lane Wickenby Lincoln, Lincolnshire LN3 5AX

RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the signing and completion of a section 106 agreement obligating the applicant to not use the part of the existing North Hangar, subject to the application 128788, for the storage of aircraft following the expiration of 3 months from the date of first use for storage of aircraft of the two hangars granted by this permission.

**3 Planning Application No: 128788
Hazardous Substances Consent application: 129059**

PROPOSALS:

A. Planning application for change of use of existing aircraft hangar to B8 Storage and Distribution, storage facility, with a replacement modular office building.

B. Hazardous Substance application for the storage of oil and gas, fuel, oil, under very toxic, toxic, oxidising, flammable, highly flammable, highly flammable liquid, extremely flammable, dangerous for the environment and any classification substances

LOCATION: Wickenby Airfield Watery Lane Wickenby Lincoln LN3 5AX

RECOMMENDED DECISIONS:

A: Grant planning permission 128788 subject to conditions.

B: Delegate the determination of the hazardous substances consent 129059 to the Director of Regeneration and Planning upon the receipt of the consultation response from the Health & Safety Executive.

4 Planning Application No: 128827

PROPOSAL: Planning application for construction of a new community hall with associated hard landscaping and boundary treatments. Change of use from residential garden land

LOCATION: Welton Methodist Church Cliff Road Welton Lincoln LN2 3JJ

RECOMMENDED DECISION: Grant Planning Permission subject to conditions

5 Planning Application No: 128606

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

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

RECOMMENDED DECISION: Grant permission subject to conditions

6 Planning Application No: 128996

PROPOSAL: Planning application for proposed KFC drive-thru restaurant, including erection of new building, creation of new vehicular access, new boundary wall and soft landscaping.

LOCATION: Gainsborough Magistrates Court Roseway Gainsborough Lincolnshire DN21 2BB

RECOMMENDED DECISION: Grant planning permission subject to conditions

7 Planning Application No: 128577

PROPOSAL: Planning application to erect timber cutting area and dry storage area

LOCATION: Village Farm Marton Gainsborough DN21 5AP

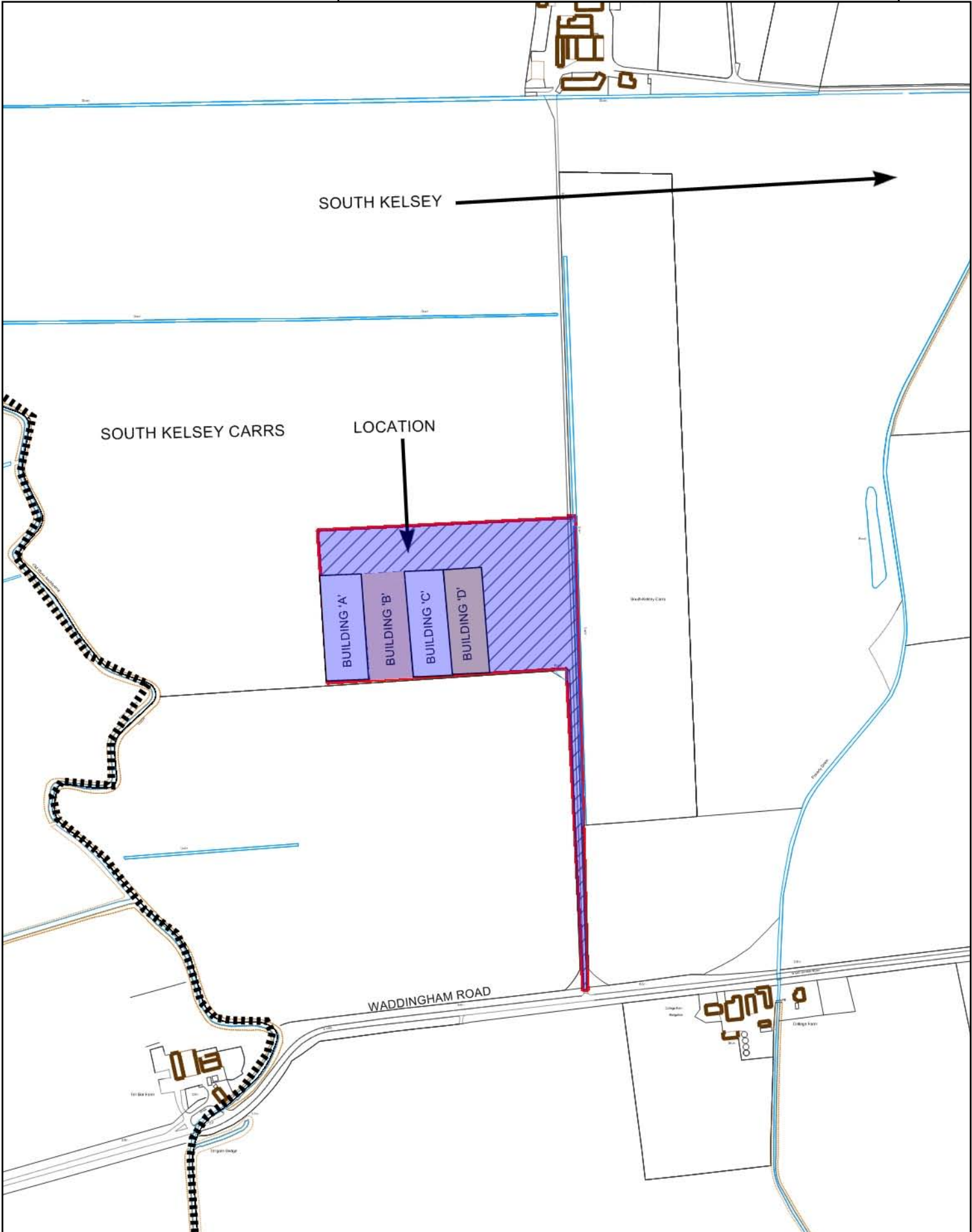
RECOMMENDED DECISION: Grant permission subject to conditions

8 Planning Application No: 128979

PROPOSAL: Planning application for ground floor extensions to existing care home

LOCATION: Cheyne House Main Street North Carlton Lincoln LN1 2RR

RECOMMENDED DECISION: Grant planning permission with conditions



Officers Report Planning Application Nos: 128044, 128045, 128047 and 128048

PROPOSALS:

**Planning application for erection of a livestock building (Building A)
Planning application for erection of a livestock building (Building B)
Planning application for erection of a livestock building (Building C)
Planning application for erection of a livestock building (Building D)**

**LOCATION: Holme Hill Farm Waddingham Road South Kelsey Market
Rasen, Lincolnshire LN7 6PN**

WARD: Kelsey

WARD MEMBER(S): Cllr C L Strange

APPLICANT NAME: Mr Frank Tobin

TARGET DECISION DATE: 18/01/2012

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Kirsty Catlow

RECOMMENDED DECISIONS:

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128047 – Grant planning permission, subject to conditions and a Unilateral Undertaking requiring the owner of the adjacent land to undertake disposal of the slurry in accordance with the Waste Management Plan dated May 2012 and restricting HGV routing.

128048 – Grant planning permission, subject to conditions and a Unilateral Undertaking requiring the owner of the adjacent land to undertake disposal of the slurry in accordance with the Waste Management Plan dated May 2012 and restricting HGV routing

Introduction:

This is a joint report for four separate planning applications each for the erection of one livestock building. The applications were deferred at your last meeting to enable clarification from the Highway Authority on whether they took into account the requirements of the unilateral undertaking regarding HGV movements when making their comments on the applications.

Site Description:

The application site is located in the open countryside, approximately 2 kilometres to the south west of South Kelsey and currently comprises of two existing livestock units for the fattening of pigs. The site can be accessed from two points off Waddingham Road, a hard surfaced track from the east and a gravel track to the south. The application site is located to the west of the southern gravel track, 400 metres from Waddingham Road to the south and 450 metres from Holme Hill Farm complex to the north. The surrounding area is open agricultural land dotted with farm holdings and residential properties.

The closest residential property to the site is College Farm Bungalow, which is located 435 metres to the south east of the application site. Holme Hill Farmhouse (now a private dwelling house) is located 615 metres to the north east of the site.

The site is within Flood Zone 3 An initial Flood Risk Assessment was submitted, following comments by the Environment Agency this was updated and revised and has been assessed by the Environment Agency.

Proposals:

Each application seeks planning permission for the erection of one livestock building.

Building A (128044) measuring 63m by 22m would provide dry sow accommodation for 440 sows (female pig after she has had her first litter) and 80 gilts (young female pig, not produced her first litter).

Building B (128045) measuring 63m by 13m would provide farrowing (to give birth to litter of pigs) accommodation for 120 sows.

Building C (128047) measuring 63m by 16.5m would provide weaner accommodation for 1150 weaners (five to eight week old piglets)

Building D (128048) measuring 63m by 15.5m would provide weaner accommodation for 1100 weaners.

Weaned piglets will remain within the weaner accommodation until they reach 30kg liveweight at which time they will be transferred into the existing pig finishing units on the site (referred to as E and F).

The applicants do not have sufficient finishing accommodation on the site for all the piglets produced. Pigs which cannot be finished on the site will be transported off the site for finishing elsewhere. Pigs which are finished on site will remain until they reach 105kg liveweight at which time they will be transported to Hull.

An Assessment of the Odour Impact report has been submitted with the application which concludes that there will be an increase in odour emissions from the pig units but modelling indicates that they will remain below the

problematic guideline value. There has been no assessment of odour arising out of slurry disposal.

A Flood Risk Assessment has been submitted with the application which concludes that in order to minimise the likelihood of flood waters entering the new buildings the floor levels of the buildings be elevated by 300mm to a finished floor level of 3.650M to ensure that livestock will be unaffected by any potential flooding.

A Farm Waste Management Plan has been submitted with the application which intends to cover the operation of the business from the 6 buildings and details the method of slurry disposal. It concludes that slurry disposal will be restricted to nine fields and agricultural codes of good practice will be applied which would be the responsibility of the adjacent land owner. All of the land is subject to NVZ (Nitrate Vulnerable Zones) Regulations. The farm has storage capacity for slurry for 14 months to ensure that slurry will only be disposed of at appropriate times avoiding sensitive periods of flood risk and warm weather. Best available techniques of application will be undertaken applying slurry to growing arable crops using low trajectory, high capacity applicators such as dribble bar, band or trailing shoe spreader at the time of greatest crop need in spring. Surface injection to arable stubble and/or grassland is recommended at other times.

In terms of traffic movements, the agent has provided the existing and proposed traffic movements; Currently there are 4 x 8 wheel rigid lorries per week 1 car/van per week and 1 member of staff visiting twice per day. The application will lead to 5 x 8 wheel rigid lorries per week, 1 car/van per week and 3 members of staff visiting twice per day. The waste management plan confirms that because of the method of slurry disposal there will be no requirement for it to be transported by road.

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

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

Relevant history:

125885 – Planning application for erection of an agricultural building for pig fattening. Granted 10th February 2011 subject to conditions and a Unilateral Undertaking restricting lorry routing.

125886 – Planning application for erection of an agricultural building for pig fattening. Granted 10th February 2011 subject to conditions and a Unilateral Undertaking restricting lorry routing.

Representations:

Chairman/Ward member: No representations received to date.

South Kelsey Parish Council: Object to the applications on the following grounds;

- Conditions attached to the previous planning applications relating to passing places, landscaping, lighting, delivery times and lorry routing are being breached.
- Slurry disposal (method of spreading, farm traffic through South Kelsey, amount of land required, odour, pollution of the water environment, nitrate vulnerable zone)
- Increased traffic (full length of access track should be re-surfaced)
- The units would harm the visual amenities and open character of the area.
- No additional landscaping is proposed.
- Animal Welfare

Local residents: (ldox checked 27th September 2012)

3 letters of objection have been received from local residents raising the following issues;

- Road network could not cope with increased traffic
- Odour / inaccuracy of odour assessment
- Slurry spreading (method for disposal, land availability and farm traffic routing)
- Pollution of the water environment
- Flood risk
- Hazardous substances
- Noise from pigs
- Landscaping
- Animal welfare
- Financial hardship
- Restrictive covenants

LCC Highways: Holme Hill Farm obtained full planning permission in 2010, for the erection of two pig finishing units, mill and mix unit. The permission was subject to a unilateral undertaking, between West Lindsey District Council and the applicant, that restricts the movement of HGVs from the site from turning left onto the B1202 through the village of South Kelsey. The buildings have been constructed on site and are fully operational.

The applicant now wishes to expand the business through the erection of four additional livestock buildings to facilitate the introduction of pig breeding onto

the site with the erection of sow accommodation, farrowing accommodation and weaner accommodation.

As a result of the expansion, the increase in vehicular trips are considered to be minimal, with only one additional HGV trip per week and two additional car trips twice a day.

Generally, there is sufficient land adjacent to the application site for the disposal of slurry without transporting on to the public highway.

The adjoining highways are considered to be acceptable to accommodate the additional trip generation created by the proposal. The Highways Authority does not therefore consider that the proposal will be of detriment to highway safety or traffic capacity

Environmental Protection: Applications only approved if:

- A comprehensive odour assessment of pig slurry is undertaken that demonstrates, prior to commencement of any further development, that there will be no detriment to the local amenity, as compared with locally used and accepted forms of nutrient application.
- Failing this clear demonstration, that comparative values are given and options and proposals are made and agreed to treat the slurry in a sealed environment prior to it leaving the units
- That a legal or conditioning mechanism is employed within any permission granted to tie responsibility for the slurry and any odour to the producer to the point of final application.

Environment Agency: No objections subject to the addition of conditions requiring that the development be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures detailed within the FRA and no development shall take place until surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

Ancholme Internal Drainage Board: It is noted that the surface water run-off from the development is to be directed to a soakaway. The Council will need to be satisfied that this system will operate at this site throughout the year and in the future.

Archaeology: No archaeological input required.

Relevant Planning Policies:

West Lindsey Local Plan First Review 2006

STRAT 1 – Development Requiring Planning Permission

STRAT 12 – Development in Open Countryside

ECON 5 – Intensive Livestock Units

NBE 14 – Waste Water Disposal

NBE 17 – Control of Potentially Polluting Uses

Other National Planning Policy and Guidance

National Planning Policy Framework

Main issues

- Current situation on site and enforcement
- Principle of use within Open Countryside
- Pollution – Odour including slurry disposal, Noise, Water and Impact on Residential Amenity
- Flood Risk
- Appearance
- Access and Highway Safety
- Other Issues

Assessment:

Current situation on site and enforcement

The four applications currently under consideration need to be considered on their own merits, however given the comments made by Members and Objectors at the last Planning Committee it is considered that it may be helpful to provide information relating to the existing site conditions relating to the issues raised.

Members may be aware that there are two farms in proximity to each other, both of which have the name of Holme Hill Farm. For the ease of understanding within this report the property that is the subject of the four applications for current consideration will be referred to as Holme Hill Farm Services and the one sited to the north of the application site Holme Hill Farm. Holme Hill Farm forms approximately 700 acres of land comprising arable and grass land. In addition there is an average herd of approximately 800 beef cattle and approximately 600 pigs. This farm has a number of buildings within which stock are kept. Some of the buildings have planning permission and have no restrictions on their use, some pre date the planning system and also have been in place over four years and are therefore immune from enforcement action. There is one building that has been built without planning permission and enforcement action was authorised but an application has been submitted to regularise the building. This is a general purpose agricultural building to be used as a general purpose agricultural workshop and store for fertiliser, seed, animal feeds, general harvested crops, other agricultural produce. The applicant also states on the application that it will have occasional use for calf rearing and a stock building. Further information has been requested to clarify the extent of this use

In addition a further application has been received for the replacement of redundant and derelict building with a new agricultural building. Similar details have been requested from the applicant for this building.

This farm is much closer to one of the principal objectors house than Homefield Farm Services being only 140 metres away and is able to operate in an unrestricted manner. This also relates to the HGV movements to and from the property without restriction on the routing along the shared access with Holmefield Farm Services.

Slurry originating from this farm may therefore be disposed of in an unrestricted manner. Complaints regarding odour have been investigated but no nuisance has been determined, neither has a level been witnessed that causes undue concern.

Turning to the specific enforcement issues relating to the existing two units at Holmefield Farm Services and the alleged non compliance with the planning permission for the two units.

The two applications for the units were granted planning permission in 2010 subject to a number of conditions and a unilateral planning agreement restricting the routing of HGV vehicles (a legally binding agreement)

The conditions which are still outstanding are condition 7 regarding the submission of a slurry management plan and condition 9 regarding the implementation of the agreed landscaping plan.

The condition requiring the implementation of the passing places on the access to the site was also mentioned by the Parish Council at your last Committee. The approved plans showed four passing places, but only two were implemented on site. The Highway Authority has confirmed that they do not have concerns regarding the number that has been implemented and there should not be a harmful impact on the public highway.

In respect of Condition 9, some of the landscaping has not been implemented on site but its location is where the four buildings proposed under the applications are to be sited. Should the applications be granted then any landscaping secured through enforcement action would need to be removed. It is, therefore, considered unreasonable to take any enforcement action, at the current time, to secure the planting until the four applications have been determined. Should the applications be refused then further consideration of the expediency regarding enforcement action would be undertaken

The exact wording of Condition 7 is as follows:

Before the development is first brought into use details of a slurry management plan shall be submitted to and approved in writing by the local planning authority. The details shall be in accordance with the principles defined in the Revised Design and Access Statement received on the 2nd September 2010 and the slurry clearing, spreading (by injection) and disposal shall be carried out in accordance with the approved plan at all times when the development is in use unless otherwise first agreed in writing by the Local Planning Authority.

Clearly a slurry management plan has not been submitted, instead to accompany the four new applications a waste management plan has been submitted which details how slurry, from all six buildings will be dealt with. Clearly the crucial difference between the wording of the condition and the slurry management plan that has been submitted is that the condition states slurry spreading by injection and the waste management plan states slurry spreading both by injection and by passive application equipment. Because of this alteration the applicant has also now submitted two applications to vary the wording of the condition to allow spreading by trickle bar as well.

Although the applicant has not formally discharged this condition, this is not in itself sufficient reason to pursue enforcement action to secure a submission. What needs to be assessed is the expediency of taking any enforcement action on a case by case basis. In this instance because the applicant has submitted a waste management plan for consideration for all the units it is not considered reasonable to pursue any enforcement action until the current applications have been determined. Depending on the decision regarding the applications then the expediency of taking any action will be further considered.

At your previous meeting concerns were raised by the Parish Council regarding the routing of HGV vehicles from the existing two units. The unilateral undertaking entered into at the time of the permission requires that HGV's use the southern entrance to the site and when leaving turn right onto Waddingham Road and when accessing do so from an easterly direction along Waddingham Road, thereby avoiding the village of South Kelsey. Following discussions with the applicant they have confirmed that this is the route that HGV drivers take when accessing and leaving their unit. Unfortunately Hill Holme Farm use some of the same companies and HGV vehicles accessing and leaving their farm do not have this restriction and therefore may go through South Kelsey.

In the absence of any evidence that the HGV vehicles servicing Holmefield Farm Services are breaking the terms of the unilateral undertaking, then no enforcement action has been taken.

The highway authority has confirmed that when making their comments they were not aware of the unilateral undertaking as it was not put in place at their request but by Members when considering the previous applications. They therefore would reiterate their comments that due to the minimal increase in vehicular trips the highway authority does not consider the proposal to be of detriment to highway safety or traffic capacity

Complaints regarding odour from this farm have been investigated but no nuisance has been determined neither has a level been witnessed that causes undue concern.

Principle of use within Open Countryside

Policy STRAT 12 restricts development in the open countryside unless it essentially requires a countryside location or can be supported by another plan policy. An intensive livestock unit is an agricultural use and this is identified in Policy STRAT 12 as being a use which requires a countryside location. The characteristics associated with an intensive livestock use means that a more isolated location is preferred. In fact, the justification to Policy ECON 5 relating to Intensive Livestock Units states that a countryside location is a necessity in this regard. The National Planning Policy Framework supports the provision or expansion of rural businesses in a sustainable manner. The buildings here are proposed as an extension to an existing use. As a result, it is considered that the proposed use is acceptable in principle in this open countryside location.

Pollution – Odour, Noise, Water and Impact on Residential Amenity

The concentration of the number of animals proposed here, together with those existing on site, in such a relatively confined space has the potential to create environmental pollution of some form. The primary considerations which are relevant are odour, and noise from animals and heavy goods vehicles associated with the use. Pollution and ground water quality control are also key considerations detailed in Policies NBE 14, and NBE 17.

- **Odour** – Inspectors at appeal have stated that a level of odour associated with agriculture is only to be expected in the countryside. Problems of odour could be derived from the pigs themselves and chemical compounds and ammonia contained in their body fluids, faeces and urine. The latter will be concentrated in the form of slurry stored within the underground storage tanks and the subsequent spreading of the slurry on adjoining land.

Environmental Protection Officers confirm that there is unverified complaint of odour arising from the existing units. Neighbours and parish councils have raised objections regarding the increase in odour since the existing unit has been operational and therefore concerns about its expansion. The reports submitted by the applicant and independent reports indicate that while there will be an increase in odour resulting from the pig units, this will be compliant with air quality guidelines. While this does not guarantee that odours will never be detectable, odours should not give rise to persistent justified odour complaints.

The units and slurry tanks will be sited to the west of the existing units and therefore 445 metres from the nearest dwelling College Farm Bungalow. The justification for policy ECON 5 states that a 400 metre distance can be used as a basis for assessment insofar as the application of this cordon should reduce the effects of unpleasant odours emanating from the site on the dwelling. This is considered to be the case here because the nearest protected building is 435 metres away and the nearest objector 615 metres away.

Of perhaps more importance to local residents is the odour which emanates from the storage and disposal of slurry. The spreading of slurry from livestock units for the purposes of agriculture is not subject to planning control. It remains important, however, to minimise the risk that such activities may cause nuisance from noise or smell.

Accordingly, those responsible for the operation of livestock units should follow the advice given in the Codes of Good Agricultural Practice for the Protection of Water, Soil and Air published by MAFF (now DEFRA). There have been complaints from local residents regarding the existing operation in terms of the transport of slurry, the spreading of slurry and spreading was not by way of injection, thereby all creating odour. This is in contravention of the original planning permission which required, by condition, that a slurry management plan be submitted for approval and referred to slurry spreading by way of injection. To address this the applicant has submitted a waste management plan to cover the existing and proposed units. This proposes restricting slurry disposal to 9 fields and applying agricultural codes of good practice to the disposal by the owner of the land adjacent. Therefore responsibility for the slurry is divested once it leaves the site and accountability for odour passes to others and reliance on the success or otherwise of Agricultural Good Practice Guides which if applied appropriately do not guarantee no nuisance but do provide for a defence to prosecution.

There are several factors which affect the amount of odour emitted during and after slurry or manure spreading and these are the method of storage, the length of storage, pre treatment method employed if any, type of spreading equipment used, rate of application to land and the weather. There are several factors here therefore that are pertinent to the applicant such as the storage, length of storage and pre treatment and others that would be relevant to the adjacent landowner who will be disposing of the slurry ie type of spreading equipment, rate of application to land and the weather.

The applicant has stated that there will be no treatment of the slurry in storage and therefore all responsibility is divested to the adjacent landowner for the appropriate disposal who will by default have been afforded an element of regulatory protection simply by complying with agricultural codes of good practice.

The waste management plan includes details of the frequency of application, duration of application and extent of impact areas. The Slurry will be spread twice a year (spring and autumn) and will be 3-4 days duration each depending on the cropping, soil and weather conditions. It states that spreading at the weekend, bank holidays or evenings is not recommended and it is considered that a condition could be attached to any permission to secure this requirement to protect residential amenity. The slurry will be spread over nine fields adjacent to the pig units. In the spring it would be necessary to spread the slurry using passive application equipment such as dribble bars

which will place the slurry below the crop canopy minimising the disruption to the growing crop caused by injection. In the autumn then injection techniques would be used.

While this is different to the previous planning permission both techniques are recommended by DEFRA and the environment Agency as Best Available Techniques for controlling odour emissions. In reality the difference amounts to up to 4 days per year of dribble bar spreading. It should be remembered that the spreading of slurry in itself does not require planning permission and the fall back position here is that should the owner give permission any other person could spread slurry in this location without restriction. The submission of a waste management plan to this detail gives the authority an element of control only limited to ensuring that Best Available Techniques are used at all times.

The impact magnitude from the spreading of slurry relates to the atmospheric/weather conditions on the day of spreading together with the rates of spreading and the system being used. The requirements for spreading of slurry are covered in detail in the DEFRA Code of Good Agricultural Practice for protecting water, soil and air and the Waste Management Plan accords with these principles.

It is also important that once this has been approved then the responsibility for ensuring the work is carried out in accordance with the approved details is taken by the appropriate person (ie the adjacent landowner). This has been secured by way of a legal agreement which is attached to this report for your information. This ensures that the adjacent land owner disposes of slurry in accordance with the waste management plan

If the relationship between the two parties breaks down for whatever reason then either party would have to serve a 24 month notice period on the other to terminate the agreement. This would then give a sufficient amount of time to secure alternative arrangements

Slurry will not need to be transported via the road due to the location of the fields proposed for spreading and therefore any potential for odour from this method of transportation is eliminated.

Subject to the above being completed to the satisfaction of the local planning authority then it is considered that the units could operate in a manner to ensure that the smells released as a result of the development would be so pungent or harmful as to make life unbearable for the residents in the surrounding area

- **Noise** – When the previous application was assessed it was considered that it would be likely to result in noise from pigs squealing, employees working in and around the buildings and the extraction and ventilation equipment. At the time it was considered that none would be

at a level that would harm residential amenity specifically as the proposal was within the spirit of the 400 metres guidance and that all of the animals would be contained within the buildings.

Since the units have been operational there has been an unverified complaint of noise arising from the extractor units. The Acoustics report submitted by the applicants acknowledges that the noise of the extractors is perceptible and that the fitting of side attenuators to extractors on all of the units (including the new ones) would decrease existing noise by 2-3 decibels. The applicant has confirmed that he would be willing to accept a condition on any permission requiring attenuators to be fitted to all units.

There have been no complaints regarding noise from existing travel movements to the existing units. The proposed units will increase the number of 8 wheel rigid lorries by 2 movements per week and 2 movements per month. The number of staff visiting the property would increase by 2 per day. Given this relatively small increase in traffic movements and the road is located 125metres from the closest residential property it is considered that the small increase in traffic movements would not be harmful to residential amenity.

- **Ground water pollution**

There are a number of potential sources of groundwater pollution that could arise from the development. These include slurry, rainwater falling on the site, water used to pressure wash the site and during flooding events. There are no water courses within the site.

When the previous application was considered a collection tank for polluted surface water was proposed and has been constructed.

Objections regarding water pollution relate to the spreading of slurry and the potential for contamination. However as long as the slurry is disposed of in accordance with the waste management plan then this should not happen.

- **Other Residential Amenity Matters**

The buildings are 5.6 metres high and therefore will be higher than those existing but are sited over 400 metres from the nearest residential property and therefore will not be harmful to residential amenity due to overshadowing or overlooking

In summary it is considered that the development, subject to the conditions indicated and the receipt of a unilateral undertaking regarding the disposal of slurry would not result in unacceptable harm in terms of pollution and/or residential amenity.

Flood Risk

The site is shown to be within Flood Zone 3 for the purposes of the Flood Risk Assessment. The Environment Agency has confirmed that as the proposals represent an extension of an existing use and the flood plain is so expansive in this location they have no objections to the proposal subject to the addition of conditions relating to finished floor levels and surface water drainage.

Appearance

The site is located within the open countryside that has no special protection afforded. The surrounding area is characterised by large open agricultural fields dotted with farm holdings with large agricultural sheds, together with clusters of residential properties and the village of South Kelsey 2 Kilometres to the east. While this proposal will increase the impact of the buildings on the countryside they are of a size and scale which is characteristic of agricultural buildings in the surrounding area. It is considered that a condition should be attached to any permission requiring further details of materials to be submitted prior to work commencing on site. It is considered therefore that the proposals will not have a harmful impact on the visual amenities of the countryside.

Access and Highway Safety

As the first 10 metres of the access track to the south off Waddingham Road has been hard surfaced as requested by LCC Highways, under the previous two planning applications, to prevent debris from being brought from the access track onto the public highway, it is not considered necessary for the full length of the access track to be hard surfaced.

The Highway Authority has confirmed that due to the minimal increase of traffic activity over and above that already occurring, then they would have no objections to the proposals.

Other Issues

Animal Welfare - Case law indicates that the issue of animal welfare is afforded little weight in determining planning proposals as this is dealt with by other regulations.

Financial Hardship / Restrictive Covenants – Civil matters which are not material planning considerations.

Conclusion and Reason for Decision:

128044 – The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission, STRAT 12 – Development in the Open Countryside, ECON 5 – Intensive Livestock Units, NBE 14 – Waste Water Disposal and NBE 17 – Control of Potentially Polluting Uses of the

West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions and the receipt of a unilateral planning undertaking. With the conditions in place, it is considered that the proposal is acceptable, it meets the sequential approach relating to the location of new development, the visual intrusion would not be significant, residential amenity can be preserved, highway safety would not be endangered and pollution can be contained. It is also considered that the cumulative impact of this proposal together with the accompanying applications for the other three units is acceptable.

128045 – The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission, STRAT 12 – Development in the Open Countryside, ECON 5 – Intensive Livestock Units, NBE 14 – Waste Water Disposal and NBE 17 – Control of Potentially Polluting Uses of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework, In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions and the receipt of a unilateral undertaking. With the conditions in place, it is considered that the proposal is acceptable, it meets the sequential approach relating to the location of new development, the visual intrusion would not be significant, residential amenity can be preserved, highway safety would not be endangered and pollution can be contained. It is also considered that the cumulative impact of this proposal together with the accompanying applications for the other three units is acceptable.

128047 – The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development Requiring Planning Permission, STRAT 12 – Development in the Open Countryside, ECON 5 – Intensive Livestock Units, NBE 14 – Waste Water Disposal and NBE 17 – Control of Potentially Polluting Uses of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions and the receipt of a unilateral undertaking. With the conditions in place, it is considered that the proposal is acceptable, it meets the sequential approach relating to the location of new development, the visual intrusion would not be significant, residential amenity can be preserved, highway safety would not be endangered and pollution can be contained. It is also considered that the cumulative impact of this proposal together with the accompanying applications for the other three units is acceptable.

128048 – The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 –

Development Requiring Planning Permission, STRAT 12 – Development in the Open Countryside, ECON 5 – Intensive Livestock Units, NBE 14 – Waste Water Disposal and NBE 17 – Control of Potentially Polluting Uses of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions and the receipt of a Unilateral Undertaking. With the conditions in place, it is considered that the proposal is acceptable, it meets the sequential approach relating to the location of new development, the visual intrusion would not be significant, residential amenity can be preserved, highway safety would not be endangered and pollution can be contained. It is also considered that the cumulative impact of this proposal together with the accompanying applications for the other three units is acceptable.

Recommendation:

128044 – Grant planning permission, subject to conditions and the receipt of a Unilateral Undertaking requiring the owner of the adjacent land to undertake disposal of the slurry in accordance with the Waste Management Plan dated May 2012 and restricting HGV routing.

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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 commence until a scheme detailing the disposal of surface water drainage from the site (including the results of soakaway tests)

has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

5. No development shall take place until details of side attenuators to the extractors on all units has been submitted to and approved by the Local Planning Authority. The approved attenuators shall be installed on the two existing units within 2 months of the date of their approval. The attenuators on the building the subject of this permission shall be installed prior to the building being brought into use.

Reason: To ensure that noise from the units does not cause harm to residential amenity in accordance with policy STRAT 1 – Development requiring Planning Permission of the West Lindsey Local Plan First Review June 2006.

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

6. The development shall only be carried out in accordance with the approved Flood Risk Assessment (April 2012) and the mitigation measures detailed within the Flood Risk Assessment.

Reason: To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency and in accordance with West Lindsey Local Plan First Review Policy STRAT1

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: IP/FT/01, IP/FT/02 and IP/FT/03D dated Nov 11. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application, unless otherwise agreed in writing by West Lindsey District Council as Local Planning Authority.

Reason: To ensure the development proceeds in accordance with the approved plans

8. Finished Floor levels shall be no lower than 3.65 metres above Ordnance Datum

Reason: To prevent the increased risk of flooding both on and off site and to accord with policy STRAT 1 – Development requiring Planning Permission of the West Lindsey Local Plan First Review June 2006.

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

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

Reason: To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency and in accordance with West Lindsey Local Plan First Review Policy STRAT1

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

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

11. The spreading of slurry shall not take place at weekends or Bank Holidays

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

12. The spreading of slurry shall be undertaken in accordance with the waste management plan dated May 2012

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

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -
(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

Prepared by : Zoe Raygen

Date : 25 October 2012

Signed:

Authorising Office **Date:**

THIS AGREEMENT IS MADE THIS DAY OF 2012

BETWEEN

**HOLMEFIELD FARM SERVICES LTD (“the Producer”) of Agriculture House,
Murton Lane, Murton, York, Yorkshire YO19 5UF
and
KENNETH LETHBRIDGE (“the Farmer”) of Holme Hill Farm, Waddingham Road,
South Kelsey, Market Rasen, Lincs LN7 6PN**

RECITALS:

1. The Producer operates the Pig Unit.
2. The Farmer owns and farms the Land.
3. The Producer needs to dispose of slurry from the Pig Unit and the Farmer has a requirement for pig slurry to fertilize and condition the soil of the Land.
4. The Producer and the Farmer have agreed to enter into this agreement in relation to the application of the Slurry to the Land.

OPERATIVE PART

1. In this agreement the following words and phrases shall have the following meanings:
 - “the Pig Unit” means the pig unit at Holme Hill Farm near South Kelsey operated by the Producer.
 - “the Land” means the land shown shaded on Plan 1 and identified as fields F1 – F9.
 - “Plan 1” means the plan annexed hereto and marked Plan 1.
 - “the Services” mean the services described in Schedule 1 to this agreement.
 - “the Farm Waste Management Plan” means the Farm Waste Management Plan dated May 2012 prepared by David Royle a copy of which is attached as appendix 1 to this agreement.
 - “the Slurry” means pig slurry produced in the Pig Unit.
 - “the NVZ Regulations” means the Nitrate Vulnerable Zones Regulations 2009 as amended or re-enacted from time to time.
2. The Farmer will provide the Services to the Producer from the date of this agreement.
3. The Farmer will make no charge for or in connection with the Services and the Producer will make no charge for or in connection with the supply of the Slurry.

4. The Producer gives no warranty to the Farmer that the amount or quality of the Slurry will be sufficient to supply his need for fertilizer or soil conditioner on the Land at any particular time.
5. The Producer will allow the Farmer access to the Pig Unit at all reasonable times to enable him to remove the Slurry PROVIDED THAT it will be able to refuse access in the interests of animal or human health or for reasons for safety.
6. This agreement can be terminated by either party giving the other 24 months notice in writing such notice to be sent by first class post addressed to Frank Tobin, Brandy Wharf Piggeries, Waddingham Road, South Kelsey, Market Rasen, Lincs LN7 6PN in the case of notice by the Farmer to the Producer or to Ken Lethbridge, Holme Hill Farm, Waddingham Road, South Kelsey, Market Rasen, Lincs LN7 6PN in the case of notice by the Producer to the Farmer or to such other address as may from time to time be notified in writing by either party to the other.
7. The Producer accepts no liability for damage to the property of the Farmer during or as a result of the performance of any of the Services and in particular but without prejudice to the generality of this clause as a result of his presence on the Pig Unit and no liability for damage to the Land or to crops or grass growing on the Land by reason of the application of the Slurry.


Schedule 1

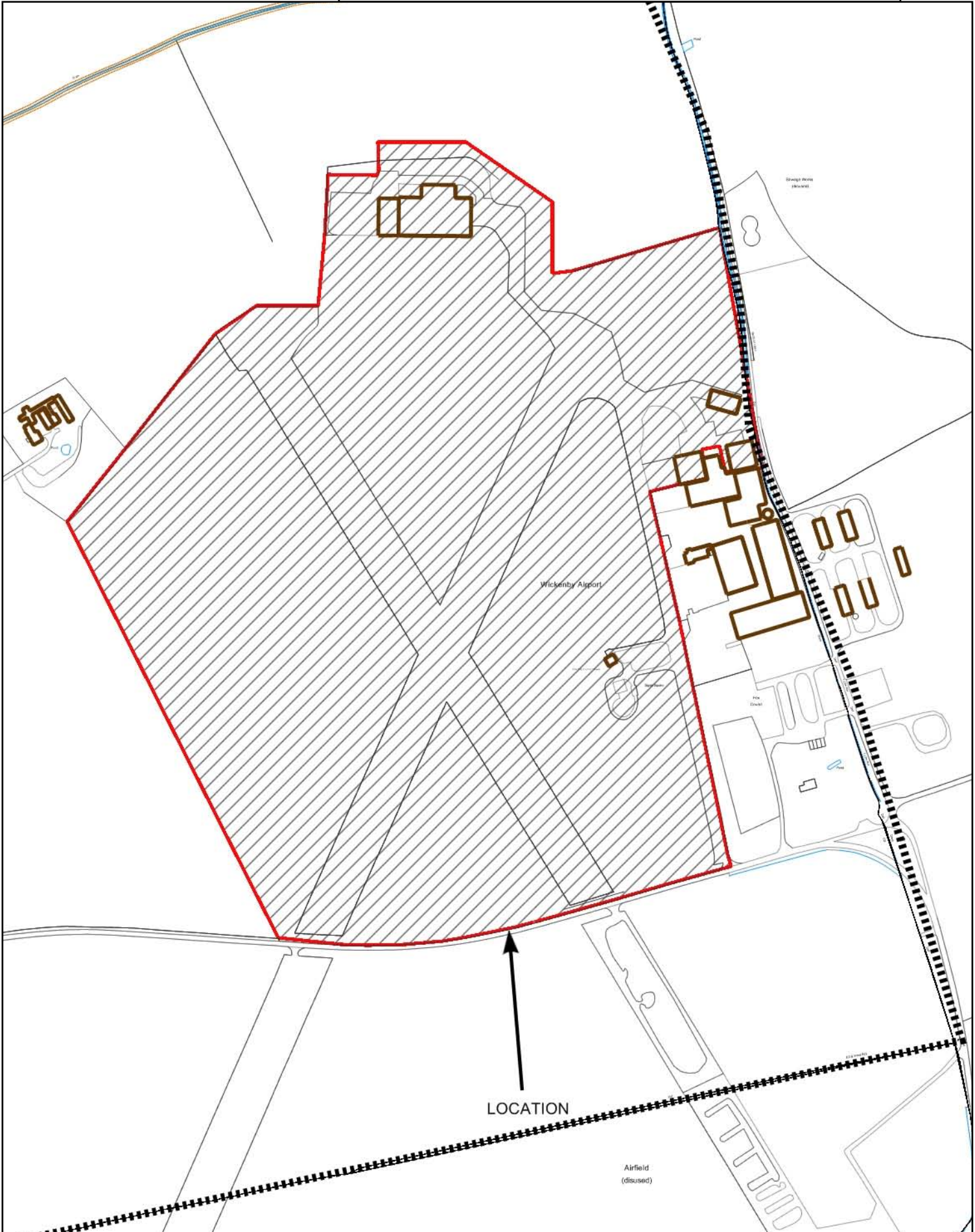
The Farmer agrees to:

1. Apply the Slurry to the Land using the methods and at the rates described in the Farm Waste Management Plan. In particular but without prejudice to the generality of this obligation the Farmer will:
 - 1.1 Apply the Slurry in the manner recommended in the Farm Waste Management Plan or in a manner which provides better standards of environmental protection.
 - 1.2 Apply the Slurry at the appropriate rate according to crop requirements and at a rate not in excess of 65m³/ha.
 - 1.3 Apply the Slurry only to the Land and not to other land.
 - 1.4 Apply only the Slurry to the Land and no other slurry or manure.
 - 1.5 Comply with the DEFRA Publication Protecting our Water Soil and Air A Code of Practice (2009), the MAFF Water Code (1998) and the NVZ Regulations or other guidance which amends or replaces them and in any event adopt current best available techniques for the application of slurry to farm land taking into account the risk categories for parts of the Land as identified in the Farm Waste Management Plan.

- 1.6 Keep records of the application of slurry manure and fertilizer on Holme Hill Farm that are sufficient to demonstrate compliance with the NVZ Regulations.
- 1.7 Not apply the Slurry to the Land during the closed periods described in clause 5.6 of the Farm Waste management Plan.
- 1.8 Avoid applying the Slurry when prolonged periods of south westerly winds are forecast and whenever possible avoid spreading at weekends, on bank holidays and in the evenings after 5.30 pm.
- 1.9 Obtain any environmental permits or other licences or consents which are necessary or register for exemptions from the need to hold such environmental permit licence or consent which are necessary in connection with the application of the Slurry and comply with all relevant legal requirements
- 1.10 Periodically analyse the Slurry for the purposes of assessing the appropriate application rate and its suitability for application to the Land.
- 1.11 Exercise proper care in connection with the removal of the Slurry from the Pig Unit so as to avoid damage to the buildings, equipment or stock and so as to avoid spillage and to comply with any reasonable and proper instruction from the Producer in doing so.

Signed on behalf of: 
Holmefield Farm Services Limited

Signed by: 
Kenneth Lethbridge



Officer's Report

Planning Application No: 128778

PROPOSAL: Planning application for proposed replacement hangars, ancillary workshops and offices

LOCATION: Wickenby Airfield Watery Lane Wickenby Lincoln, Lincolnshire LN3 5AX

WARD: Dunholme

WARD MEMBER(S): Councillor Mrs S Rawlins

APPLICANT NAME: Wickenby Aerodrome LLP

TARGET DECISION DATE: 26/09/2012

DEVELOPMENT TYPE: Small Major - all others

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the signing and completion of a section 106 agreement obligating the applicant to not use the part of the existing North Hangar, subject to the application 128788, for the storage of aircraft following the expiration of 3 months from the date of first use for storage of aircraft of the two hangars granted by this permission.

Introduction

This application was deferred at the October meeting of the Planning Committee so that a site visit to assess the visual impact of the hangars within the landscape.

Site

Wickenby Airfield is in the open countryside near to the villages of Wickenby and Holton cum Beckering. It was established in WWII and has been used as a civilian airfield since the 1960's. In addition to the airfield related uses, which include pleasure flights, training and aerobatics, Wickenby Airfield is used as a base by Rase Distribution, a storage and distribution operation specialising in the transportation and storage of agri-chemicals (see relevant history). This site is COMAH (Control of Major Accident Hazard Regulations 1999) registered. Agrii also have a storage facility at the airfield, again used for the storage of agri-chemicals. The original control tower now houses a WWII memorial museum (over 1,000 RAF personnel lost their lives when based at Wickenby), cafe and airfield offices on an area of grass on the airfield itself to the north of the control tower and to the west of the Rase Distribution site. There are a number of hangars in use and two runways, albeit only one being able to be used at any one time due to the "crosshairs" layout.

Proposal

This application is for the construction of two buildings:-

Hangar 1 - gross floor area of approximately 3040 sq. m that includes a 284 sq. m, first floor, storage area with a monopitch roof, maximum height of which will be 9.4m above ground level. The building is to be predominantly clad in plasti-coated metal sheeting with a glazed curtain wall system cloaking the southwest corner.

The proposed use is as a hangar for aircraft storage, maintenance workshop hangar and ancillary offices and stores. It is also proposed to include a reception area for the businesses accommodated within the building.

Hangar 2 - gross floor area of approximately 1180 sq. m with a monopitch roof, the maximum height of which is proposed to be 9.4m above ground level. The building is to be predominantly clad in plasti-coated metal sheeting.

An apron is proposed in front of both buildings.

The application is linked to a separate proposal for the change of use of part of the existing T2 (North) Hangar at the airfield to a storage and distribution use. This change of use also necessitates a new taxiway to be constructed from the west end of the T2 (North) Hangar which would be retained for aircraft maintenance and restoration as the use of the eastern end of the hangar for the storage and distribution use would prevent access for aircraft to the runways. New taxiways are also proposed to the south of the T2 (North) Hangar and from the apron in front of the proposed new hangars to the runway. These taxiways are also considered as part of this application for the new hangars.

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'.

Relevant history

The airfield use is an established use with no overall limitations enforced through the Planning Acts on the number or type of aircraft that can be kept and/or stabled at the site whether indoors or outdoors at any one time. There are currently a number of hangars in use, the largest being the T2 (North) Hangar which was originally designed to house three Avro Lancasters.

The Airfield is licensed by the CAA. There are a considerable number of planning applications that have been determined within the Airfield site, but the following are considered to be most relevant to this application:-

Control tower

126830 - single storey extension and internal alterations to control tower – Granted 8th March 2011 but not implemented.

South of the control tower

128586 – Construction of hangar to be used as a maintenance and restoration hangar. This building is now erected and is based on the architecture of a “blister” hangar of WWII vintage. The permission is subject to a condition stating:-

“The hangar shall only be open to persons employed by the applicant company or other persons directly associated with the operations being carried out within it to maintain or restore aircraft or otherwise reasonably required to be present, and shall not be open to members of the general public.”

T2 (north) Hangar

122466 - This hangar has not always been used for aircraft storage and in March 2009 permission was granted retrospectively from a wood shavings business to the current use of hangarage, aircraft maintenance and microlight production. Various conditions applied including the limitation of industrial processes to indoors, the laying out of parking, external storage to be agreed via a scheme to be submitted to the local planning authority and the following condition relating to access:-

“Within 3 months of the date of this consent details of a scheme for the control of vehicle movements to and from the site, to avoid movements across a section of an active runway, shall be submitted to and approved by the local planning authority and the scheme shall be implemented in accordance with the approved details within 3 months of the date of approval.”

This was imposed due to the inability to gain access to the building other than across the end of one of the active runways.

Rase Distribution

123390 – Hazardous substances consent to store very toxic, oxidising, flammable, highly flammable, highly flammable liquid, extremely flammable, dangerous for the environment and any classification substances.

Representations

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

Wickenby Parish Council: The Parish Council does not have any objection to the proposed development. Before determining the application, the Parish Council asks the planning authority to consider concerns on the potential for the development to increase the quantity of aircraft based on the site, and by extension, the potential for additional flight traffic which could have a detrimental impact on local amenity and enjoyment. As a result, the Parish Council would like the Planning Authority to consider the application of suitable conditions that would ensure the new hangar is a like-for-like replacement for the space lost from application 128788, rather than an opportunity for growth and expansion. We would further like the Planning Authority to consider the application against CRT12 (Environmentally damaging Sports).

On the point of growth and expansion, the Parish Council wishes to reiterate its previously held concern over the ad-hoc development of the airfield and would welcome the opportunity to have a dialogue with the Planning Authority to ensure any future development is planned and appropriate.

All that remains of the airfield's historic legacy as a military airfield is the air traffic control tower. The Parish Council would like the Planning Authority to carefully consider the visual impact of the development on the historic legacy of the site, and would welcome any opportunity for the development to enhance or restore the historic legacy of the site.

The Parish Council has some concerns over the total length of the proposed unit including whether the extensive use of glass in the design of the office block is appropriate for this historic site.

The Parish Council recommends that waste storage, collection and trade waste facilities are provided as it seems inevitable that the types of work undertaken in the proposed unit will generate some waste which will require disposal.

The application does not indicate how generated or overflow water will be disposed of from the treatment plant.

There is a presumption that aero engine testing will form part of the maintenance work. Therefore it is recommended that hours of work are limited including full closure for Sundays and other public memorial days.

Some queries relating to accuracy of submission particulars.

Holton cum Beckering Parish Council (neighbouring parish) – Proposal will have an impact on a wider catchment of settlements not just those in the immediate vicinity. A much longer timetable for consultation is needed.

Lissington Parish Council (neighbouring parish) – There is considerable disquiet in the Parish in respect of this application. This is in the main as a

result of the significant noise nuisance resulting from aerobatic flying that is presently being experienced. There is a concern that an increase in hangar and workshop capacity will result in increased activity and attendant disturbance. A code of conduct compiled by the operator is regularly breached. We request that consideration of this application be postponed until an acceptable enforceable code of practice can form part of any permission granted.

Residents and local business -

Representations received **objecting** or **raising some comments of concern** to the application from Bradnor House, Westlaby Lane, Wickenby; The Garden, Lissington; White Cottage, Lissington; Sunnygates, Lissington Road, Wickenby; 2, Truman Close, Faldingworth; Thistledown, Barn Lane, Holton-cum-Beckering; Fir Tree Lodge, Snarford Road, Wickenby; White Lodge; Tobermoray, Lissington Road, Wickenby; Orchard Cottage, Snarford Road, Wickenby; Valeside Cottage, Tealby; Mid House Farm, Lissington; Plot 3, The Barns, Westlaby Manor, Snelland; Griffin House, Wickenby; The Limes, Faldingworth; Holton Hall, Holton cum Beckering; Cooper Aerial Surveys Engineering Ltd, Wickenby Airfield and WARF (Wickenby Airfield Residents Forum)-

- Objections from WARF represent residents from 10 parishes.
- Misgivings in respect of noise nuisance from aerobatics activities presently experienced and the possible increase in this due to expansion of hangar space.
- This nuisance is very real to many residents who find it hard to understand why motor vehicle noise is controlled by law and overhead noise is considered acceptable. On frequent occasions gardening or in fact any outdoor activity isn't a pleasure and it goes on for hours at a time. It can be described as if one were trapped inside a jam jar with a very angry bee.
- Noise from planes is intrusive indoors as well as outdoors and affects a large number of villages, not just Wickenby.
- It is almost constant disturbance 7 days a week.
- It affects animals as well as people.
- It affects the lives of people at a nursing home.
- Do not doubt that aerobatic flying took place in the 1970's but 40 years ago aircraft were very different and in all probability a lot quieter.
- There is a voluntary code published by the Airfield which is not adhered to by pilots. The code is one sided with no agreement from residents.
- Airfield representatives have refused to meet WARF despite the latter offering to meet to come to a mutual agreement.
- A letter from the applicant to residents proposes to extend the voluntary exclusion zone to 5 miles. However, based on past experience and the caveats over "lack of control" we have little confidence that this will be adhered to unless there is some form of legal agreement or obligation in any planning consent.

- Also find the present increase in aerobatic flying worrying especially references to “training” and visitors “not aware of local conditions” in respect of the proximity of the COMAH site.
- Aerobatic flying is terrifying to local residents.
- Both the pilot and his/her aircraft are under considerable mental and physical stress and it is only a matter of time before there is an accident.
- Informed that local planning authority can do nothing about flying activities but have been made aware that the Local Government Ombudsman criticised a local authority for not doing anything about flying activity on an airfield in Yorkshire. Is that not a precedent?
- Whilst noting that the application states that the amount of aircraft storage space is unchanged and that the increased size of building is for workshops, there are concerns that at some time in the future we will be faced with a change of use application to provide extra aircraft storage space. The floorspace will increase by 50%
- Any lighting should be environmentally friendly.
- There are anomalies and gaps in the submitted information relating to parking and employment generation.
- Employment generation must be assessed against impact on existing businesses including farms and nursing home.
- There are no references in the submission to policies SUS13 – Hazardous Proposals and CRT12 – Environmentally Damaging Sports of the West Lindsey Local Plan First Review in the application particulars, both of which are relevant.
- Aircraft noise infringes on local business such as holistic clinic.
- Should the local authority not adequately protect us in the determination of this application or provision of appropriate control conditions we may seek to exercise our right to seek compulsory purchase of our property due to planning blight caused by the approval of the application.
- Fire hydrants in village are used by the road sweeper from the Airfield to clean the runway.
- Emissions from planes result in dirt on houses and cars in the locality.
- Cooper Aerial Surveys Engineering Ltd objections refer to their objection for the hazardous substances application pertaining to part of the T2 hangar (ref 129059) and state that they should not be considered in isolation.

Representations received in **support** of application from 3, Cow Lane, Tealby; 7, Fern Drive, Market Rasen; Flying Farmer Cafe, Wickenby; 22, Church Walk, Sibsey; 19, Mainwaring Road, Lincoln; Home Farm, Cliff Road, Hackthorn; Hackthorn Hall, Hackthorn; 1, Cliff Cottages, Middle Street, Burton; 10, The Sidings, Horncastle; White House Farm, Rand; E.H.Thorne (Beehives) Ltd., Rand; Glenside, Lissington; Clough Farm Cottage, South Ormsby Road, Tetford; The Old Bakehouse, Market Place, Wragby; 28, The Cloisters, Grimsby; Birch Holt Farm, Burton; Barwick House Caistor Road, Market Rasen; 12, Elm Avenue, Cherry Willingham and 1, Manor Farm Cottages, Reasby:-

- Wickenby Airfield provides much needed facilities for West Lindsey but the WWII hangarage is not ideal for the storage of modern light aircraft.
- The recent record attendance at Wickenby Wings and Wheels air show demonstrated the popularity of the Airfield with the majority of local people – the new hangars will mean aircraft are more visible to the public and will stimulate interest with young people.
- The proposed development will provide modern hangarage that will solve access, potential damage and safety issues whilst the relocation of the hangars will enable the Airfield to be managed more efficiently.
- The proposed plan is an opportunity to develop the airfield's business.
- The Airfield is not seeking to increase the space devoted to hangarage as the current hangars are seldom full to capacity. The intention is to change the use of part of the T2 hangar at the north end of the site to allow Frontier Agriculture to relocate their business from Wragby and then to build new similar sized, but better suited hangars to replace what will be "lost" to Frontier. The only anticipated growth is in the workshop areas to allow for longer term aircraft engineering, repair and modification projects that will create employment.
- The location of the new hangars should not detrimentally affect the view of the Airfield from the road as it is situated beyond the control tower.
- The Airfield regularly hosts educational and other group visits and the increased proximity of aircraft and services activity will only enhance the experience enjoyed by visitors.
- There are many examples, recorded on TV, of Wickenby's commitment to the aviation heritage of Lincolnshire and the UK.
- As a business owner (Flying Farmer) I am very aware that the expansion will give us more customers so giving us job security enabling us to improve facilities and employ more staff.
- The countryside needs more jobs and expansion of opportunities. If we do not have a positive attitude to development, we will not work our way out of this recession.
- Having spent just over 2 yrs as a student pilot at Wickenby all the way through my training great emphasis was put on the constant care and consideration to be given to Wickenby's neighbours to minimise the effect we had on them so I have no hesitation in my support of this application

Civilian Aviation Authority (CAA) – Wickenby is currently licensed by the CAA (Ordinary Licence number P882). This means that the aerodrome has been inspected and found to meet the standards published in Civil Aviation Publication 168 Licensing of Aerodromes. Aerodromes which apply to be licensed and which meets these standards must be given a licence, there is no flexibility in the law on this point. The licensing process is quite separate from the planning application process and the control of the number of movements and similar restrictions are normally applied under the Town & Country Planning Act rather than the Civil Aviation Act. Therefore, it is

for the local planning authority to consider the wider impact of the aerodrome's use before granting permission for specific developments.

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

Environment Agency – No comments

LCC Archaeology (Historic Environment Team)- Wickenby Airfield was opened in September 1942 and was laid out in the standard layout of three runways. Many parts were returned to agriculture following WWII but the northern part was used by a flying club from the mid 1960's onwards. There are some original structures remaining on the site including aircraft hangars and the control tower. The proposed placement of the new aircraft hangars will encroach onto an area which would have been historically free of structures and will change the setting of the control tower and the clear view it traditionally had of aircraft approaching the runway. If possible, a more sensitive location should be sought for the hangars.

HSE (Health & Safety Executive) – Does not advise, on safety grounds, against the granting of planning permission in this case. The impact on the adjoining COMAH site (Rase Distribution) is not a planning matter. However, the issue has been referred to the HSE team responsible for enforcing the COMAH Regulations. They will consider whether Rase Distribution Ltd. should review their safety report in light of the proposed development. The HSE note that there are inaccuracies in the Design & Access Statement relating to the consultation distances quoted. However, the errors were not reflected in the Council's consultations which were carried out correctly to obtain the HSE's advice.

RAF Wickenby Memorial Collection – We have seen the plans and have no objection whatsoever. The Watch Office is the home of the RAF Wickenby Memorial Collection which includes an extensive archive and many artefacts relating to wartime Wickenby. Our aim is to promote the history of the Airfield which we are in the perfect position to do so with our views over the remains of the WWII airfield and runways and the proposed plans will not change this. Wickenby Aerodrome LLP is very much in support of our role at Wickenby and anything that helps to increase their business and brings more people to the airfield can only be to our advantage.

LCC Public Rights of Way – No encroachment on Bridleway 904 (Watery Lane)

Witham 3rd Internal Drainage Board – No objections.

WLDC Environmental Protection - No comments with regard to noise. This has been investigated previously and no action was possible. However, advise that condition requiring an investigation of contamination is required.

Development Plan:

- **East Midland Regional Plan 2009**

Policy 1 - Regional Core Objectives
 Policy 2 - Promoting Better Design
 Policy 3 - Distribution of New Development
 Policy 4 - Development in the Eastern Sub-area
 Policy 19 - Regional Priorities for Regeneration
 Policy 20 - Regional Priorities for Employment Land
 Policy 26 - Protecting and Enhancing the Region's Natural and Cultural Heritage
 Policy 27 - Regional Priorities for the Historic Environment
 Policy 41 - Regional Priorities for Culture, Sport and Recreation
 Policy 56 - Regional priorities for air transport

All the above policies are available via the following link:-

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**

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

STRAT3 – Settlement hierarchy
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT12 – Development in the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

SUS13 – Hazardous proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm>

CRT12 – Environmentally damaging sports
<http://www2.west-lindsey.gov.uk/localplan/written/cpt9.htm>

NBE10 – Protection of landscape character and Areas of Great Landscape Value.
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE14 – Waste water disposal
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

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

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

Other relevant policy

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

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

The policy content relating to the presumption in favour of sustainable development, growth, design, the significance of heritage assets, flood risk and drainage is afforded significant weight in the following assessment.

- **Technical Guidance to NPPF (2012)**

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

- **Draft Aviation Policy Framework (2012)**

<http://assets.dft.gov.uk/consultations/dft-2012-35/draft-aviation-policy-framework.pdf>

This is a draft policy framework, currently the subject of consultation and not afforded significant weight in the following assessment.

- **Partial Draft Joint Core Strategy (2012)**

<http://www.central-lincs.org.uk/>

This is a draft local plan currently the subject of consultation and not afforded significant weight in the following assessment.

Assessment:

Principle

Wickenby Airfield is, in terms of its location outside of the settlements defined in the Local Plan First Review (policy STRAT3 refers) and in character and appearance, in the open countryside. Policy STRAT12 of this Plan states that planning permission will not be granted for development proposals in the open countryside unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies. The Regional Plan also, whilst promoting development in economically lagging areas such as West Lindsey (policy 19 refers),

nevertheless guides planners to only approving development that is sustainable. The National Planning Policy Framework equally supports growth and development but only if sustainable.

Aerodromes are not inherently sustainable and the airfield location, devoid of public transport services, does not provide the potential for sustainable trips to be made to and from the site. However, in the context of policy STRAT12 it is clear that airfields benefit from countryside settings, for operational safety and in terms of minimising impact on residents in terms of noise and disturbance. The Regional Plan, also includes a policy that supports aviation development, policy 56 stating that there should be support for the existing roles of smaller airports/aerodromes where this is consistent with local amenity. Furthermore, the National Planning Policy Framework advises at Para 33 that, when planning for airfields, account should be taken of their growth and role in serving business, leisure, training and emergency service needs. The Framework continues by stating that local authorities are required to have regard to policies and advice issued by the Secretary of State and this will include the final Aviation Policy Framework. The latter in its draft form is supportive of aviation development, albeit that this is a draft policy that should be afforded little weight.

Substantial weight is also afforded to the fallback position, insofar as this is an established airfield and, although some of the buildings have restrictions in terms of use, there is no overall regulatory restriction to the number of flights, times that the runway can be used and/or type aircraft that can fly to and from the site.

The airfield also undoubtedly provides a destination for recreation and tourism offering an aviation heritage attraction in the form of the Memorial Collection and the historic buildings as well as flight training, pleasure flights and air shows. There is also employment at the site in the form of the microlight production, restoration and maintenance of planes as well as the pilots and the viability of businesses such as the cafe depend to a degree on the functioning of the Airfield.

It is acknowledged that some of the data submitted with the application relating to the number of employees has been questioned. Nevertheless, some weight should be afforded to the employment retention and generation considerations in terms of the benefits to and diversification of the rural economy

However, the granting of this permission without conditions could result in the scenario that the hangars are built and all of the existing hangar is also retained for storage of planes (due to a decision not to implement that change of use or a refusal of that application). This could result in a significant potential increase in hangarage. It is reasonable to assume that such an increase in hangarage correlates to an increase in frequency of flights to and from the Airfield. This is because, whilst some flights can be attributed to visiting aircraft or aircraft that are stored outside at the airfield, the majority of flights currently are associated with aircraft stored within hangars (on the three separate occasions that the case officer visited the site, each for a

prolonged period of time, the only take-offs and landing witnessed were of planes that were stored in the hangars and only four out of fifty planes counted at the site were stabled outside). Significantly increasing the amount of storage hangarage would conflict with the policies of sustainability cited in the Regional Plan and National Planning Policy Framework due to the unsustainable nature of the location.

In this context, it is suggested that a restriction on the space to be occupied by hangarage for storage of aircraft needs to be applied by condition and a legal agreement, secured through section 106 of the amended Planning Act 1990, entered into by the applicant obligating that, if the new hangars are brought into use, the part of the T2 hangar subject to application 128788 is not used for hangarage. This is possible as the applicant also owns the T2 hangar.

It is also considered reasonable and necessary to restrict the storage space to that for aircraft as general storage would not necessarily be appropriate in this open countryside location whereas the aircraft storage has been justified. Similarly the aircraft maintenance areas need to be tied to this particular use as a general industrial use may not be appropriate in this location due to sustainability and amenity issues.

Finally, a restriction on the office area is not considered necessary as the level of floor space proposed is clearly ancillary to the aircraft hangarage use.

Residential amenity

This is a consideration detailed in policies STRAT1 and CRT12 of the West Lindsey Local Plan First Review.

This assessment has already suggested that controls are necessary to restrict the capacity of covered hangarage storage given the relatively unsustainable location. It is also suggested that the same controls are necessary to a certain degree in terms of amenity. There are some restrictions which are regulated by the CAA in terms of airborne activity. The runway lengths, significantly shorter than their WWII length due to being truncated by the road to the west, also limit the size of aircraft that can use the Airfield. Nevertheless, the increase in floorspace which potentially could be used for storage of aircraft as proposed by this application, whether the majority of the existing T2 North Hangar ceases to function as a hangar or not, leads one to conclude that a restriction of the floorspace is necessary. Furthermore, to prevent both new hangars and the majority of the T2 hangar being used then the legal agreement already referred to in this assessment is also necessary. These restrictions are necessary because there is clearly capacity in terms of slots on the runway and the extra storage space could increase the number of the type of planes that currently use the Airfield. These types of aircraft include the aerobatic planes referred to by residents which, due the characteristics of aerobatics, result in low flying and noise generated by the ebb and flow of engine noise when the engine is under strain as it propels the aircraft through complex manoeuvres, the characteristics of such noise being very audible from the ground, prolonged and of a nature that could be intrusive if the

frequency of flights by this type of aircraft increased as the result of the increase in hangar storage

Representations have also been received with regard to the aircraft maintenance element of the proposal and specifically the hours of operation. The nearest dwelling that could be potentially affected is Westlaby Farm which is 540m to the west. The area between this dwelling and the hangars is characterised by open airfield with little potential for noise attenuation. However, it is noted that the western end of the T2 (North) Hangar which is being currently used for restoration and maintenance of aircraft, is much nearer to this dwelling (330m). There are no restrictions in terms of hours of operation or noise attenuation and the hangar doors of this building are regularly open. However, there is a restriction that prevent processes being carried out outdoors.

In this context, given the much greater distance to the proposed hangars, it is considered that restrictions in terms of hours of operations and outdoor use would be unreasonable.

The next nearest dwellings are on Lincoln Road, Holton cum Beckering to the east and the cluster of dwellings that includes Westlaby Manor to the west, all of which are over 1km from the proposed hangars. At this distance it is considered that the noise impact from the maintenance and restoration uses would be minimal in the context of the existing uses at the Airfield.

Visual impact and setting of designated and non-designated heritage assets

These are considerations detailed in polices 26 and 27 of the Regional Plan, polices STRAT1 and NBE10 of the Local Plan First Review and the National Planning Policy Framework (2012).

The site is visible from many vantage points including from Wickenby village, the road between Wickenby and Lissington, between Lissington and Holton cum Beckering, from Watery Lane and from the road to the south. Views from the B1399 to the east are obscured by a belt of trees and the existing building within the Rase Distribution compound.

From Wickenby, the Wickenby to Lissington road and between Lissington and Holton cum Beckering the views are open and the runways are clearly visible. The most prominent element of the Airfield is the T2 (North) Hangar. The proposed new taxiways will merely appear as complimentary features to this building and the runways.

The visual impact of the proposed hangars will be lessened by the fact that they will be appear further away than the T2 hangar and be set against the backdrop of the existing Rase Distribution and Agrii buildings. It is also suggested that, whilst the two buildings will appear as simple monolithic masses within the panorama, such forms are typical of the appearance of airfields, the existing T2 (north) hangar being such an example. With the appropriate colour finish, the visual impact from these viewpoints is considered acceptable. In this context it is also considered that the setting of

listed buildings within the villages of Wickenby, Lissington and Holton cum Beckering, including the churches, will be preserved.

The view from B1399 and Watery Lane is much closer to the proposed hangars, but is obscured for much of its length by trees and existing buildings. It is not until one gets towards Holton cum Beckering that the view opens up but, even from these points, the hangars would not be the dominant buildings in the panorama. The amenity value of this public right of way will therefore not be significantly affected.

The view from the south will be more pronounced and the setting of the original Control Tower will be affected. This building is one of the original WWII structures and considered to be a non-designated heritage asset. The preservation of its setting and its significance within the landscape are therefore important (the National planning Policy Framework refers). Currently the Control Tower sits alone within the Airfield, the other buildings lining the perimeter of the site. The proposed hangars would sit much closer to the Control Tower and dominate the backdrop to the view. They would also obscure views to the northwest from the first floor of the Control Tower, thereby reducing the panorama that would have been visible during WWII. However, this impact on the setting must be weighed against the fact that the Airfield is still in use as an airfield; very few of the WWII airfields in Lincolnshire are still used for their original purpose. The continued use of the site as an airfield is considered to make a significant contribution to the setting of the Control Tower; visitors to the Memorial Collection in the first floor of the building can look out of the windows and watch planes taking off and landing and this adds to the atmosphere experienced at the site. This ability will also remain. The Airfield also helps attract more visitors to the Memorial Collection which assists in spreading the knowledge of the history of the Control Tower and the Airfield to a wider public audience. In this context, the impact on the Airfield and its significance is considered acceptable. The RAF Memorial Collection, who maintain the museum, support the application.

The glazed element of the larger of the two proposed buildings does contrast with the simple form of the main structure. However, glazing is not an uncommon element in this context; there is obviously a significant area of glazing at first floor level of the Control Tower and the office block at the Rase Distribution site.

Finally, concerns have been raised regarding lighting. The site is in the open countryside and although the Agrii and Rase Distribution compounds have lighting, external lights mounted on the west elevation of the hangars could be quite visually intrusive in the countryside and also result in inappropriately high levels of light pollution in the sky. Therefore a condition is suggested to require scheme of lighting to be agreed before first use of the buildings.

In summary, it is considered that the visual impact of the proposal is acceptable subject to conditions.

Access and Highway safety

These considerations are detailed in policy STRAT1 of the Local Plan First Review and the National Planning Policy Framework.

Trips associated with the proposed use include customers of the pilot training schools, maintenance shop customers, pleasure flight customers, owners of the planes and employees. With the restrictions in place as already proposed earlier in this assessment (legal agreement and condition), it is considered that the increase in trips will not be significant. There is some potential for planes to be delivered by road, parts to be delivered by HGV and delivery vans to travel to and from the hangars. However, the levels predicted with the use are likely to not be significant in the context of the trip rates and character of movements to and from the Rase Distribution and Agrii sites. It would not be reasonable to require a travel plan or highway improvements to be made. Lincolnshire County Council Highways Authority have confirmed that they have no objections.

Foul water, flood and surface water disposal

These considerations are detailed in policies STRAT1 and NBE14 of the Local Plan First Review and the National Planning Policy Framework.

Foul water – Circular 03/99 advises that, where practicable to do so, foul drainage should be discharged to main sewers. Having inspected the Anglian Water asset map it is clear that there are no mains sewers within the locality. Therefore, the next most preferable means of disposal is via a package treatment plant which is more environmentally sustainable than a septic tank. The ground conditions and area of ground available around the buildings are appropriate for a package treatment plant and this is what is being proposed here. A condition can be enforced ensuring the installation of the plant before the first use of the buildings.

Flood risk – The site is within flood zone 1 as defined by the Environment Agency which is land at least probability of flooding and therefore the preferred location for new development.

Surface water – Policy contained within the National Planning Policy Framework and its accompanying Technical Guidance advises that there should be a neutral impact on surface water runoff from the site. In this instance, the parts of the Airfield affected by proposed development are characterised by permeable grassland and the scheme will need to demonstrate that the discharge will not increase the volume and runoff rate onto the surrounding areas and watercourses. The application forms advise that a sustainable drainage system will be employed although no details are indicated on the plans. It is suggested that there is clearly scope for the an appropriate system to be installed given the expanse of airfield surrounding the developments. This matter can be dealt with by condition.

Other matters

The storage uses proposed do not require a separate **Hazardous Substances** Consent. The HSE were consulted on the proposal and have no objection to this planning application and its proximity to the **COMAH site** at Rase Distribution.

The Council's Environmental Protection Officer has advised that, although the proposed runways and taxiways cover land that is currently grass, there is the potential for **contamination** to have occurred from the historic RAF use. Having studied plans of the Airfield as it was laid out in the 1940's it is considered that the risk of contamination in these areas is small, but nevertheless a condition should be applied requiring a desktop study of investigation to be carried out at the very least.

The use of **fire hydrants** in the village to fill a road sweeper from the Airfield to clean the runway is not a planning matter. **Emissions** from planes resulting in dirt on houses and cars in the locality is a planning matter related to the development, but the restrictions proposed will result in no increase in the area of hangarage for storage at the Airfield.

There are some **discrepancies and inaccuracies** in the information submitted but they are not significant and have not prevented a fair and accurate assessment of the proposed development from being made by consultees and the case officer and does not preclude members from considering and determining the application.

Conclusion

The application has been assessed in the first instance against the provisions of the development plan specifically policies 1 - Regional Core Objectives, 2 - Promoting Better Design, 3 - Distribution of New Development, 4 - Development in the Eastern Sub-area, 19 - Regional Priorities for Regeneration, 20 - Regional Priorities for Employment Land, 26 - Protecting and Enhancing the Region's Natural and Cultural Heritage, 27 - Regional Priorities for the Historic Environment, 41 - Regional Priorities for Culture, Sport and Recreation and 56 - Regional priorities for air transport – of the East Midlands Regional Plan 2009 and saved policies STRAT1 – Development requiring planning permission, STRAT3 – Settlement hierarchy, STRAT12 – Development in the open countryside, SUS13 – Hazardous proposals, CRT12 – Environmentally damaging sports, NBE10 – Protection of landscape character and Areas of Great Landscape Value, NBE14 – Waste water disposal and NBE18 – Light pollution of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other considerations include the National Planning Policy Framework (2012). The Technical Guidance to NPPF (2012), the Draft Aviation Policy Framework (2012) and the Partial Draft Joint Core Strategy (2012) and the fallback position afforded by the current use of the airfield

The East Midlands Regional Plan has yet to be abolished and is afforded significant weight in the assessment as are the quoted saved policies of the West Lindsey Local Plan First review 2006. The Review policies were saved in 2009 but the adoption of the Plan itself dates from 2006 and was adopted under the 1990 Act rather than the 2004 Act. However, these policies have been afforded full weight in the assessment of the application as they, in this particular instance for this specific proposal, echo the thrust of the policy framework provided by the National Planning Policy Framework.

The National Planning Policy Framework and its accompanying Technical Guidance are both afforded significant weight but limited weight is afforded to the Draft Partial Draft Joint Core Strategy (2012) and the Draft Aviation Policy Framework (2012) due to these being draft documents at an embryonic stage of the process towards adoptions, open to consultation and liable to amendment.

In light of this assessment the development is considered to be acceptable subject to conditions and the completion of legal agreement preventing the continued use of a part of an existing hangar for the storage of aircraft. The principle of the aircraft related uses is acceptable in this airfield location and justify the open countryside setting. The visual impact of the hangars will not be significant subject to an appropriate colour finish as the hangars are of a mass and shape that are common in airfield locations and echo the scale of WWII hangars. The hangars will also reinforce the continued use of the Airfield as an airfield thereby preserving the setting of the Control Tower. They will also help sustain existing businesses such as the café on the site and help continue diversification of the rural economy to its benefit.

Residential amenity will not be significantly affected subject to limitations on the area of hangarage that can be used for storage of aircraft and the prevention of the continued use of the existing T2 (North) hangar.

RECOMMENDED DECISION: That the decision to grant permission subject to the following conditions be delegated to the Director of Regeneration and Planning upon the signing and completion of a section 106 agreement obligating the applicant to not use the part of the existing North Hangar, subject to the application 128788, for the storage of aircraft following the expiration of 3 months from the date of first use for storage of aircraft of the two hangars granted by this permission.

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 for lighting of the external areas of the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light pollution, to reduce the prominence of the site which is located in the open countryside, in the interests of ecology and to accord with policies STRAT1, STRAT12, NBE12 and NBE18 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

3. No development shall take place until a report detailing an investigation of all potential contaminants within the site and any required mitigation measures has been submitted to and approved in writing by the local planning authority. The required mitigation measures shall be completed prior to the first use of the buildings hereby approved.

Reason: To ensure potential contamination is identified and the necessary mitigation measures completed and to accord with the National Planning Policy Framework (2012)

4. No development shall take place until a scheme for the disposal of surface water from the site has been submitted to and approved in writing by the local planning authority.

Reason: No details of surface water disposal have been included in the application particulars and such details are required to ensure that the water is disposed off in a sustainable manner without significant increase in the volume and run off rate to surrounding areas and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework (2012).

5. No development of the hangars hereby approved shall take place until details of the colour finish (RAL or BS standard) for the external sheeting of these buildings has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity given the open countryside setting and to accord with policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework (2012).

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

6. The lighting scheme shall be carried out in complete accordance with the details approved and referred to in condition 2 and retained thereafter. The external lighting shall be limited to the lighting approved as part of the scheme.

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

7. The buildings hereby approved shall be externally faced with the materials hereby approved in the colour as agreed by condition 5.

Reason: To reduce the prominence of the site which is located in the open countryside and to accord with policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

8. Surface water from the development hereby approved shall discharge via the approved scheme referred to in condition 4 before the first use of the buildings and the approved scheme thereafter retained.

Reason: No details of surface water disposal have been included in the application particulars and such details are required to ensure that the water is disposed off in sustainable manner without significant increase in the volume and run off rate to surrounding areas and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework (2012).

9. Foul water from the development hereby approved shall discharge to a package treatment plant the details of which shall have been submitted to and approved in writing by the local planning authority before the first use of the buildings and thereafter retained.

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

10. No area of the buildings hereby approved shall be used for the storage of aircraft other than the areas marked cross hatched on the approved plans 6948W-104 Rev C dated Jan 12 and received 27th June 2012 for Hangar 1 and 6948W-105 Rev B dated Jan 12 and received 27th June 2012 for Hangar 2.

Reason: There is a correlation between the area of covered storage offered at the Airfield and the number of flights, any significant increase of which would have the potential to be detrimental to residential amenity, be contrary to the principles of sustainability and be contrary to policies STRAT1 and CRT12 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework (2012).

11. Notwithstanding the provisions of the Use Classes Order 1987 (as amended) and the Town & Country Planning General Permitted Development Order 1995 (or any order revoking it or part thereof) no storage or distribution uses shall take place other than the storage of aircraft or storage ancillary to the maintenance and restoration of aircraft.

Reason: The storage of aircraft is justified in this open countryside setting due to the airfield setting. Other storage and distribution uses are likely to be unsustainable due the open countryside setting, distant from services such as public transport and availability of land for such uses in more sustainable locations and as such would be contrary to the provisions of the National Planning Policy Framework (2012).

12. Notwithstanding the provisions of the Use Classes Order 1987 (as amended) and the Town & Country Planning General Permitted Development Order 1995 (or any order revoking it or part thereof) no general industrial uses shall take place other than the maintenance, restoration and/or production of aircraft.

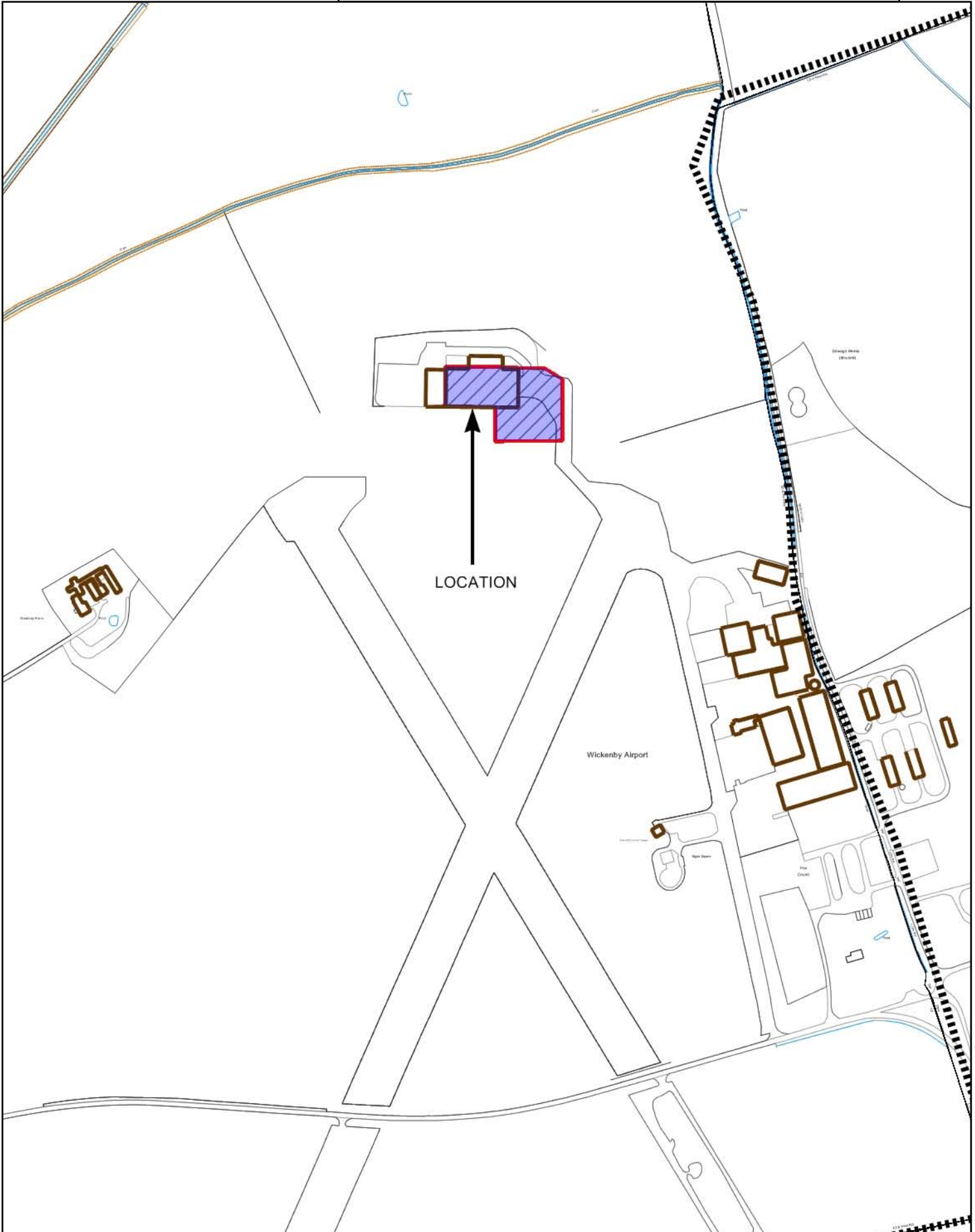
Reason: The maintenance, restoration and/or production aircraft is justified in this open countryside setting due to the airfield setting. Other general industrial uses are likely to be unsustainable due the open countryside setting, distant from services such as public transport and availability of land for such uses in more sustainable locations and as such would be contrary to the provisions of the National Planning Policy Framework (2012).

Human Rights Implications:

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

Legal Implications:

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



Officer's Report
Planning Application No: 128788
Hazardous Substances Consent application: 129059

PROPOSALS:

A. Planning application for change of use of existing aircraft hangar to B8 Storage and Distribution, storage facility, with a replacement modular office building.

B. Hazardous Substance application for the storage of oil and gas, fuel, oil, under very toxic, toxic, oxidising, flammable, highly flammable, highly flammable liquid, extremely flammable, dangerous for the environment and any classification substances

LOCATION: Wickenby Airfield Watery Lane Wickenby Lincoln LN3 5AX

WARD: Dunholme

WARD MEMBER(S): Councillor Mrs S Rawlins

APPLICANT NAME: Frontier Agriculture Ltd.

DEVELOPMENT TYPES: Change of Use and Hazardous Substances Consent

CASE OFFICER: Simon Sharp

RECOMMENDED DECISIONS:

A: Grant planning permission 128788 subject to conditions.

B: Delegate the determination of the hazardous substances consent 129059 to the Director of Regeneration and Planning upon the receipt of the consultation response from the Health & Safety Executive.

Introduction

Both of the applications were deferred at the October meeting of the Planning Committee so that a site visit could be undertaken to better understand the safety implications of the access to the building.

The visit is due to take place on Wednesday 21st November. As part of this visit, the following has been arranged:-

1. A demonstration by the applicant of a HGV using the proposed access including across the end of the runway.
2. A visit to the Cooper Aerial Survey premises (the part of the T2 hangar not covered by the applications under consideration here).
3. An assessment of the application site's relationship with its locality.

Site

Wickenby Airfield is in the open countryside near to the villages of Wickenby, Lissington, Snelland and Holton cum Beckering. It was established in WWII and has been used as a civilian airfield since the 1960's. In addition to the airfield related uses, which include pleasure flights, training and aerobatics, Wickenby Airfield is used as a base by Rase Distribution, a storage and distribution operation specialising in the transportation and storage of agri-chemicals (see relevant history). This site is COMAH (Control of Major Accident Hazard Regulations 1999) registered. Agrii also have a storage facility at the airfield, again used for the storage of agri-chemicals. The original control tower now houses a WWII memorial museum (over 1,000 RAF personnel lost their lives when based at Wickenby), cafe and airfield offices to the west of the Rase Distribution site.

There are a number hangars in use and two runways, albeit only one being able to be used at any one time due to the "crosshairs" layout.

Both the planning application and hazardous substances consent relate specifically to the majority of the floorspace of the largest of the existing hangars near to the northern perimeter of the Airfield. It is known as the T2 or North Hangar and is currently only accessible by crossing the end of one of the runways. It is currently used for aircraft storage, maintenance and microlight production in the area affected by the application, the other part, at the western end, currently being used for aircraft maintenance and restoration. The total gross floor area of the hangar is approximately 3850 sq. m.

Proposal

To change the use of approximately 2550sq m of the total 3850 sq. m floor area to a storage and distribution use for use by Frontier Agriculture Ltd. The company intends to use the building for the storage of agricultural products including crop protection products and fertilisers, relocating and expanding its existing operation based at Bourn's Yard in Wragby. The Hazardous Substances Consent has been submitted to the Council as the following maximum quantities of the following substances could be stored within the building at any one time:-

Substance	Controlled quantity above which consent is required (tonnes)	Maximum quantity proposed (tonnes)
Toxic (B2)	50	190
Oxidising (B3)	50	10

Flammable (B6)	5000	250
Dangerous for the Environment (B10) (i) - R50 'very toxic to aquatic organisms	200	79
Dangerous for the Environment (B10) (ii) - R51: 'toxic to aquatic organisms'; and R53 "may cause long term adverse effects in the aquatic environment	500	299
Any classification (ii) R29 - 'in contact with water, liberates toxic gas	50	1

In addition, a maximum of 5 tonnes of heating oil are proposed to be stored at any one time and 100 tonnes of gas (fuel) oil.

In terms of the planning application, the internal floorspace would be decreased slightly due the need for an internal fire resistant skin to be added to the wall, This would leave around 2500 sq. m of internal floorspace. The area would be used for up to 1184 pallets and also for the manoeuvring of HGV's.

Externally, it is proposed that the hangar doors are removed from the east elevation and replaced with fixed cladding. A smaller, roller shutter door would be installed adjacent to this new cladding.

The apron area would also be resurfaced, enclosed by a 1.8m high palisade fence and used as an external yard area for the manoeuvring of HGV's, the parking of cars, a wash down area and the siting of a modular office building. The yard is proposed to be externally flood lit.

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'.

Relevant history

The hangar was originally erected during WWII for bomber hangarage.

There has been an intervening use in the late twentieth century when the building was used by a wood shavings production business. Permission was then granted retrospectively in 2009 for hangarage, aircraft maintenance and microlight production (ref 122466). Various conditions applied including the limitation of industrial processes to indoors, the laying out of parking, external storage to be agreed via a scheme to be submitted to the local planning authority and the following condition relating to access:-

“Within 3 months of the date of this consent details of a scheme for the control of vehicle movements to and from the site, to avoid movements across a section of an active runway, shall be submitted to and approved by the local planning authority and the scheme shall be implemented in accordance with the approved details within 3 months of the date of approval.”

This was imposed due to the inability to gain access to the building other than across the end of one of the active runways.

Access is currently across the end of the runway but controlled by a “Stop” barrier on the “public” side of the runway.

It is noted that there are two existing businesses which also store similar agricultural chemicals at Wickenby Airfield; Agrii and Rase Distribution. The former is not COMAH registered as the storage level falls below the threshold for such regulations. Rase Distribution is COMAH registered and is the subject of various hazardous substances consents.

Frontier’s existing site in Wragby, East Lindsey, is subject to a temporary permission expiring in 2015 granted by East Lindsey District Council.

Representations (planning application):

The following comments have been received in response to the consultations on the planning application:-

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

Wickenby Parish Council: Though the Parish Council does not object to the application, it does have a number of concerns that it wishes the planning authority to consider in determining the application.

Firstly, the Parish Council would like to express its concerns on the impact that the application would have, if approved, on the standard of the local transportation infrastructure. The road network surrounding the site, ranging from the B1202 through to the neighbouring villages served by single tracked roads and flanked by ditches is increasingly in a poor state of repair. We do not believe that the roads are sufficient to withstand the additional vehicle movements, particularly if the vehicles used are similar to those used by RASE distribution.

The Parish Council would therefore like to see careful consideration be given to the consequences of traffic arising from the development, both in terms of

vehicle movements and the impact of that traffic on the condition of the roads. The Parish Council would like to ask the planning authority to consider the use of vehicle routing clauses and limit the amount of traffic passing through Wickenby and Westlaby.

Secondly, the Parish Council would like to express concerns about the safety of chemicals being stored on the site (ref policy SUS13), particularly when considered in combination with RASE Distribution which, it should be noted, is a COMAH site. In the event of a chemical fire or explosion, occurring at the hangar or at the Rase Distribution site, a pollution incident stemming from a wind blown, toxic cloud, or pollution of ground waters would have significant consequences for the local community.

The Parish Council notes a statement made by the proposed operators of the hangar that oxidising chemicals will not be stored at the site (even though we understand agricultural chemicals to be oil based and therefore flammable) and we equally note the statement by Mr Sharp in the public meeting that applications to store chemicals on site are typically made after the determination of planning permissions. If granted, we would like to see the permission be more specific about the storage of chemicals (office note – the Hazardous Substances Consent application was submitted after this representation was made)

Thirdly, and finally, the Parish Council would welcome any attempt to soften the visual impact of the hangar through appropriate use of natural screening, perhaps through native woodland planting regime.

Holton cum Beckering Parish Meeting (neighbouring parish): It is without doubt that there will be an increase in vehicular traffic through the village of Holton cum Beckering on an already busy route. Although this application is an initial change of use, one wonders whether there is an intention to further develop this airfield with subsequent applications for more storage units and additional HGV traffic.

Residents and local business

Representations received **objecting or making comments** received from Ridgeways, Wickenby; Orchard Cottage, Snarford Road; Tobermoray, Lissington Road, Wickenby; The Garden, Lissington; The Limes, Faldingworth; Valeside Cottage, Tealby; Sunnygates, Bradnor House, Westlaby; Lissington Road, Wickenby; White Cottage, Lissington; Mid House Farm, Lissington; Fir Tree Lodge, Snarford Road, Wickenby; Plot 3, The Barns, Westlaby Manor, Snelland; Thistledown, Barn Lane, Holton-cum-Beckering; Kingfisher, Lissington Road, Wickenby and WARF (Wickenby Airfield Residents Forum); -

- Articulated lorries struggle down Snarford Road on a number of occasions looking for the airfield.
- Recently the number of large and deep potholes appearing on roads has led to repairs and new parts being required for residents' vehicles.

- There should be a stipulated route for Frontier or any other company that may in future rent or buy the space. Westlaby Lane in Wickenby is far too narrow for lorries.
- The site is turning an agricultural area into an industrial area which is only served by narrow roads. It is not uncommon to meet container lorries which have taken the wrong road to the site, filling the road and knocking branches off overhead trees.
- Siting of yet another chemical store in such close proximity to aircraft activities, particularly to aerobatic flying, will endanger safety, especially if vehicles have to cross one of the runways to access the storage hangar. An accident never happens until it does.
- The vast majority of drivers have no experience of driving on an active airfield and consequently have no knowledge of the “correct procedure.”
- We understand that the hangar intended to store agri-chemicals is adjacent to a fuel store and would ask that a full health and safety inspection is made prior to any hearing.
- The addition of 8m high security lights will increase the already high levels of light pollution from the site, causing further annoyance to the neighbours.
- The application form states there is no provision made for waste collection or recycling, as a storage and distribution site this surely should be addressed.
- The application form states 23 car parking spaces will be provided in total, an increase of 11 on the existing spaces implying an increase in vehicular traffic to the site. There is no reference on the forms to lorry movements, so how is the stored material to arrive on and leave the site?
- No cycle spaces are proposed.
- Should the local authority not adequately protect us in the determination of this application or provision of appropriate control conditions, we may seek to exercise our right to seek compulsory purchase of our property by the local authority due to planning blight caused by the approval of the application.
- Hambleton District Council has been criticised by the Local Government Ombudsman for failing to exercise proper control over the use of Bagby Airfield in North Yorkshire. The LGO said that “losing planning control over the use of land as an airfield was an extreme and most serious failure of planning permission.”
- Do not think that this application should proceed until full details of the types and quantities of hazardous substances proposed to be stored on site and associated risks are in the public domain and have been included in the public consultation. (Officer note – members are advised that this comment predates the submission of the hazardous substances consent application).

A copy of a residents survey carried out by WARF in 2010 was also received. A copy of this survey is available for inspection on the public file.

Representations received in **support** of application received from 7, Fern Drive, Market Rasen:-

- Wickenby Airfield provides much needed facilities for West Lindsey but the WWII hangarage is not ideal for the storage of modern light aircraft

Civilian Aviation Authority (CAA) – Wickenby is currently licensed by the CAA (Ordinary Licence number P882). This means that the aerodrome has been inspected and found to meet the standards published in Civil Aviation Publication 168 Licensing of Aerodromes. Aerodromes which apply to be licensed and which meets these standards must be given a licence, there is no flexibility in the law on this point. The licensing process is quite separate from the planning application process and the control of the number of movements and similar restrictions are normally applied under the Town & Country Planning Act rather than the Civil Aviation Act. Therefore, it is for the local planning authority to consider the wider impact of the aerodrome's use before granting permission for specific developments.

HSE (Health & Safety Executive) – Does not advise, on safety grounds, against the granting of planning permission in this case. The impact of the change of use on the adjoining COMAH site (Rase Distribution) is not a planning matter. However, the issue has been referred to the HSE team responsible for enforcing the COMAH Regulations. They will consider whether Rase Distribution Ltd. should review their safety report in light of the proposed development.

The need to cross the runway to access the site is a matter for the CAA and not the HSE.

The HSE note that there are inaccuracies in the Design & Access Statement relating to the consultation distances quoted. However, the errors were not reflected in the Council's consultations which were carried out correctly to obtain the HSE's advice.

LCC Highways – Do not object having considered the submitted Transport Assessment and predicted type and number of trips associated with the proposed development in the context of existing traffic movements.

LCC Archaeology (Historic Environment Team) – No objections/comments.

Witham 3rd Internal Drainage Board – No objections.

Representations (hazardous substances consent)

The Health & Safety Executive have, at the time of the preparation of this report, still yet to make comments. They have been permitted an extension of time by the Council to make these comments. However, in respect of other stakeholders, the following comments have been received:-

Chair/ward councillors: No written comments received to date.

Wickenby Parish Council :

“Wickenby Parish Council has already expressed its concerns regarding the use, storage and distribution of Hazardous Substances through its comments relating to the planning applications 128788 and 128778, to which this Hazardous Substances Consent application pertains.

The Parish Council is concerned about the accumulative amount of chemicals that will be stored on site, and in the proximity of aviation fuel and other agrochemical businesses. In its meeting of July 31st, Wickenby Parish Council adopted a position which applies here.

We note that the application is to store 450 tonnes of toxic, oxidising and/or flammable materials and 378 tonnes of chemicals that are dangerous to the environment and so the Parish Council would like to express concerns about the safety of chemicals being stored on the site, particularly when considered in combination with RASE Distribution which, it should be noted, is a COMAH site. In the event of a chemical fire or explosion occurring at the hanger or at the RASE Distribution site, a pollution incident stemming from a wind blown, toxic cloud, or pollution of ground water would have significant the consequences for the local community and the environment.

The Parish council notes a statement made by the proposed operators of the hanger – in a public forum - that oxidising chemicals will not be stored at the site , contrary to the application. The Parish Council also notes the statement made by Mr Sharpe in same public meeting that applications to store chemicals on site are typically made after the determination of planning permissions. The applications for the planning permission have not yet been made.

If granted and in consideration of the Parish Council's concerns, we would like to see the permission, be specific and enforceable over the about storage of chemicals, clearly addressing factors such as their generic function or use and their quantity. The Parish Council is of the view that the quantities of chemicals stored or required should not need to be more than their current Wragby Facility, particularly since they are located next to their main supplier. In the same vein that the proposed new hanger is equivalent in floor space to the floor area of the T2 hanger.

The greater the quantity of hazardous chemicals that are stored, the greater the risk. The Parish Council notes that that parts of the Airfield is designated as a COMAH and that the HSE has commented on the planning application without comment. Regardless of this, the Parish Council would be comforted if the HSE or similarly institution conducted a full review and assessment of the airfield in its entirety, including the 'public information zone' before permission is considered or granted.

The Parish Council is keen to see local businesses thrive and for this reason has chosen to adopt a neutral position. It does ask though the full and detailed consideration be given to the public and environmental risks, covering all eventualities regardless of the probability, posed by the application.”

Residents and local business: Comments relating specifically to this application for hazardous substances consent have been received from

Cooper Aerial Surveys Engineering; White Cottage, Lissington The Garden, Lissington and Wickenby Airfield Residents Forum (WARF) stating:-

- The submission of this application comes after the applicant gave assurances at a public meeting in July that no dangerous chemicals would be stored at the site and nothing that could not be found under a kitchen sink. In view of this breach of trust, all three applications should be deferred until such time as the Airfield owners are prepared to agree a formal and properly monitored code of conduct for all pilots using the Airfield.
- The juxtaposition of aerobatics and hazardous substances is of great concern.
- Large quantities of fertilisers will be involved. This would be of great concern because of fire risk.
- As shown in HSE leaflet INDG230, the combination of fertiliser and fuel lacks only an ignition source before a fire would develop that would be very difficult to put out. If confined, the conflagration would have explosive force.
- The construction of the present dividing wall between the Cooper Aerial Surveys Engineering premises and the proposed storage is not an adequate safeguard against the possibility of fire and/or other hazards to either businesses.
- The industry regulator for Cooper Aerial Surveys Engineering, the CAA, has expressed concerns on associated matters in this area that could result in removal of their approval to maintain aircraft. The CAA Surveyor (Inspector) has commented to Cooper Aerial Surveys Engineering that someone is not looking at the full picture.
- The site cannot be both a major hazard AND not a hazard. The CAA licence for Cooper Aerial Surveys will largely depend on the adequacy of the firewall.
- Cooper Aerial Surveys Engineering have been informed by the applicant that the proposed firewall is specified to give 60 minutes protection and that they should have no cause for concern. However, Bartoline Limited were required as part of their planning approval in East Yorkshire to build a 15ft blast wall between them and Abi Caravans Limited to afford protection for the latter.

Relevant development plan policies (planning application) :

- **East Midland Regional Plan 2009**
 - Policy 1 - Regional Core Objectives
 - Policy 2 - Promoting Better Design
 - Policy 3 - Distribution of New Development
 - Policy 4 - Development in the Eastern Sub-area
 - Policy 19 - Regional Priorities for Regeneration
 - Policy 20 - Regional Priorities for Employment Land
 - Policy 26 - Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 27 - Regional Priorities for the Historic Environment

All the above policies are available via the following link:-

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**

STRAT1 – Development requiring planning permission

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

STRAT3 – Settlement hierarchy

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

STRAT12 – Development in the open countryside

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

SUS13 – Hazardous proposals

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

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

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

NBE14 – Waste water disposal

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

NBE18 – Light pollution

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

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

Other relevant policy (planning application)

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

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

The policy content relating to the presumption in favour of sustainable development, growth, design, the significance of heritage assets, flood risk and drainage is afforded significant weight in the following assessment.

- **Technical Guidance to NPPF (2012)**

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

- **Partial Draft Joint Core Strategy (2012)**

<http://www.central-lincs.org.uk/>

This is a draft local plan currently the subject of consultation and not afforded significant weight in the following assessment.

- **Circular 04/00 – Hazardous Substances**

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/155160.pdf>

Guidance for consideration of the two applications (change of use and hazardous substances consent):

Circular 04/00 provides guidance on the handling of complimentary planning and hazardous substances applications. In this instance it is noted that the planning application is for the material change of use of the land to general storage and distribution and the for the operational development including the alterations to the external envelope of the hangar, the erection of the fencing and office building and formation of the yard area. The hazardous substances consent application is for the storage of specified quantities of controlled substances.

In this context Members are advised that both the permission and the consent will be necessary to store the proposed hazardous substances at the site.

Similar decisions need not be given on both applications, as there may be considerations which are material to one application but not to the other. For example, the Council may decide, having considered the potential risks to the local community arising from the proposed presence of a hazardous substance, that there is no good reason for withholding consent. However, in their role as local planning authority they may consider that this planning application should be, for example, refused because of visual impact.

However it must be ensured that, if both applications are granted, the decisions are not mutually inconsistent, such as could arise from the imposition of conditions containing conflicting requirements. Furthermore, Circular 04/00 advises that it will generally be desirable and appropriate for detailed control over the manner in which a hazardous substance is to be kept or used to be regulated by hazardous substances consent conditions not planning permission conditions.

Members are also advised that restrictions should not be imposed where other regulations provide the statutory basis for imposition of such restrictions.

The future use of the building for the storage of agri-chemicals would be also governed by COMAH regulations administered by the Health & Safety Executive (HSE) and BASIS regulations.

Further guidance to members on other controls of hazardous substances storage is provided in the assessment section of the hazardous substances consent application later in this report. However, the Council are required to consult and follow the advice provided by the “competent authority” who are the Health and Safety Executive and the Environment Agency (the latter having already made comments).

Assessment of planning application

Principle

Wickenby Airfield is, in terms of its location, outside of the settlements defined in the Local Plan First Review (policy STRAT3 refers) and in character and appearance, in the open countryside. Policy STRAT12 of this Plan states that planning permission will not be granted for development proposals in the open countryside unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies. The Regional Plan also, whilst promoting development in economically lagging areas such as West Lindsey (policy 19 refers), nevertheless guides planners to only approving development that is sustainable.

The assessment for application 128778 for the new hangars (also on this agenda) considers that the airfield use benefits from an open countryside location and the hangars will compliment the airfield. The storage and distribution use proposed here does not require to be in close proximity to an airfield; there is no intention to use the airfield in any of Frontier Agriculture’s logistics. Furthermore, whilst the proposed use is associated with agriculture, it is not agricultural itself nor any of the other uses cited in policy STRAT12.

However, it is considered that the specific use proposed for can be supported by other plan policies in this location. Specifically, although the use is not agricultural, it is intrinsically linked to farming; Frontier, like Agrii who are also based on the Airfield, provides crop protection products and fertilisers to arable farms. The current depot and offices serves an area that extends northwards up to the Humber, eastwards to the North Sea coast, southwards to southern Lincolnshire and westwards to the A1. The climate, soil conditions and topography of Lincolnshire lend themselves to a high percentage of land being used for arable farming and therefore, in the interests of sustainability, there are benefits to locating such storage and distribution centres in the Wickenby area which is central to the customer base, thereby reducing travel distances. The need for locating the depot in the open countryside, rather than say Gallamore Lane in Market Rasen, which would be just as central, is

that it is beneficial to minimise the number of dwellings in the area due to the nature of the storage.

This is a finely balanced matter and it is acknowledged that, even in this relatively remote location, there are still four villages within the locality. There is also the issue of the juxtaposition with the active runway and the adequacy of the surrounding road network but, as will be discussed later in this report, through the imposition of conditions all of these matters can be adequately addressed.

Finally, it is considered that there are benefits to the local rural economy to be accrued from allowing this development; both the applicant and Agrii use Rase Distribution as a carrier, Rase being one of two specialist agri-chemical carriers in the UK. There is an opportunity here to develop a concentration of specialist employment and expertise in this part of West Lindsey, not only securing existing jobs at Frontier by transferring existing employees from Wragby, but also securing the opportunities for expansion in a location that is appropriate to this particular sector and is in the right location to secure the future viability of these businesses. In this regard, the case officer visited Frontier's existing site in Wragby which is constrained by its size, poor access and proximity to dwellings (the site abuts a row of dwellings).

In summary, the principle of the development is considered acceptable but, because the development is only acceptable because of the particular locational consideration of the agricultural products storage and distribution use, it is considered reasonable and necessary to limit the use to this sector rather than a general B8 Storage and Distribution use (other B8 uses could be located in more generally sustainable locations such as Market Rasen).

Highway and aviation safety

This is a consideration detailed in policy STRAT1 of the Local Plan First Review and there are also relevant considerations detailed in policy SUS13.

Many of the representations received have raised concerns about the access arrangements involving the need to cross an active runway. There are no changes proposed to the access. Currently a barrier halts vehicular traffic as it passes the Agrii depot before it reaches the active airfield. There is a safety notice but no control mechanism; the barrier automatically lifts as a vehicle is sensed. Drivers are required to switch on their hazard lights and to be alert and vigilant and drive swiftly across the end of the runway alignment (not the runway itself) to the apron in front of the hangar. This alertness and vigilance is required for the return journey but there is no stop barrier. The system relies on the attention of the driver and the pilot in the absence of any signal control or airfield air traffic control. This highway safety consideration is a planning matter and not, as the CAA has confirmed, a civilian aviation matter. The applicant's Transport Statement (verified by LCC Highways) notes that there will be an increase in the number of trips across this area. In this context, it is considered reasonable and necessary for a control system to be in place, irrespective of the products that will be carried by the vehicles crossing to the site.

A manually operated system triggered by a pilot is a possible solution, but unreasonable as, in the absence of airfield air traffic control, it would require any plane, including those not based at the Airfield to be fitted with the right transmitter equipment. An automated traffic light system triggered by sensors in the runway is another potential solution but, as observed by the case officer on a number of visits, planes touch down on the runway in different places due to their different sizes and characteristics. It is therefore considered that the most appropriate system would be one where there is barrier access to the runway from both sides and that the barriers do not automatically lift as is the case at the moment; this would prevent unrestricted access onto the runway by vehicular traffic and ensure that drivers have to stop prior to entering this space, read the warning notices and manually trigger the barriers to lift. It would also provide the ability for pilots, when taking off or approaching the runway for landing, to see the vehicle approaching the barriers, stopping, the driving taking the action of reading the safety notice and triggering the barrier to lift; this time delay being considered adequate to provide the necessary degree of safety. This installation of these barriers prior to the site use of the development can be secured by a condition.

The access to the site not only passes across the end of an active runway but also passes the Agrii and Rase Distribution warehouses. Whilst the storage of hazardous substances within these buildings is a matter for consideration under the hazardous substances consent and COMAH regulations, nevertheless the fact that the entrances and exits to the existing sites join the access to the application site is considered to be a material planning consideration.

This access is wide and straight (a legacy of the RAF) and affords more than adequate visibility when exiting both the Rase Distribution and Agrii sites. It also allows for HGV's to safely pass. The access onto the adopted highway network also affords good visibility and the access radii and width and adopted highway width allow HGV's to enter and exit without the need for vehicles to wait within the limits of the highway.

Data from LCC Highways reveals that there have only been 7 accidents recorded within the locality of the Airfield (including the B1202 and B1399). Only one was a serious, fatal, accident near to the junction with the B1399 and this was due to a car driver losing control in the early hours of a morning in wet conditions.

With regards to the wider road network, representations have been received regarding the potential for HGV's travelling to and from the site to be using the narrower lanes to the north of the site through Westlaby, Wickenby, Snelland and Lissington. These assertions are based on comments that, in the absence of weight limits, HGV's travelling to and from the existing storage and distribution uses at the Airfield use these lanes at the moment and this has a detrimental impact on the highway conditions as well as residential amenity (the latter is considered in the next sub-section).

It has already been cited in this report that Frontier would aim to cover an area stretching from south Lincolnshire to the Humber from the application site. Examining the road network in the area, it is likely that HGV's travelling to

and from the east will use the B1399 to access the A158 between Langworth and Rand. Similarly, the route via the B1399 and B1202 to the A158 at Wragby via Holton cum Beckering is likely to be used for HGV's travelling to and from the south and east. Many of the movements to and from the north will also travel via the B1202 and B1399 via Holton cum Beckering. These assertions are certainly corroborated by observations of which routes HGV's take at the moment, although it is suggested that a greater proportion of Rase Distribution trips will be to and from the west due the company being a national carrier and the need to access the main highway network such as the A1, A15 and M1. Nevertheless, it is estimated that some of the trips will, in the absence of weight restrictions, use the lanes directly to the north. This is largely because some of the applicant's customer base is in this area.

However, the LCC verified Transport Statement concludes that the number of trips associated with Frontier's site will be small; a 12 hour survey was undertaken in accordance with LCC guidance on Thursday 23 August 2012 between 7am and 7pm. A total of 533 vehicle movements were recorded over the course of the traffic survey. The busiest turning movement was vehicles exiting left from the Airfield in the direction of B1399 Lincoln Road; a total of 157 vehicles were recorded undertaking this movement. The busiest hour for traffic movements was between 5pm and 6pm during which time 68 vehicle movements were recorded. The overall two way vehicular flow associated with the Airfield equated to 362 vehicles, of which 189 were outbound movements. This clearly shows that the majority of movements on the adjoining highway network are associated with the Airfield uses. However, the predicted number of movements associated with Frontier's relocation to the Airfield would equate to a net increase of less than 25 in this 12 hour period. These predicted movements have been calculated based on movements associated with their existing site (with an estimated increase based on the increase in floorspace and potential expansion for nationwide coverage) as well as the standards for the amount of storage and distribution floorspace proposed. It also takes into account the fact that some of the existing movements are based upon trips between Frontier's existing site in Wragby and Rase Distribution, these trips will obviously no longer be required.

It will also be near impossible to evidence that trips associated with Frontier are the reason for degradation of the highway as opposed to local farm traffic, delivery HGV's and so on.

Finally, with regards to car parking and cycle storage provision on site, it is noted that the provision for the former equates to LCC standards but, in the interests of sustainability, it would be reasonable to require the provision of 3 cycle stands at the site (cyclists would be subject to the same barrier controls to cross the end of the active runway).

In summary, it is considered that the development is acceptable in access and highway safety terms with no on or off-site works required to improve the highway.

Residential amenity

This is a consideration detailed in policies STRAT1 and CRT12 of the West Lindsey Local Plan First Review.

The nearest dwelling to the site is at Westlaby Farm approximately 380m to the southwest. The intervening land is characterised by open airfield with little existing sound attenuation provided by natural or manmade features. There is also little potential for landscaping to be carried out given the airfield use. However, it is considered that there will be little change in amenity impact to the residents of Westlaby Farm; the aircraft maintenance and restoration use to be retained in the western end of the hangar will remain. Furthermore, the processes associated with storage and distribution, such as forklift trucks and HGV's manoeuvring, are likely to result in noise levels and characteristics which are less intrusive than the existing microlight production, aircraft storage and maintenance uses that are carried out currently. Nevertheless, it is acknowledged that there will be a difference in operating times; the existing use of the hangar is normally confined to normal working hours and evening (8am to 9pm) whereas Frontier wish to commence operations from 5am. This is no different to the hours Agrii operates on the Airfield and is shorter than the 24 hours operations at Rase Distribution but both of these operations are located on the other side of the Airfield, considerably further away from Westlaby Farm. The impact of these longer operating hours on the residents of Westlaby Farm is a finely balanced matter. However, on balance the level of movements associated with the relatively modest level of storage floorspace proposed, the distance to the farm and the fact that the open compound and doors are on the far side of the building when viewed from the Farm should ensure that residential amenity is not significantly affected.

Similar considerations apply for other dwellings in the vicinity; it is acknowledged that there are dwellings in Holton cum Beckering that look out onto the compound side of the hangar, but the greater distance to these dwellings should ensure no significant loss of amenity.

Turning to the impact of traffic movements, it is considered that most will be through open countryside away from villages, or on the B and A roads which already have relatively high levels of traffic flow for this part of the district (Members are referred to the previous section for the predicted routes). Nevertheless, there is potentially an impact on residential amenity arising from vehicular movements associated with the development on lightly trafficked roads, especially during the early morning when there are likely to be fewer movements on these roads overall. The noise associated with the HGV's that Frontier currently operate (min 7.5 tonnes) is around 90dB at source. Appropriate levels within the dwellings in Wickenby and Snelland would be around 30 to 35dBa, but Members are advised that the noise associated with the HGV's will be very infrequent. The noise will also decrease over distance with boundary walls, hedges and glazing all attenuating the sound further. It is also noted that, during these early hours, most residents will be indoors and the infrequency of the movements are not considered to give rise to significant impacts on their amenity. During the daytime there will more movements

associated with other uses such as school traffic, delivery vehicles, farm traffic and some Agrii and Rase Distribution HGV's. The impact, in terms of noise and disturbance arising from Frontier vehicles is therefore considered to be insignificant.

Finally, the residential amenity considerations relating to safety have already been covered in preceding sections of this assessment and/or are covered in the related hazardous substances consent application considerations.

Visual impact and setting of designated and non-designated heritage assets

These are considerations detailed in polices 26 and 27 of the Regional Plan, polices STRAT1 and NBE10 of the Local Plan First Review and the National Planning Policy Framework (2012).

The site is visible from many vantage points including from Wickenby village, the road between Wickenby and Lissington, between Lissington and Holton cum Beckering (B1202), from Watery Lane and from the road to the south. Views from the B1399 to the east are obscured by a belt of trees and the existing building within the Rase Distribution compound.

From Wickenby, the Wickenby to Lissington road and between Lissington and Holton cum Beckering the views are open and the runways are clearly visible. The most prominent element of the Airfield is the application site, but only one elevation of the building will be affected, the proposed office building is very modest in scale and the palisade fence is only 1.8m high and proposed to be painted green. The impact of the fencing, the infill panelling on the hangar and the office building can all be minimised to an acceptable level through the careful use of colour and texture. These can be agreed by condition, the green colouring of the fencing needing to be defined to a RAL or BS (British Standard) number for the Council to be sure that it will not be too prominent in the landscape. With these conditions in place, the most notable elements of the use will be the illumination of the yard when natural light levels are low. However, inspection of the submitted plans reveals that the proposed lighting will differ little from existing.

Foul water, flood and surface water disposal

These considerations are detailed in policies STRAT1 and NBE14 of the Local Plan First Review, the National Planning Policy Framework and the associated Technical Guidance.

Foul water – Circular 03/99 advises that, where practicable to do so, foul drainage should be discharged to main sewers. Having inspected the Anglian Water asset map it is clear that there are no mains sewers within the locality. Therefore, the next most preferable means of disposal is via a package treatment plant which is more environmentally sustainable than a septic tank.

The ground conditions and area of ground available around the buildings are appropriate for a package treatment plant. The submitted application particulars provide no indication as to how sewage will be disposed of, but a condition can be imposed ensuring the installation of the plant before the first use of the buildings.

Flood risk – The site is within flood zone 1 as defined by the Environment Agency which is land at least probability of flooding and therefore the most preferable location for new development.

Surface water – Policy contained within the National Planning Policy Framework and its accompanying Technical Guidance advises that there should be a neutral impact on surface water runoff from the site. In this instance, the parts of the Airfield affected by proposed development are characterised by permeable grassland and there is already a network of suitable drainage channels and soakaways serving the hangar, which could also deal with the insignificant additional runoff from the modular building. The exception is the wash down area where there is potential for contamination. A separate condition is suggested to deal with this matter. Spillage of the stored substances can be controlled by regulations administered by the HSE.

Other matters

Comments were received relating to the removal of trade waste and recycling. The location of such facilities within the site is a material consideration, there is no indication on the submitted plans as to where such an area would be located but there is more than adequate room for the facility within the site.

The potential for additional storage and distribution uses within the Airfield has been raised by Holton cum Beckering PC. This is not proposed in this application. Such proposals would be considered on their own merits.

Concluding remarks for the planning application

The application has been assessed in the first instance against the provisions of the development plan specifically policies 1 - Regional Core Objectives, 2 - Promoting Better Design, 3 - Distribution of New Development, 4 - Development in the Eastern Sub-area, 19 - Regional Priorities for Regeneration, 20 - Regional Priorities for Employment Land, 26 - Protecting and Enhancing the Region's Natural and Cultural Heritage and 27 - Regional Priorities for the Historic Environment, – of the East Midlands Regional Plan 2009 and saved policies STRAT1 – Development requiring planning permission, STRAT3 – Settlement hierarchy, STRAT12 – Development in the open countryside, SUS13 – Hazardous proposals, NBE10 – Protection of landscape character and Areas of Great Landscape Value, NBE14 – Waste water disposal and NBE18 – Light pollution of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other considerations include the National Planning Policy Framework (2012).

The Technical Guidance to NPPF (2012) and the Partial Draft Joint Core Strategy (2012).

The East Midlands Regional Plan has yet to be abolished and is afforded full weight in the assessment as are the quoted saved policies of the West Lindsey Local Plan First Review 2006. The Review policies were saved in 2009 but the adoption of the Plan itself dates from 2006 and was adopted under the 1990 Act rather than the 2004 Act but, in this particular instance for this specific proposal, they echo the thrust of the policy framework provided by the National Planning Policy Framework.

The National Planning Policy Framework and its accompanying Technical Guidance are both afforded significant weight but limited weight is afforded to the Draft Partial Draft Joint Core Strategy (2012) due to this being a draft document at an embryonic stage of the process towards adoption; it is open to consultation and liable to amendment.

In light of this assessment the development is considered to be acceptable subject to conditions. The specific nature of the storage and distribution use, for agricultural products that include hazardous substances, justifies the open countryside location. With the use of conditions controlling external finishes and colour, the proposed development will not have a significant impact on the visual amenity of the countryside despite the prominence of the application site within the landscape. Specifically, the operational development proposed is insignificant and is limited to amendments to one elevation of the existing building, the erection of a modest office building, resurfacing of external area and the erection of security fencing.

A condition is considered necessary to ensure that highway safety is ensured, specifically relating to the movements of vehicles across the end of an operational runway. Similarly, a condition is considered necessary to ensure that a sustainable and appropriate surface water disposal scheme is in place as proposed.

Finally, it is considered that the predicted level and type of vehicular traffic to and from the site and the routes it is predicted it will take will not be such that will result in a significant impact on highway safety or residential amenity.

Assessment of the hazardous substances consent application.

The Planning (Hazardous Substances) Act 1990 and associated 1992 Regulations provide the legislative framework for considering applications for Hazardous Substances Consent determined by local planning authorities such as West Lindsey.

The regulations were amended following the requirement to implement the EU directive 96/82/EC on the control of major accident hazards (the SEVESO II Directive). The Directive requires controls on establishments where dangerous substances are present above certain quantities, The controls vary according to the quantity of dangerous substances kept or used on the site.

The hazardous substances consent applications procedure provides the Council the opportunity to consider whether the proposed storage or use of the proposed quantity of a hazardous substance is appropriate in this location having regard to the risks arising to persons in the surrounding area and to the environment.

Separate Regulations administered by the Health and Safety Executive implement the majority of the Seveso II Directive, which concerns the Control of Major Accident Hazards. The hazardous substances consent controls complement, but do not override or duplicate, the requirements of the Health and Safety at Work etc Act 1974 which are enforced by the Health and Safety Executive.

However, even after all reasonably practicable measures have been taken to ensure compliance with the requirements of the 1974 Act, there will remain a residual risk of an accident which cannot entirely be eliminated. The hazardous substances consent process ensures that this residual risk to persons in the surrounding area and to the environment is properly addressed by the land use planning system.

The surrounding area, in this context, includes the adjoining businesses including Cooper Aerial Surveys Engineering, Agrii, Rase Distribution and the other Airfield uses as well as the villages in the locality. The comments of the Health & Safety Executive and the Environment Agency will be key to the assessment of this impact. Indeed, there is a requirement for these organisations to be consulted and their advice followed in the assessment of the application. The advice of the Health and Safety Executive relating to the hazardous substances application as well as the planning application is required, not only because of the statutory duty to consult them, but also because the hazardous substances consent regime specifically looks at the safety risk of the stated quantities of substances on the surrounding area. In contrast, the planning application comments were related to the juxtaposition of the proposed storage to the existing COMAH registered site at Rase Distribution (with additional comments about the proximity to the runway).

In this context, Members are advised that this application should not be considered and determined until the Health & Safety Executive have made comments on this application and these comments have been taken into consideration and reflected in the Council's decision

Members are therefore asked that the responsibility for assessing these comments and determining the application is delegated to the Director of Planning and Regeneration subject to the decision made reflecting the HSE and Environment Agency's comments (the latter already having been received).

Recommendation A: Grant planning permission 128788 subject to the following 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).

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

2. No development shall take place until details of the colour and finish of the cladding to be used for the external alterations has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity given the open countryside setting and visibility of the building from the Holton cum Beckering to Lissington Road and to accord with policies STRAT1 and NBE10 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework (2012).

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

3. The external lighting for the development hereby approved shall be in complete accordance with the details annotated on plan LDC0574-04J and external lighting shall be limited to the lighting indicated on this approved plan.

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

4. With the exception of the area marked cross hatched on the approved plan LDC0574-01 C (the wash down area), surface water from the development hereby approved shall discharge via the channels and soakaways as annotated on the same said plan and the approved scheme shall thereafter be retained.

Reason: To ensure that the water is disposed off in sustainable manner without significant increase in the volume and run off rate to surrounding areas, to prevent pollution of groundwaters and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework (2012).

5. Before the first use of the development hereby approved and notwithstanding the details shown on the approved plan LDC0574-01 C, a scheme for the disposal of water from the wash down area marked cross hatched on the same said plan shall be submitted to and approved in writing by the local planning authority. Surface water from this area shall be drained via the approved scheme thereafter.

Reason: To ensure that the water is disposed off in sustainable manner without significant increase in the volume and run off rate to surrounding areas, to prevent pollution of groundwaters and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework (2012).

6. The alterations to the building hereby approved shall be externally faced with the material hereby approved in the colour as agreed by condition 2.

Reason: To reduce the prominence of the site which is located in the open countryside and to accord with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

7. The palisade fencing shown on plan LDC0574-04J and elevation LDC0574-06 Rev A shall be coated in a green colour, the exact details of which shall be submitted to and approved in writing by the local planning authority prior to its erection and thereafter retained with the approved colour finish.

Reason: To reduce the prominence of the fencing which is located in the open countryside and to accord with policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, this permission shall relate only to the use of the storage and distribution of agricultural products as described in the application and for no other purpose including those described in Use Class B8 as defined by the amended Use Classes Order 1987.

Reason: The site is in an open countryside location where a general storage and distribution use would be inappropriate. However, the characteristics of the specific use proposed result in it being able to be operated sustainably in this location in accordance with the principles of sustainability contained within policies 1, 3 and 4 of the East Midlands Regional Plan 2009, policies STRAT1 and STRAT12 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework 2012.

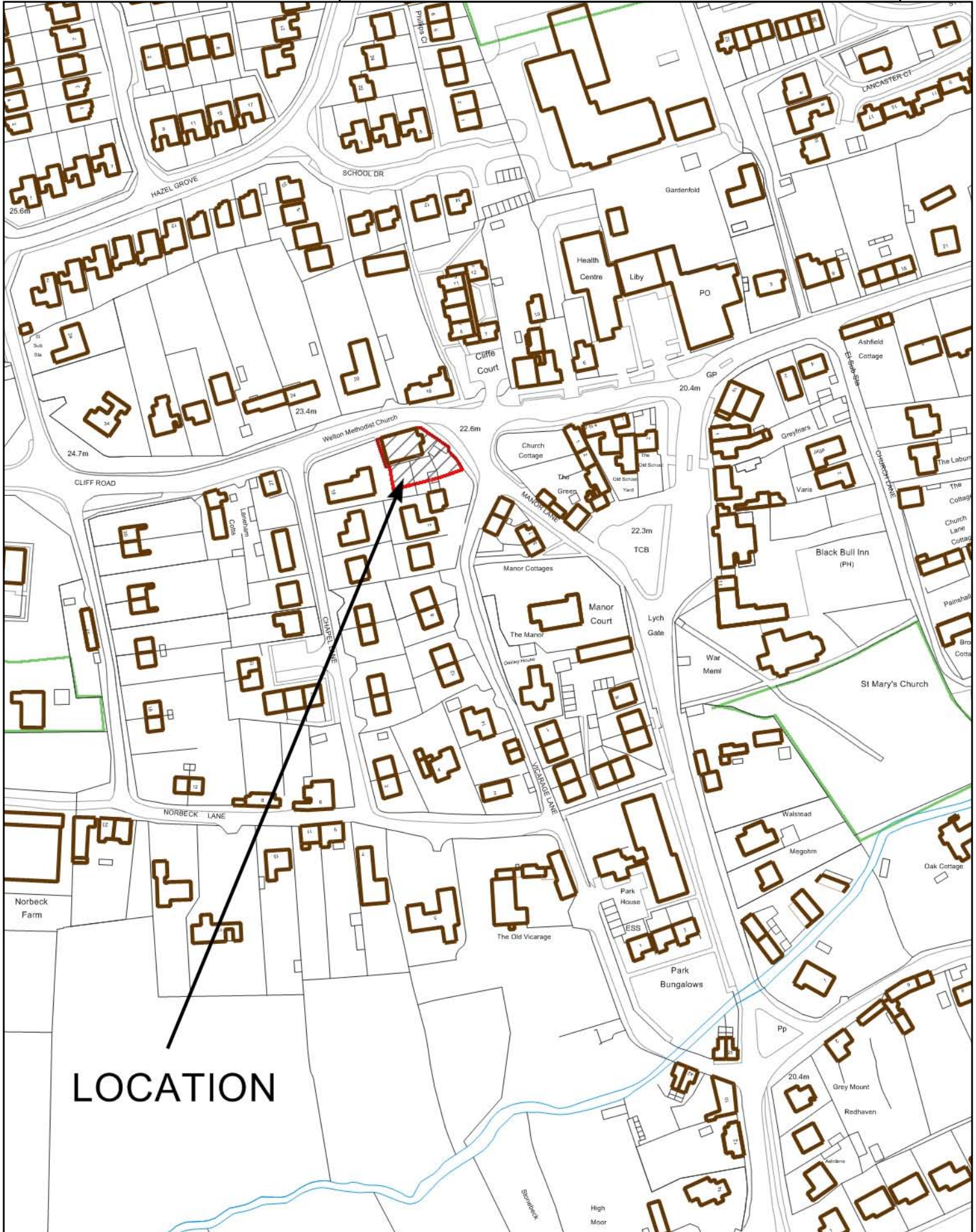
9. Before the first use of the site for the development hereby approved, there shall be submitted to and approved in writing by the local planning authority a scheme for the controlling of vehicular movements to and from the site across end of the runway between points A and B as annotated on the approved plan ldc0574-01 C received on 22nd June 2012. All vehicular movements to and from the development shall be in accordance with the approved scheme.

Reason: In the interests of safety as this is an operational runway and to accord with policies STRAT1 and SUS13 of the West Lindsey Local Plan First Review 2006.

10. Before the first use of the site for the development hereby approved, there shall be provided 3 bicycle stands within the application site which shall thereafter be retained.

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

Recommendation B: Delegate the determination of the hazardous substances consent 129059 to the Director of Regeneration and Planning upon the receipt of the consultation response from the Health & Safety Executive.



LOCATION

Officers Report

Planning Application No: 128827

PROPOSAL: Planning application for construction of a new community hall with associated hard landscaping and boundary treatments.
Change of use from residential garden land

LOCATION: Welton Methodist Church Cliff Road Welton Lincoln LN2
3JJ

WARD: Welton

WARD MEMBER(S): Cllr M. Parish, Cllr Mrs D. Rodgers

APPLICANT NAME: Friends of Welton Methodist Church c/o Mr J Ryland

TARGET DECISION DATE: 24/08/2012

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Fran Bell

RECOMMENDED DECISION: Grant Planning Permission subject to conditions

Update

This application was deferred at the Planning Committee on 19th September 2012 to allow the submission of a travel plan. This has now been received and is out to consultation at the time of writing. Any additional representations received after the report is published will be reported verbally at the meeting.

It can be seen from the questionnaire at appendix 6 of the travel plan that car use is low (7 cars from a congregation of 72, 1 car of which was used for the existing transport scheme.)

The bulk of any future growth is expected to come from residents of Welton; the measures and actions outlined in the Travel Plan offer potential to not only maintain, but also increase the percentage of people car sharing, walking and cycling to the premises.

The Transport Scheme, which has operated for many years on a rota basis, provides a lift for those who do not wish to, or are unable to drive to Church. Currently on a Sunday morning there are up to five people, who are picked up from their homes by one car that does two trips, both before and after the service.

Two members of the congregation will allow parking on their private drives within 250m of the Chapel. These two driveways can accommodate ten cars between them.

Stagecoach had expressed concerns regarding the potential for additional parked cars impeding the buses but it should be noted that the bulk of the building usage will be at the times when Stagecoach do not run a service

(Sundays and evenings). The applicants have met with the Commercial Director of Stagecoach before preparing the travel plan.

It is important to note that three of the additional activities only occur monthly. The weekly activities are three different youth activities and table tennis.

A travel plan co-ordinator will be appointed and the travel plan will be reviewed annually. The travel plan details will be part of the letting information and all organisers and attendees of groups will be made aware of the terms of the Travel Plan

Even though it is not part of this application, the applicants are in negotiations to buy additional land for additional cycle parking

Other stakeholders where remote parking could be available, such as William Farr School, the Village Hall and the Black Bull will be negotiated with, to enter into arrangements for parking there if events to be held at the Church premises are likely to generate large numbers of vehicles – for example, weddings, funerals and concerts.

The applicants have worked with Lana Meddings, Travel Planning Officer at Lincolnshire County Council who advised in relation to wider village car parking issues that “Whilst this is useful background information and there are some positive suggestions for the future it is not the job of the travel plan to solve congestion in the village. This travel plan only has to focus on this specific development and how you can aim to reduce the number of car trips to the chapel. Any wider issues can be discussed with the highways department.”

The proposal is not commercially driven but seeks to make room for a growing congregation with the added benefit that the space can be used by the wider community.

Since the previous committee, three further representations have been received expressing concern that the proposal has not been supported at Parish Council and District Councillor level; that the proposal gives further opportunities for village activities, that parking is not a new problem in the village and agreement that if correct driving procedures were observed, it is perfectly safe to negotiate the highways.

One of the above representations was received from an interested party who watched the Committee discussion and raises concerns about member’ understanding of the parking and public transport arrangements. The letter includes correspondence with the Co-operative that they are not aware of any problems between the store and the Chapel and from the Commercial Manager of Stagecoach (incorporated in the Travel Plan). In this context the case officer can confirm that:

- Bus services are not under review at the moment and Dave Skepper, Commercial Director of Stagecoach has met the applicants and is prepared to co-operate with the travel plan.

- There is on and off street parking in the immediate vicinity of the site and within a short walking distance.
- Lincolnshire County Council Highways authority has reviewed the application, has been involved with the travel plan and has not raised any objections.
- The professional opinion of the case officer is that the travel plan provides sufficient measures to lessen the impact of the development in traffic terms to an acceptable level.

One additional representation has been received making observations/objections to the travel plan;

- The travel plan should be deferred for three months so the applicants can deliver alternative parking for larger events through the Black Bull and William Farr School.
- This three month period should be used to survey all venue users so that sound judgements can be made on proper results.
- The travel plan should directly address how Stagecoach buses will not be impeded.
- The travel plan should be developed to indicate how the applicants will influence event users and deliver outcomes to minimise car travel.
- It should be conditioned that the travel plan be implemented and reviewed annually.

One further objection letter has been received from residents who have not previously made representation.

- Stagecoach interest is of little value when unobstructed access is all they require. However, removing the bollard as they suggest would make this corner more hazardous and would encourage parking up to the corner.
- Question the scope of the travel plan.
- New parking is cancelled out by removing parking from neighbouring cottage.
- Applicants cannot guarantee long term permission to park at other premises.
- People will not walk far and will park nearest to their destination.
- The construction will dominate the views of the surrounding architecture of listed buildings, cottages and houses. This could affect property values.

The previous committee report follows for reference. The only changes made are to the references and conditions relating to the Travel Plan.

Description:

Site

Welton Methodist Church is a traditional stone and slate chapel on the corner of Cliff Road and Manor Lane, within the village centre of Welton. It is within Welton Conservation Area and is identified as an Important Building within the Conservation Area Assessment, though it is not listed. An extension was added to the rear of the building in the 1980's and this now accommodates a kitchen and a meeting room.

Proposal

It is intended to build an extension to the southern side of the building to accommodate a new hall. The current chapel space can seat about 70 people at a push (60 can be seated comfortably). The new hall could seat approximately 140 people.

The extension would be linked to the existing chapel by a flat roofed link with the main extension having a mono pitch roof sloping away from the chapel. The walls will be coated with render, the roof will be mid grey with an imitation standing seam finish and the fascia will be dark grey powder coated aluminium.

Relevant history:

Pre application discussions about this proposal.

W119/904/84 Extend chapel - Granted unconditionally 14/01/85

Representations:

Chairman/Ward member(s): Councillor Malcolm Parish called case into Planning Committee for the following reasons:

- We already have a very well used gathering area for the community (village hall)
- Car parking near the chapel is dangerous and diabolical on Sundays and other days and evenings. Cliff Road and the centre of the village becomes blocked if other users are to be encouraged. An accident will be bound to occur. Please come and see this on a Sunday to witness it. Highways must object to this.
- The proposed extension to the stone built chapel is out of context and too modern. What about STRAT1?
- Should proposal go ahead I suggest it will split the community.
- The Chapel management have considered the building of a completely new larger facility and land was available. This would be the only safe way forward.

Parish/Town Council/Meeting: Object for the following reasons:

- Concern of members is the problem of parking within the village centre. No plan for the provision of parking within the application. Roadside parking is limited to two inadequate parking bays on Cliff Road. Existing problem with vehicles parking when services or events are held at the Chapel. This causes regular difficulty for the buses turning into and exiting Manor Lane as the junction is not large enough to accommodate them. Stagecoach should be consulted for their views on this matter.
- Views up Cliff Road are restricted causing drivers to pull out onto the opposite side of the road with no visibility of what might be coming from the opposite direction and the situation is an accident waiting to happen! On occasions residents on Cliff Road have been prevented from accessing their own properties due to the vehicles parked.
- The impact on the neighbourhood is a material consideration that should be taken into account in the determination of this application; increased community events could necessitate up to 90 vehicles visiting the area and this needs to be taken into account. Officers should also bear in mind that

this is not just a problem on Sundays, but could become a daily nuisance and will result in greater intrusion around neighbouring properties. It is Welton & Dunholme Methodist Chapel and it is envisaged that those residing a greater distance away will not walk, but arrive by car.

- The property is in the Conservation Area and contained within the Welton Conservation Area document held by WLDC under Policies and Actions for Conservation, applications for new development will be granted only if it is considered that the proposed use will not detract from the appearance and character of the Conservation Area and therefore the exterior appearance of the property should be in keeping with other buildings in the neighbourhood, which the proposed community hall is not.
- We consider it essential that Officers from both WLDC Planning and LCC Highways visit the area during Sunday morning service times and Wednesday evening Youth Club night (term time only) to observe the amount of cars parking in this area and to evidence the problems that will be exacerbated by additional vehicles parking at these times. The Council also requests a site visit at which members can be present.
- Further concerns were expressed regarding where delivery and construction vehicles will park and materials stored that will not cause major chaos to the buses gaining access to Manor Lane and the parking problems that will be exacerbated within the village centre and those residing on Cliff Road and Manor Lane.
- This development will impact on all those in the village going about their daily business by causing disruption and hazardous conditions for cyclists, pedestrians and drivers.

Local residents:

Objection letters from 3 households raising the following points:

- Does not comply with policy STRAT1
- Does not address the increase in car parking in the immediate area and its impact on the neighbourhood.
- Current parking on Sunday has led to near misses and restricted access for residents.
- As facilities open to wider community more people and therefore more cars throughout the week.
- If new hall can seat 140, on national average car occupancy of 1.58, 88.6 cars can be expected.
- 87 cars would have impact on Manor Lane, Vicarage Lane, Cliff Road, Chapel Lane and Norbeck Lane.
- University of the Third Age (U3A) members use Methodist Chapel as venue already and park on Cliff Road and Chapel Lane. Other users will increase parking.
- Manor Lane is a bus route.
- Chapel Lane too narrow to be overspill car park.
- A fully attended event will alter character of area from quiet mature residential area to noisy car park.
- Impact on the character of the Conservation Area
- Noise impact especially as groups other than Chapel users will use the hall.
- Detrimental effect on resale value of property

Support letters received from 6 households raising the following points:

- Significant numbers attend chapel on foot and others use a car share scheme. Two members wheelchair bound and one is visually impaired. These members are dropped off at present outside the Chapel.
- Two parking spaces will be made where there are none currently. Bicycle parking will also be made available.
- Village centre location is close to public transport. If new Chapel facilities built on village fringe then not as accessible.
- The limited parking spaces will encourage walking and cycling.
- Objections re parking in the village exaggerated. Parking is always available within 150m of facility though many want to walk less than 50m. Parked vehicles may delay journeys by 30 seconds but this does reduce traffic speed through the village.
- Development will enhance the Church's active role in the community and in the village centre where the Methodist Church has been for nearly 200 years. Also increases the space available in the centre of the village for other groups. Can use premises as informal meeting space including resource centre and possible coffee shop.
- Chapel congregation is part of wider community.
- Existing facilities too small to support growing congregation and activities. Currently waiting list for some groups due to lack of space. Enlarged premises will increase the church's ability to develop outreach work such as the mobile 'God pod' (a converted bus) that works at William Farr School.
- As a Primary Rural Settlement, Welton needs development like this to continue to meet residents' day to day needs. The village hall is the only main building available for let to voluntary groups and is already well used.
- Activities will not be socially unacceptable. Existing activities such as the Coffee Morning and ladies and mens groups provide Christian outreach in the village, encourages lonely people back into church and village community activities and provides support for those who need it. Activities are open to everyone in the community and are free or for minimal charge.
- Style and design will enhance the character and distinctiveness of the village centre.
- Other locations were explored but notwithstanding the lack of immediately available land, any location would be away from the village centre requiring greater car use. Also would be less accessible for village community groups.
- Supports Priorities 1 Safer, Stronger Communities, 2 Children and Young People and 3 Health and Social Well Being and 4 Economic Development of the Local Plan. Chapel instrumental in carrying out all these functions with Mission Statement 'We serve God by serving the Community'.
 - Provides safe environment for multitude of groups and activities for all ages.
 - Children and young people encouraged to learn more about faith, morality and community involvement. New premises can provide facilities for youngsters who spend lunchtime in village. Can extend children's group work with more space.
 - As part of holistic health approach, spiritual well being and religious belief should not be discounted. Events such as Garden Party and

Winter Wonderland contribute to well being of wider village. Can restart Supper Club to provide more support to older villagers.

- If development turned down, congregation will look elsewhere for premises. Haven't found viable site over past 8 years. If current building vacated and made into residential use this would be detrimental to economic development of village.

LCC Highways: Requested details regarding other possible uses of the hall including frequency and times of the sessions. Following additional details being submitted by the applicants, request a condition regarding writing and implementation of a Travel Plan. NB – a Travel Plan has now been submitted following the September Committee and the condition has been amended accordingly. Further comments from Highways relating to the Travel Plan are awaited.

Welton Methodist Church response to original Highways request.

- U3A, British Legion and occasionally others use premises for groups of about 20 people, once or twice a week between them
- Our Children's groups meet 2 nights a week between 6.15 and 9pm but this does not involve parking except at drop off and pick up times.
- There are no plans for playgroups as there are 3 in village already.
- Hope to expand our services to the community and their usage of facilities but unlikely to be fully occupied every day.
- Other time of significant 'chapel' parking is occasional Saturday mornings with coffee morning. Envisage expanding these but majority attend on foot and will visit the coffee morning as part of their shopping expedition in the village.
- Parking was discussed with the Parish Council prior to submitting the application. It was acknowledged by them that parking is an ongoing village problem, which they have been unable to resolve over many years.
- Cliff Road restricted access is not solely down to Chapel access. There are often cars parked when no Chapel functions are being held, especially at busy shopping periods and school opening and closing times.
- Two additional parking spaces will be available for members in wheelchairs. Already offer transport system for elderly and infirm and intend to extend this car share as chapel membership increases. Also offer private parking facilities for up to eight cars at members addresses in Prebend Lane and Ryland Road.
- Understand the concern about Manor Lane access. Frequently observed traffic, including Stagecoach buses, using the 'wrong' side of the bollards when negotiating the corner.
- Suggested that Manor Lane be made one-way over its complete length and use common land in front of existing Chapel as car park.
- Have tried to make contact with Stagecoach but no response yet.
- Also aware that piece of land at Chapel Lane has been offered to Parish Council for car parking.
- Would welcome a visit from Planning and Highways at service and other times to confirm that problem is not confined to the area adjacent to our premises but is widespread village problem.

- During construction, materials can be stored at two adjacent properties which Chapel members own.
- In response to objectors use of Dept for Transport Nation Survey 2010, this is misleading. Currently have attendance of about 60. This usually leads to 12/13 cars thus ratio is 1:5. Unlikely that congregation will double. Even if congregation reached 150, this would only be 30 cars and hopefully the Parish Council will have resolved overall problem by then.

Stagecoach: No objection to the design or building covered by the application. Concerned over the impact the development may have on parking in the area. Buses use Cliff Road, Manor Lane, and Lincoln Road to turn at the terminus. Full sized buses run the route. The turning manoeuvre is already difficult at times due to car parking in the area. Some buses travel via Prebend Lane and Cliff Road to / from the terminus. Any additional car parking generated by the development might obstruct the highway in the immediate area, which would cause operational difficulties for bus drivers and may impact on bus service provision for the village.

Archaeology: Site is within the core of Welton which has a wealth of archaeological remains from Roman to Modern periods. There is a potential that the groundworks will impact on the sub-surface historic assets. Condition Scheme of Archaeological Works. Brief will be produced by LCC Archaeology.

Conservation: Benefited from extensive pre application discussions. Agreed any extension should be contemporary to evidence the development of the building. Contemporary architectural design is a principle supported by English Heritage. Advice on this approach can be found in the publication, 'Building In Context – New Development in Historic Areas' produced by English Heritage and CABA (Commission for Architecture and the Built Environment) 2001. This publication advocates buildings that are recognisable of 'our age' whilst understanding and respecting historic context and support is given to intelligent and imaginative approaches to new development in sensitive locations such as this.

The design and materials achieve an honest and respectful extension which contributes to the architectural qualities of the site. The massing, scale, proportions and form all respond appropriately to the context and take care not to detract from the traditional character. Particular care has been taken to respect the existing grain and scale of development resulting in a deliberate sweeping of the new roof to embrace the modest height of the neighbouring residential element to the larger massing of the Chapel. Initially there were concerns regarding the wrap around component, however, it was assessed that this element of the design actually reinforced the symmetry of the chapel whilst the fenestration scheme responded to the vertical emphasis.

The new extension is of its own time but is clearly ancillary to the chapel and its render finish is intentionally recessive against the historic stonework. The materials will be as high a quality as those existing and the overall site will provide new views and juxtapositions which will add variety to the context and setting of the heritage asset.

The proposal preserves the setting of the conservation area, the Methodist chapel as a building of local importance and the nearby listed building and will allow for the continued sustainable use and maintenance of this important local building and community asset.

Recommend conditions re render surface finish and colours to be agreed and window and door sections to be agreed

Relevant Planning Policies:

National guidance

National Planning Policy Framework

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

East Midlands Regional Plan

Policy 1 Regional Core Objectives

Policy 2 Promoting Better Design

Policy 27 Regional Priorities for the Historic Environment

Policy 41 Regional Priorities for Culture, Sport and Recreation

Policy 48 Regional Car Parking Standards

Policy Lincoln Policy Area SRS6 Tourism, Culture and Education

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

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

RTC3 Retailing and Village Centre Uses in Primary Rural Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt5.htm>

Main issues

- Principle
- Design and impact on heritage assets
- Parking / highway safety and village centre
- Noise

Assessment:

Principle

Policy STRAT1 is the keynote policy of the Local Plan and requires development to be satisfactory with regard criteria including i) the number, size, layout, siting, design and external appearance of buildings, ii) the provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems, iii) the scope for providing access to public transport, iv) the scope for reducing the length and number of car journeys, v) the provision of vehicular and cycle parking facilities, vi) the impact on the character, appearance and amenities of neighbouring and other land; vii) the impact on the character, appearance and setting of historic assets including Conservation Areas and Listed Buildings, viii) the impact of the proposal on neighbouring and other uses, and any other material considerations.

Design, the impact on the various heritage assets and highway matters are discussed below. The addition of a further community space in the centre of the village is considered to be a community asset rather than a hindrance especially given the size of the village. The Chapel use is established on this site (the chapel was built in 1815) and its extension will not affect the use of neighbouring or other land.

Design and impact on heritage assets

Paragraph 131 of the NPPF requires local planning authorities to take account of

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

Policy 27 of the East Midlands Regional Plan adds the recognition of heritage assets intrinsic value and its contribution to quality of life. This policy also allows sensitive change of the historic environment.

The Methodist Chapel is a locally important heritage asset within the Welton Conservation Area, also a heritage asset, so any development needs to take into account the significance of both the building and the Conservation Area. There is also a Grade II listed building, Stonecliffe House, located across Cliff Road, from the Chapel and its setting, character and appearance also need to be protected. It is recognised that the setting is in a sensitive village centre location. Sensitive modern additions to heritage assets are supported by English Heritage (see Conservation comment). The design of the extension is modern but respects both the Chapel and 9 Manor Lane, the cottage to the south through the massing, scale, proportions and form of the new development. The roof slopes away from the Chapel to reflect the change in height to the cottage. The use of a flat roof element as the link between the two allows the original building to stand out and reinforces the timeline of development on this site. The Chapel is not symmetrical, having more wall to the south than the north. However, the addition of the extension will make the Chapel appear more symmetrical. The windows and doors reflect the vertical emphasis of the original fenestration. A stone or brick extension here would appear too heavy and would not allow the distinctiveness of the Chapel to be seen.

Extending the Chapel will allow the congregation to stay in the village centre and maintain a use in the building. If the congregation had to move elsewhere, due to a growing congregation, then an alternative use would have to be found for the Chapel. It is always better for the original use to be retained in a heritage asset rather than a new use having to be sought.

Changing the use of some of the neighbouring garden land at 9 Manor Lane to land for the Chapel extension does not detract from the Conservation Area.

Alterations and extensions at 9 Manor Lane have been the subject of a separate planning consent (128663).

Parking / highway safety and village centre

Policy RTC3 allows for D1 uses (places of worship are in use class D1) in the village centre provided that they serve a local need only, will not detract from the area's primary function as a local shopping and service destination, do not harm the amenities of nearby residents, include the provision of safe car parking facilities if they are not already conveniently located nearby and are of a scale, design and character, which is reflective of and sympathetic to the surrounding neighbourhood streetscapes.

The extension will serve a local congregation who need more space and the wider community through various events and groups. The village centre will not lose any retail or other service as a result of this proposal and the expanded facilities will add to the village centre service provision. The village centre has parking provision, albeit heavily used and this application provides two more spaces than are available at present. The design has already been discussed above and is considered acceptable.

Many of the congregation walk to services and a car sharing and lift system operates for those unable to reach services on foot. There are eight parking spaces available on private drives nearby.

It is acknowledged that the Chapel is in the village centre where parking is an on-going issue. However, the Chapel alone should not be made responsible for solving the issue. The site is close to the bus terminus for the village. The bus company, Stagecoach, has raised concerns about additional parked cars hindering the bus being able to manoeuvre. A service runs to Welton every half hour. Manor Lane is two way to the junction with Vicarage Lane and there are no parking restrictions. The Planning Authority does not have the power to impose parking restrictions. It is understood that Highways has looked into making Manor Lane one way along its entire length but this was rejected.

18 Chapel Lane, the bungalow immediately to the west of the Chapel is also owned by some of the Friends of Welton Chapel. The potential of this site for a village centre car park is the subject of separate discussions – the Friends have offered it for purchase to the Parish Council. However, the application needs to be determined according to the current situation in terms of parking provision.

LCC Highways asked for further information regarding other groups using the new hall and following the response from the Chapel, LCC Highways request that a condition regarding the writing and implementation of a Travel Plan be added to the consent. This Travel Plan has been submitted pre decision following the request for same from the September Committee.

Noise

If noise was sufficient to cause a nuisance, then action could be taken under The Environmental Protection Act 1990. However, there has been no noise nuisance reported from the current use.

Archaeology

As the site is in the centre of Welton, where other significant archaeological finds have been discovered, it is considered reasonable to require archaeological monitoring of the site during groundworks and conditions can be added to the consent.

Other matters

Welton is a large village and the presence of the village hall does not mean that there cannot be any other community gathering places built in the village.

Property values are not material considerations and cannot be taken into account as part of this application.

Conclusion

The design will not detract from the heritage assets of either the existing Chapel building or the Welton Conservation Area as it has been sensitively designed to take account of the surroundings and its scale, massing, proportions and materials further assist in making it subordinate to the original Chapel and the cottage next door.

Whilst it is acknowledged that the centre of Welton has parking issues, it is not for the Chapel alone to solve them. Two parking spaces will be created and, as the Chapel has a village centre location, many users can walk to the facility. The Travel Plan received shall be implemented and reviewed annually.

Recommendation – Grant planning permission subject to conditions.

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

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

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

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

2. No development shall take place until details of the colours and finish of the render have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance of the development to protect the character, setting and appearance of the heritage asset of Welton Methodist Chapel and the Welton Conservation Area in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

3. No development shall take place until details of the window and door frames, including materials and sections, have been submitted to and approved in writing by the Local Planning Authority. .

Reason: To ensure a satisfactory external appearance of the development to protect the character, setting and appearance of the heritage asset of Welton Methodist Chapel and the Welton Conservation Area in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

4. No development shall take place until the RAL colour numbers for the roofing material and the fascia material have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance of the development to protect the character, setting and appearance of the heritage asset of Welton Methodist Chapel and the Welton Conservation Area in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

5. 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).

6. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 5 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:

7. The development shall be carried out in accordance with the details as approved by conditions 2 to 4 inclusive.

Reason: To ensure a satisfactory external appearance of the development to protect the character, setting and appearance of the heritage asset of Welton Methodist Chapel and the Welton Conservation Area in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

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

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

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 (2012).

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 (2012).

11. The Travel Plan received on 5th November 2012 is to be implemented as soon as the building is occupied, shall continue whilst the building is in use and shall be reviewed annually.

Reason: In order that the access to the site is sustainable and reduces the dependency on the car 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:

None

Notes to the Applicant

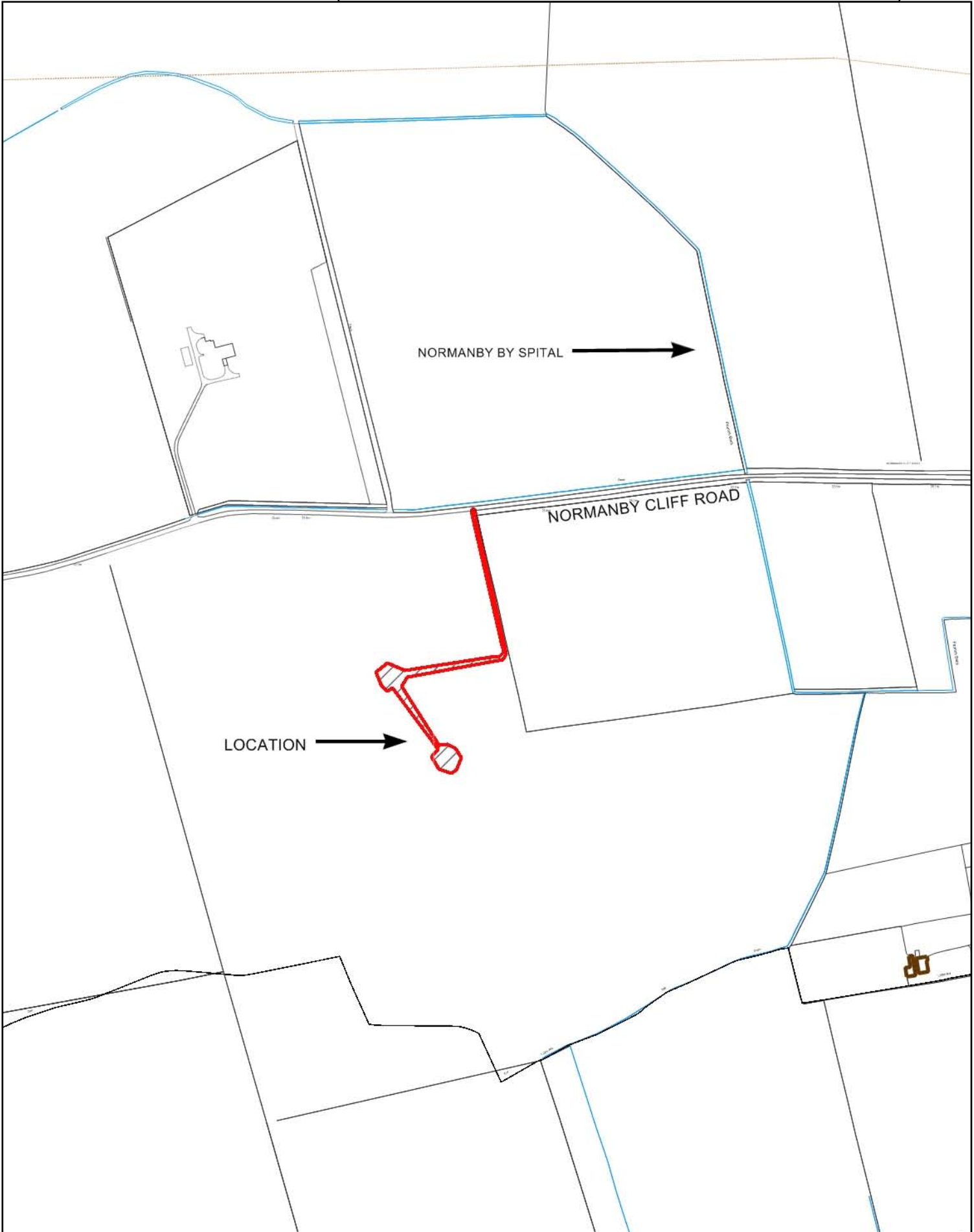
1. The written scheme required by condition 5 shall be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor (tel 01522 550382)

Reasons for granting permission

The proposal has been considered against the provisions of the development plan particularly Policy 1 Regional Core Objectives, Policy 2 Promoting Better Design, Policy 27 Regional Priorities for the Historic Environment, Policy 41 Regional Priorities for Culture, Sport and Recreation, Policy 48 Regional Car Parking Standards and Lincoln Policy Area SRS6 Tourism, Culture and Education of the East Midlands Regional Plan and saved policies STRAT1 Development Requiring Planning Permission and RTC3 Retailing and Village Centre Uses in Primary Rural 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 proposal is considered acceptable for the following reasons:

The design will not detract from the heritage assets of either the existing Chapel building or the Welton Conservation Area as it has been sensitively designed to take account of the surroundings and its scale, massing, proportions and materials further assist in making it subordinate to the original Chapel and the cottage next door.

Whilst it is acknowledged that the centre of Welton has parking issues, it is not for the Chapel alone to solve them. Two parking spaces will be created and, as the Chapel has a village centre location, many users can walk to the facility. The Travel Plan received shall be implemented and reviewed annually.



Officer's Report

Planning Application No: 128606

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

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

WARD: Waddingham and Spital

WARD MEMBER(S): Councillor Summers

APPLICANT NAME: Ermine Farms Ltd.

TARGET DECISION DATE: 25/06/2012

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

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

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

NB. The application was originally submitted for three turbines. The southernmost of these turbines (known as T3) has now been deleted from the proposed development leaving turbines T1 and T2. An alternative location near to the applicant's farm was investigated prior to the submission of this revision, but the MoD objected to that location on safeguarding grounds. The MoD comments were based on the same turbines being used (no comments have been requested from the MoD as to whether smaller turbines would be acceptable in locations closer to the 'Farm).

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

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

Relevant history:

None for the site but members will be aware of the current application for a wind farm at Hemswell Cliff. The site of that proposal is 4.5km to the northwest. There are no other known wind turbines, extant planning permissions for turbines, or live applications for turbines within a 5km radius of the application site other than one vertical axis turbine at Glenthams.

Representations:

For the amended 2 turbines proposal:-

Normanby by Spital PC – Object:-

- Position of turbines still too near village.
- The visual impact detracts from the open countryside.
- Too near two properties on Mill Lane.
- Application goes against Lincolnshire County Council's policies.

Owmby by Spital PC - Object to this application.

- There are several other alternative methods of creating green energy which would be acceptable in this location. However, if turbines are requested they should be of a smaller appropriate size and be sited close to the premises for which the supply is required. The proposed siting is contrary to Policy NBE10 as these high structures are an alien feature in the rural countryside and will have a detrimental effect on the skyline and the surrounding open landscape.
- WLDC Green Energy Strategy statement states " West Lindsey strives to be the greenest district with a thriving green economy that results in improved well being for residents & social equity" These turbines will have no beneficial effect on the surrounding community. The size and shape of the turbines are not designed to create a high

- The use of a neighbouring field for riding activities for disabled children will have to cease if the turbines are erected as proposed.
The Equality Act 2010 states that Public Authorities have a duty of care to consider the needs of all.
- There is no proof to date that wind farms have a positive effect on the well being of the country economic or otherwise.
The applicants have demonstrated no proof of need- just financial gain.
- Granting permission will be contrary to the Human Rights Act Protocol 1 article 1 which protects property and livelihood.
- If however, the Planning Authority see fit to grant permission, please make it a condition that these structures are removed when they are no longer required or operable.

Residents – 92 individual representations (including multiple letters from the same addresses) and a 147 signature petition in addition to the 68 representations received for the original (3 turbine) consultation (see later in this sub-section). The addresses representations have been received from for the 2 turbine amendment are:-

5, Manor Cliff, Normanby; 38, Main Street, Normanby; Angel House, Chapel Lane, Normanby; Moat House, Normanby; Mill House Farm, Normanby; 2, Becksides, Normanby; Herons Rest, Field Lane, Normanby; The Barns, Field Lane, Normanby; Honey Pot Cottage, Owmbly Cliff Road, Owmbly; Post Office, Normanby; 13, Main Street, Normanby; Turnhouse Farm, Owmbly; Gatehouse Cottages, Caenby; 17, Fourth Avenue, Scampton; 2, Lodge Farm Cottage, Normanby le Wold; 35, Kesteven Court, Habrough; 15, Talbot Rd, Immingham; 4, Staple Avenue?; Lilac Cottage, Station Road, Wickenby; 23, Kings Road, Barnetby; Manor House, Hemswell; Alma House, Westwoodside; 50, Adelaide Close, Waddington; 16, St. Helen's Avenue, Lincoln; 50A Jerusalem Rd, Skellingthorpe; Jessop's Close, Ings Road, Kirton Lindsey; 23, Gainsthorpe Road, Kirton Lindsey; 31, Morton Road, Grimsby; Keyline Cottage, Howe Lane, Goxhill; 38, Ripon Close, Scunthorpe; 62, Appleby Way, Lincoln; 11, Highland Tarn, Immingham; 40, Gardenfield, Skellingthorpe; Drabbles Hill Farm, North Kelsey; Brookside, Caistor Road, Market Rasen; 41, Ings Road, Kirton Lindsey; 4, Meadow Court, Grayingham; 6, Grove Street, Kirton Lindsey; 50, Caistor Road, Market Rasen; 15, Talbot Road, Immingham; 1B, Union Street, Market Rasen; 24, Herriot Walk, Scunthorpe; Maidenwell Farm, North Kelsey; Rivendell, Low Road, Grayingham; 51, Ings Lane, Waltham; Nos. 2 and 3, Swinderby Road, Norton Disney; 4, Brigg Road, Grasby; Ashdale Cottage Wootton; 32, The Green, Ingham; Glebe Farm, Mill Lane, Osgodby; 10a Partridge Drive, Rothwell; The Laurels, School Lane, Rothwell; Bramble Tye, Washdyke Lane, Osgodby; Rowangarth, Willoughton; 21, Bigby Road, Brigg; 89, Picklsey Crescent (Holton le Clay?); 3, Saltergate, Messingham; 57, Laurel Way, Scunthorpe; 155, Station Road,

Hibaldstow; Drabbles Hill Farm, Kirton Lindsey; 7, Mill Street, Market Rasen; Angel House, Chapel Lane, Normanby and two unidentifiable addresses.

A summary of their collective comments follows:-

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

- The Application Planning statement clearly states that “due to lack of response from the MOD, independent analysis was carried out that indicated turbines near to the farm (40M AOD) would probably be identified by Waddington Watchman radar”. *NB Officer’s note – The MOD objection as a response to a WLDC consultation is on file.*
- We are amazed the Planning Statement doesn’t even mention road safety as a consideration in this proposal and its location. It is known wind turbines are a distraction for drivers. The narrow, single track Normanby Cliff Road is one of only 3 routes into the village and is known as being a road on which drivers do drive fast. We are very concerned drivers will get distracted by the turbines, avert their sight and cause crashes, particularly as the site proposed is next to a bend in the narrow Normanby Cliff road.
- Under certain circumstances and at certain times of the year (particularly in winter), when the sun is low in the sky, the sun will pass behind the turning blades and appear as a series of light flashes. This is not to be confused with “shadow-flicker” – it is seen as a moving light flicker in the peripheral retinal visual field.
- It is known from the research work done for other wind turbine applications (especially the RWE Application at Hemswell, approximately 1.5miles from the proposed Heath Farm proposed site) that rare birds have been sited. A report from RSPB has identified Marsh harriers and the more endangered Montague harrier have been seen on several occasions in the vicinity. Having spoken to a RSPB member, they have confirmed it is fair and reasonable to declare that these same birds would fly near and around the proposed turbine site at Heath farm, with the possibility of death and disruption caused by the effects of the turbines
- The route, running north/south, is rich in history and of great archaeological significance - the proposed erection of two wind turbines is just one mile east of this route and will be clearly seen from Ermine Street.
- There is a sentence from WLDC’s Green Energy Statement 2012, which states, “West Lindsey strives to be the greenest district with a thriving green economy, that results in improved wellbeing for residents and social equity, while significantly reducing environmental risks and threats to biodiversity”
- A family with an Autistic child has already moved out of Normanby due to the threat of the wind turbines. This means if the turbines were erected families with Autistic children or children affected by moving objects will not in the future come and reside in our village. This is a breach of Human Rights. The only restriction (Government authority to override Article 8) depends upon the ‘Economic well-being of the country’. A very large body of evidence shows clearly that wind farms have no positive effect on the well-being of the country, economic or otherwise. Consequently, the restriction does not apply and it is clear that Article 8 would be breached and the development could therefore be challenged under the Human Rights Act.
- It is argued that the applicant’s choice of viewpoint locations and photomontage methodology seriously underestimates the landscape

- There is a substantial body of evidence which points to the list of symptoms experienced by many (not all) people who find themselves living near wind turbines. These include sleep disturbance. Headaches, tinnitus, ear pressure, dizziness and vertigo, nausea, visual blurring, tachycardia (rapid heart rate), irritability, problems with concentration and memory and panic episodes. It is highly likely that those in close proximity to the turbines would experience some of these symptoms. For instance, the discordant sounds of turbines operating out of sync can be appalling, especially when trying to concentrate or to sleep. Sleep disturbance may be a particular problem in children and it may have important implications for public health
- The developers informed the village that the wind turbines will reduce their (the developers) energy use and lower the CO2 output. They forgot to inform the village that the animal units they serve are over 40 years old, in bad condition and will lose up to 40 % of any heat, due to the gaps in the wood, asbestos roof etc, into the atmosphere. There will be no benefit at all to the village itself.
- In winter the Normanby Cliff road has a chill effect and will cause ice build up on the rotas of the turbines. In the right conditions ice will be thrown on to the lane due to the closeness of the turbines. Many councils have put specific distance limits to turbines being near villages and roads. The entrance to the turbines for erection and maintenance is in the worst spot for black ice, Cars have actually finished up in this entrance on there roof due to black ice.
- It is contrary to the West Lindsey Local Plan Strats1 and 12, NBE12 [para 6.63] The emerging Central Lincolnshire Core Strategy – Draft Policies 2012 [CL1 and CL3] and the Lincolnshire County Council Guidance to district councils on the siting of wind farms. the East Midlands Regional Plan Policies 1,4,19,24,26,27,28,29,31 and the National Planning Policy Framework sustainable Development para 7, Core principles para 17 (Localism Act – i.e. not supported by local communities).

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

Natural England – The advice provided in our previous response equally applies to this amendment. No objection.

British Horse Society – Object

- Turbines are as much a "rider" issue as a "horse" issue. Riders are worried that their horse will panic, possibly leading to it throwing the rider and bolting off, with resultant possibility of serious injury to rider, horse and third parties. Riders therefore wish to avoid the vicinity of turbines.
- This results in the "closure" or "obstruction" of areas (fields etc) or routes (roads, bridleways etc) to riders. Recent law decisions indicate that "psychological" obstruction is to be considered as relevant as physical obstruction.
- The "rider" issue will affect the riding club's adjacent field, leading to a loss of entrants to their shows, consequent loss of income and the club will either have to move (leading to loss of rent to landowner if, as is likely, they do not own the field) or will close, with the loss of the local training and recreational facilities that riding clubs provide. This may have other knock-on effects on equestrian spending in the area. The installation of turbines near an internationally-advertised equestrian tourism facility in Wales is known to have resulted in a significant loss of business.
- The smaller turbines, similar to these, DO seem to have more impact as they are more likely to be in the horse's eyeline . This is particularly so if the horse is an occasional visitor to the area - as would be expected with riding club entrants - that finds changes to a familiar landscape (a significant portion of a local hunt ended on the floor on first encountering a 'farm' turbine similar to the application).

In summary, familiarity may, eventually, bring acceptance, but any accident will get quickly reported round the local equestrian community and make local riders even more wary of entering the club's shows. BHS would, regretfully, have to object to this on the grounds of the likely effect on the riding club

The following comments were received in relation to the original scheme for 3 turbines. They are included as officers consider that they are relevant to both the original and amended (2 turbines) submission.

Chairman/Ward member(s): No comments received from the Chairman and/or ward member but Councillor Strange (county councillor and neighbouring district ward member) states the following:-

I would ask the applicants to consider withdrawing their application. I believe a sensible compromise would be, after the feelings expressed by residents, for the turbines applied for to be resited at the farm complex and the shortfall be made up with some other form of renewable energy. My reasons are based on the belief that pepper potting of turbines across the fields of West Lindsey is against the public interest and, should this be passed, a precedent will be set. We both are aware of objections raised and we have a duty not only to support a local business but also the duty to protect the opinions of our ratepayers who may find their quality of life affected.

I object on the grounds of visual impact across the area, possible noise and possible flicker, also setting a precedent that we would have difficulty in denying.

NB. Councillor Strange represented Councillor Summers at a public meeting and during the original consultation period in the summer of 2012.

Normanby by Spital PC – Object - It is the fact that these turbines are so very near our village. Some of those who object to the location have mentioned that, perhaps they would not object if the turbines were further away from our village. The preferred location would be nearer to Heath Farm

Hemswell Parish Council (parish in the locality): Express their deep concern regarding the amount of wind turbine applications for this area of Lincolnshire. They are situated in open countryside and very visible and the cumulative effect of so many turbines will turn this lovely countryside into an industrial area.

The Localism Act is designed to give a voice to local residents and parish councils and Hemswell PC are asking that you take due cognisance of this Act.

Edward Leigh MP – Two letters have been received from Edward Leigh. They include the following comments:-

- I am writing on behalf of 80 residents who attended a public meeting.
- I have resolutely opposed all wind farm applications within my constituency.
- Not only are these structures an offense to behold and to hear, they are entirely economically unjustifiable and are made “profitable” only by massive subsidies from central government
- I joined over a hundred Members of Parliament in signing a letter to Prime Minister David Cameron formally calling for the subsidy for on-shore wind farms to be scrapped entirely and for the National Planning Policy Framework to ensure that local views are given priority when considering applications for on-shore wind farms.
- I also strongly oppose the most recent proposal for a wind farm at Normanby by Spital and I am very happy to support the campaign against this further unwelcome proposal in my constituency.
- There is no reason why the turbines cannot be moved to land between the applicant’s farm and the A15.

Residents: 68 individual representations (including multiple letters from the same addresses) received for the original 3 turbines proposal/ The addresses representations have been received from are:-

5, Chapel Lodge Drive, Normanby; The Cottage, Main Street, Normanby; Beehive House, Front Street, Normanby; Mill Lodge, Normanby; Herons Rest, Field Lane, Normanby; Mill House Farm, Mill Lane, Normanby; Moat House, Field Lane, Normanby; Orchard House, Front Street, Normanby; Barnside, Penfold Lane, Normanby; Nos. 1 and 2, Beckside, Normanby; Hillcrest, Front

Street, Normanby; Charnwood, Cliff Road, Owmbly-By-Spital; 16, Cliff Farm Cottages, Owmbly; The Bungalow, High Street, Caenby; Gatehouse Cottages, Caenby; Moat Farm, Caenby; Sarah's Cottage Seggimoor, Glenthams; Hadyn House, Hemswell; The Paddox, Brook Street, Hemswell; Manors House, Hemswell; 19, Dawnhill Lane, Hemswell; Ivy Cottage, Bishop Norton; The Spinney, Glenthams Road, Bishop Norton; Holme Cross, Glenthams Road, Bishop Norton; 5, Pingly Leys, Bishop Norton; The Old Vicarage, Bishop Norton; 10a Partridge Drive, Rothwell; The Laurels, School Lane, Rothwell; Drabbles Hill Farm, North Kelsey; 7, Mill Street, Market Rasen; Applegarth, Hollowgate Hill, Willoughton; Mayfield, Hollowgate Hill, Willoughton; Rowangarth, Church Street, Willoughton; Bonsdale Farm, Bonsdale; Glebe Farm, Mill Lane, Osgodby; 1, Kirton Road, Blyton; 4, Meadow Court, Grayingham; Kingerby Hall, Kingerby; Hemswell & Harpswell Anti-Wind Farm Action Group; Holton le Moor & District Riding Club and one where the address was withheld.

A summary of their collective comments follows:- .

- National Planning Policy Framework recognises three dimensions when defining sustainable development including an environmental role (seeking to protect and enhance our natural environment). The proposal would be contrary to these objectives and policies STRAT1, STRAT12 and NBE10 of the West Lindsey Local Plan First Review 2006.
- Although not within an area defined as being of outstanding beauty, scientific interest or historic interest, the 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 St. Peter's Church in the village and St. Peter and St Paul's Church, Owmbly, ancient listed buildings dating from the C12th. West Lindsey's own Landscape Character Assessment has commented on how listed buildings can be degraded by insensitively designed development (the Church at Glenthams is an example).
- In addition to these listed buildings, there are a number of Scheduled Monuments and attractive conservation villages within the zone of visual influence.
- The turbine is industrial in appearance and no other building of this scale and of such industrial appearance would be permitted in this visually sensitive, prominent countryside location, so why permit the turbines?
- The turbines could be located at the Farm site itself. This land is 10m higher, but the turbines could be reduced by 10m in height.
- Because renewable energy can be generated without the intrusion of wind turbines into a hitherto unmarred landscape, centuries of British history must not be irrevocably sacrificed for such a minimal contribution to the nation's anticipated future energy needs.

- Ramblers and cyclists may well go elsewhere and our local pub and shop would suffer a loss of passing trade. These two businesses are essential to the vitality of the village.
- In the context of localism and the advice given in the National Planning Policy Framework, the views of local people must be taken into account.
- Wind energy is not totally reliable due to the wind direction being intermittent and that it may not provide the energy required. The Kentish Weald Action Group has produced a report based on previously unpublished data suggesting that, during a typical UK winter (2008/2009), turbine output in Britain will seldom rise above 10% of installed capacity. Consequently the pig unit will still require power from the National Grid.
- Impact on wildlife. Visions of birds flying into the spinning blades create a horrid picture. There are swallows, swifts and thrushes in the area. Wildlife is disappearing at an alarming rate and erection of wind turbines will not help them. Bats and badgers will also be adversely affected.
- Proposed developments with far less impact have had to be altered due to their effect on views from the A15; one family had to lower the roofline of the property they had applied for permission to build.
- Wind turbines are manufactured overseas so no British jobs and benefit to our economy.
- Loss of ability to use adjoining equestrian land. A Gymkhana business operates from the adjoining field for children with health issues and disability and this may have to close due to horses being spooked by noise and flicker. This land is also used by Holton le Moor and District Riding Club.
- There is nothing ecologically or environmentally friendly about a development that benefits from a heavy financial subsidy for the applicant to support an old, poorly insulated building that uses 7.5+ megawatts of power annually to keep thousands of pigs indoors for their entire natural lives. It is really not a fair trade at all.
- If the units are so old and have little or no insulation in the winter, may be the applicants should be reviewing their animal husbandry and investing in new, modern housing with state of the art facilities rather than jumping on the bandwagon of massive subsidies.
- Going free range would be more ecologically sound than a turbine powering this livestock unit.
- Impact on health; some of the associated issues are heart problems, tinnitus, nausea, headaches and disturbed sleep. A specific concern is the impact on the health of children as Normanby has a village school.
- A GP has presented a report to the Royal College of GPs in which she reported a marked increase in depression suffered by local people in the locality of 3 turbines.
- Noise from the turbines especially to children with special needs. This is supported by a report by a behaviour therapist and highlights a negative effect on the physical and mental well being of all children and can affect their memory and learning abilities.

- A child in the village of Owmbly suffers from autism and will not be allowed to play in the garden as the flicker effect from the turbines could have a serious detrimental impact on their health along with sensitivity to noise.
- Government objectives for renewable energy would be better achieved in a Lincolnshire context by the promotion of photovoltaic systems. They can be building or ground mounted, more reliable and can be readily assimilated within the countryside.
- Normanby Cliff Road is not appropriate in terms of its width and construction to cope with construction traffic.
- Health and safety issues – there is growing concern from the HSE with accidents from wind installations to installers and the general public – last years there were 164 accidents.
- Flicker from the movement of the turbine blades.
- Blades will propel ice onto Normanby Cliff Road.
- The movement of the turbines will be a distraction to motorists and detrimentally affect highway safety.
- Views from the Lincolnshire Wolds will be adversely affected.
- Negative cumulative impact of all of the turbine developments if granted.
- The turbines will affect RAF operations.
- Contrary to County Council policy.
- Application is in breach of policy that no wind turbine will be constructed within 1.2 miles of a domestic dwelling.
- Loss of around 20% of value to property.

MoD Safeguarding – No objection

NERL (aircraft safeguarding) – Although the proposed development is likely to impact our electronic infrastructure, NATS (en route) plc has no safeguarding objections to the proposal.

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

LCC Highways – Requests that the following additional information is provided:-

- No development shall start until a scheme for the routeing of the delivery vehicles carrying the turbines and components and any other large machinery has been submitted to and agreed in writing by the local planning authority. The routeing shall be in accordance with the approved scheme.
- A highway 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 local planning authority. Any work shall be carried out in accordance with the approved details and shall be

LCC Public Rights of Way – Definitive Footpath (Normanby by Spital) No. 1 is in the wider vicinity of the site although this would not appear to affect the proposed development.

Lincolnshire Wildlife Trust – We are satisfied that the turbines are located with the blade tips more than 50 metres 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 no specific bat surveys are required in this instance.

Natural England – The proposal does not appear to affect any statutorily protected sites or landscape or have significant impacts on the conservation of soils.

RSPB – No comments received.

WLDC Environmental Protection – “No comments.”

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

Relevant Planning Policies:

Development Plan

- East Midlands Regional Plan 2009.

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

This plan has yet to be abolished.

- West Lindsey Local Plan First Review 2006

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

STRAT12 – Development in the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

NBE10 – Protection of landscape character and Areas of Great Landscape Value.
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

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

The plan policies were saved in 2009 but the adoption of the Plan itself dates from 2006 and was adopted under the 1990 Act rather than the 2004 Act. These policies have been afforded significant weight in the following assessment particularly with regard to the synergy with the objectives of environmental sustainability contained within the National Planning Policy Framework. In the absence of policy SUS11, which was not saved in 2009, there are no policies that provide explicit guidance on renewable energy developments. These objectives are found in policy 40 of the Regional Plan and within the National Planning Policy Framework.

National policy

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

Section 10 is particularly relevant. This refers to:-

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

Other policy

- British Horse Society Statement on Wind Farms (2010)
http://www.bhs.org.uk/~/_media/BHS/Files/PDF%20Documents/Access%20leaflets/2010%20wind%20Farms.ashx

Assessment:

Principle - In the interests of sustainability and prevention of visual intrusion, policy STRAT12 of the Local Plan First Review 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. Furthermore, 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 and this remains, as confirmed by the Secretary of State in October 2012, a guiding objective of national government policy. Indeed, the Department of Energy and Climate Change's policy EN1, as referred to in the National Planning Policy Framework, states that the UK has committed to sourcing 15% of its total energy from renewable sources by 2020 and new projects need to continue to come forward urgently to ensure that the country meets this target.

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

The environmental sustainability of the business through minimising energy demand and maximising the derivation of energy that is required from renewable sources must also be afforded significant weight.

Neither the Regional Plan nor the National Planning Policy Framework requires a developer to prove the need for renewable energy developments. Nevertheless, turbines inevitably, due to their height, will always have some degree of visual impact, which is regularly significant, and the benefits of providing renewable energy need to be weighed against visual and any other impact. Indeed, the protection of the landscape is a common thread of the development plan and the National Planning Policy Framework and should be afforded significant weight in the considerations; as noted in the representations received from residents, the environmental role is one of the three key roles of sustainability cited in the National Planning Policy Framework (paragraph 7 refers).

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 note 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 530 MWh per year. Anaerobic digestion (AD) was considered but the manure from the farm and the other pig farms within the applicant's control would need to be supplemented by other

feedstock. This is because of the relatively low methane yield of manure. Other feedstock 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 a substantial proportion of the land 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 and economic sustainability (two of the three roles detailed in the National Planning Policy Framework).

Representations have also been received suggesting that photovoltaic panels be used, either mounted on the roofs of the farm buildings at Heath Farm 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 530 MWh, it has been estimated that in excess of 3 ha of land would be required, far in excess of the area of roof available. This takes land out of food production, is costly to install and also produces no power at night which conflicts with the 24 hours operation of the livestock unit (requiring light and mechanical ventilation).

This is not to say that a combination of different sources of renewable energy could not be used for the farm, including photovoltaic cells, given that the two turbines would provide for about 62% of the predicted energy needs. It is also acknowledged that, as raised in their representations received, there are many ways in actually reducing the energy needs of the farm through building design and updating, before one actually looks at sourcing energy supplies to renewable sources.

Nevertheless, as stated already in this assessment, the need for the turbines should not be disputed and nor should the application be rejected purely because other sources of renewable energy or reductions in energy demands have not been discounted. The key issue therefore, is whether the benefits of using this renewable energy supply (wind power) outweigh the visual impact. To assess this, one must firstly assess whether the predictions made by the applicant are realistic.

Benefits in terms of the energy derived from the turbines proposed - The Department for Energy and Climate Change (DECC) wind database site (accessed by the case officer on 8th November 2012) indicates average wind speeds of 5.9m/s at 25m above ground level and 6.4 m/s at 45m above ground level. The surrounding area is also free of natural or built obstructions, the site being on the Limestone Cliff dip slope with the land characterised by gently undulating topography. All of these factors point towards the suitability of the location for wind derived energy generation. A location closer to the farm buildings has been discounted due to military aircraft safeguarding concerns (impact on RAF Waddington radar). It is also advised that 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. There is potential for this if the turbines were too close to the farm buildings.

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.

The representations received include comments that wind energy is not totally reliable due to the wind direction being intermittent and that it may not provide the energy required. They state that the Kentish Weald Action Group has produced a report based on previously unpublished data suggesting that, during a typical UK winter (2008/2009), turbine output in Britain will seldom rise above 10% of installed capacity.

The Department of Energy and Climate Change's position (available on their web-site) is that wind energy is a variable (or intermittent) source of energy but that does not mean it is inefficient. They state that wind turbines tend to generate electricity for around 80-85% of the time without any significant losses. They compare this to thermal generation which resulted, in 2010, thermal efficiencies of 36.1% for coal and 47.6% for combined cycle gas turbine generation. The same DECC statement acknowledges that wind speeds vary which impacts how much power is produced and what is called the "load factor" of a technology (the load factor is the accepted measure for the percentage of a theoretical maximum output of 24 hrs a day, 365 days a year that a particular generating plant or technology achieves, with no technology achieving 100%). Over a 5 year period the average onshore wind load factors was 26.2% (source DECC Digest of United Kingdom Energy Statistics).

Taking these factors into account, it is considered that the turbines proposed here, or a similar equivalent, will produce significant benefits. The actual output of each turbine, rather than maximum claimed output by the manufacturer, at the average windspeed quoted by the DECC at the site location at the 25m above ground level hub height would be approximately 160 MWh per annum. The turbines are proposed to be located at a suitable distance apart so as not affect their output, so they can be collectively estimated to produce 320 MWh per annum. This is only marginally below the figure submitted by the applicant (330 MWh per annum). Even if wind speeds fell to 4.5m/s this would still produce 180 MWh per annum which is considered to be a significant contribution to the farm's needs and would meet the 15% of energy sourced from renewables target by 2020 cited in the National Planning Policy Framework.

In summary the turbines proposed are therefore considered to be able to contribute to the regional renewable energy targets quoted in the East Midlands Regional Plan 2009, which is part of the development plan, and the national targets cited in the National Planning Policy Framework by providing for approximately 320 MWh of the 900 MWh per annum need for the farm (over one third). This benefit is afforded significant weight in this assessment.

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 views from the east, south, north and west. The theoretical zone of visual influence (ZVI) is therefore a large area.

In reality the zone is smaller due to hedge lines, tree belts and man-made features such as groups of houses. Nevertheless, as the site is located in the open countryside, it is to be expected that there will be views available of the turbines from various public vantage points around the site. 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. Having examined the montages, the case officer considers that they accurately portray the impact of the turbines.

The areas where the turbines are predicted to be visible from are individually assessed as follows (the case officer visited all of these points and assessed the potential impact of stationary and rotating blades).

Normanby Cliff Road (between the A15 and Normanby by Spital village) –

This is the closest public vantage point to the turbines and, without doubt, the turbines will be a prominent landmark within the panorama when viewed from much of the length of this road and particularly between the entrance to Heath Farm and the village. This is due to their sheer scale, a scale that is not replicated anywhere in the vicinity in terms of height. The proximity of the turbines to the road, gently undulating landscape and the lack of tree belts or tall buildings to the southeast, south and southwest mean that the majority of both turbines will be seen against the backdrop of the sky that is commonly grey. These conditions will commonly result in the turbines being viewed as a grey fixture against a grey backdrop.

There will be instances, when the sky is blue for example, when the turbines will appear more prominent from the road. It is also noted that the sun will be behind the turbines for much of the time when viewed from the road and therefore the face facing the observer will be in shadow which will increase the contrast between the structure and the sky beyond. Nevertheless, it is not considered that they would appear visually intrusive; they are slender in form and graceful in movement, even at higher rpm.

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

Public Right of Way between Brooklands, Front Street and Mill Lane – Again, without doubt, the turbines will be a prominent landmark within the panorama when looking west from most of the length of this footpath; the only time the turbines will be obscured from view will be when the walker is within the

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

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

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

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

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

Owmbly Cliff Road – This road links the centre of Owmbly village to the A15. Buildings obscure views of the site from the village itself and vistas northwestwards are not possible until the road has cleared the built up area. Indeed, the first clear views are from a bridge over a land drain, midway between the village and Owmbly Cliff Cottages, but the turbines are over 1km

away at this point and do not significantly impact on the view despite their form not being replicated by existing natural and built features within the landscape.

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

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

In summary, it is accepted that this is a finely balanced decision as to whether this is a detrimental impact and, from the Normanby Cliff Road vantage points in particular, the turbines are of a shape, height and colour at odds with other structures within the landscape. However, there are numerous examples of structures which have been introduced into the wider landscape which are quite different to structures around them, are visually prominent, but have assimilated into the landscape, such as grain stores.

Overall, the turbines are not considered to detract from the visual amenity of the area and, whilst not being cited in the Landscape Character Assessment as a feature that currently exists within the Limestone Cliff Dip Slope, they will not detract from the character and appearance of this landscape.

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

Setting of listed buildings – There are a number of listed buildings within the parishes of Normanby and Owmbly including the two churches, the School, the Manor, Mill Lane and Orchard House. Both villages are quite

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

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

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

Impacts on Protected Species - Although a bat survey has not been carried out, it is relevant to note that the Technical Information Notes (TINs) published by Natural England on bats and wind turbines refers to a buffer distance of 50 metres between wind turbines and potential bat activity. However TIN 51 makes clear that "these guidelines do not specifically cover micro wind generation" and TIN059 (Bats and Single Large Wind Turbines) is explicit in stating that, "it is not intended to cover micro turbines nor multi-turbine wind-farm developments." However, guidance published by Cornwall Wildlife Trust, as cited by the Lincolnshire Wildlife Trust in its representation, refers to a 50m separation from hedgerows and other natural features to protect any bats from the turbines. The proposal has responded to this guidance and the blades are all in excess of 50m from the hedgerows to the north and east. The proposal is not on any major migratory route for birds and, based upon advice from Natural England, it is considered that no areas designated for their natural conservation interest nor the local wildlife, including owls, will be adversely affected by the proposal. Natural England and the Lincolnshire Wildlife trust do not object to the proposal. The RSPB were consulted and have made no comment.

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

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

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

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

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

independent lives but others may have accompanying learning disabilities and need a lifetime of specialist support.”

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

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

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

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

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

The sound power for the proposed turbines (C & F 50) assuming a wind speed of 5m/s at hub height is 80 dBA, increasing to 94 dBA at 10m/s (the operational limit). To recall, the DECC database estimates an average speed of around 5.9m/s.

The existing noise levels within the curtilage of Mill Lodge is estimated to be approximately 30-35 dB(a) during the daytime (the case officer visited the

environs of this dwellings and noted its relatively tranquil setting away from heavily trafficked roads and commercial uses).

In this context, even with the added noise levels derived from both turbines, it is not considered that the noise level generated at this distance would adversely affect the living conditions of the occupiers of the house when they are in the rear gardens; the noise from both turbines will have reduced to below 35 dBA; even at 100m distance it is estimated that the levels will have reduced to 35 dBA at 5m/s wind speed (and 45 dBA at a 10 m/s wind speed)

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

With regards to shadow flicker, such flicker occurs when properties are close to a turbine, typically when they are within a distance equivalent to 10 x of the rotor diameter. In this case the rotor diameter is 20.9m and, as detailed above, the nearest house is around 500m away and to the southeast. It is therefore significantly beyond the maximum 209m distance where flicker would typically occur.

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

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

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

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

features such as the road, which are nearer to the horses, that could give rise to circumstances that could startle horses (such as motorbikes). In this context, it would not be considered reasonable to withhold permission on the grounds of impact on horses, despite the objection from the British Horse Society.

Other Matters – The organisations responsible for civilian aviation 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 Authority comments, the traffic movements associated with the erection of two prefabricated mono-pole structures and the subsequent maintenance vehicle movements are not considered to be of such a nature that the information and **works requested by LCC in relation to the highway** could be reasonably required. Nevertheless, it is acknowledged that, during the construction phase, there will be a significant number of traffic movements, including heavy goods vehicles, over a short period of time that could give rise to unacceptable impacts if no controls were put in place. For example, the amenity of residents could be unacceptably harmed by such traffic accessing the site through Normanby and Owmbly villages rather than directly from the A15. Similarly construction traffic could leave residues of mud and other organic materials on the road that would be detrimental to highway safety; the engineering operations to construct the access route resulting in the potential for such residues being higher than that normally associated with farming activities in the locality. These matters can be dealt with through a Construction Management Plan, the necessity for which can be secured by a condition. The County Highways Authority have not objected on the grounds that **ice propelled from the turbines** onto Normanby Cliff Road or the rotation of the turbines causing a **distraction to motorists** would be detrimental to highway safety.

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

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

LCC Archaeology have confirmed that the level of investigation required to assess **archaeology** potentially affected by the proposal is such that it can be the subject of conditions. The case officer noted the presence of A Scheduled Monument to the south of Mill Lodge but, due to the screening between this

Monument and the site and the distance, its setting is not considered to be affected.

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

Conclusion and reason for granting

This is a proposal that, on balance, 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

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. 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. 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)..

7. No development shall be commenced until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include the times of construction on each day of the week, working practise, vehicle routeing and access specification.

Construction of the turbines shall be in complete accordance with the approved Plan.

Reason: In the interests of residential amenity and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

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 and in the interest of aviations safety and to accord with Circular 1/03 – Aircraft Safeguarding

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.

Informative – The written scheme required by condition (insert number of ARCH1) shall be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor.

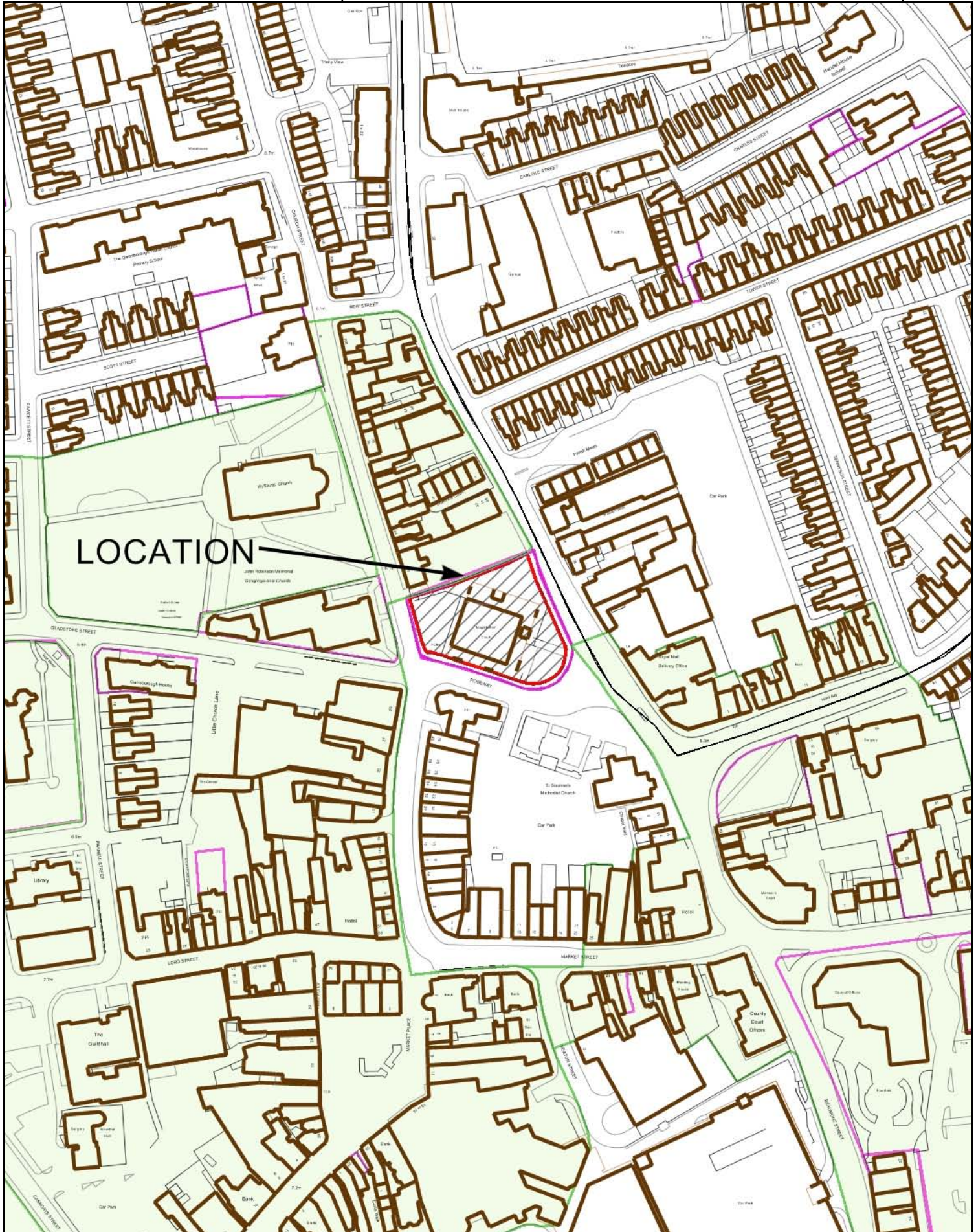
Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not

interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

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



LOCATION

Officers Report

Planning Application No: 128996

PROPOSAL: Planning application for proposed KFC drive-thru restaurant, including erection of new building, creation of new vehicular access, new boundary wall and soft landscaping.

LOCATION: Gainsborough Magistrates Court Roseway Gainsborough Lincolnshire DN21 2BB

WARD: Gainsborough South West

WARD MEMBER(S): Councillor Mrs J. Rainsforth, Councillor T. Young

APPLICANT NAME: Erindale Ltd c/o Agent

TARGET DECISION DATE: 11/10/2012

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Fran Bell

RECOMMENDED DECISION: Grant planning permission subject to conditions

Site:

The site is within Gainsborough town centre and has the former Magistrates Court, which closed in 2007. This building is late 1970's in architectural style and will be demolished as part of the proposal.

The Gainsborough Town Conservation Area bounds the north of the site and across the road to the west. The Gainsborough Britannia Conservation Area touches the site on the south eastern side. To the north, Church Street contains a mixture of commercial premises with residential above, some of which are listed buildings. Immediately to the north is the former Friendship Inn, currently boarded up but with a distinctive architectural style, with an overgrown development site behind. The Parish Church of All Saints to the north west is listed Grade I. The United Reformed Church to the west is not listed but is an important building in the Gainsborough Town Conservation Area. To the south is the car park on Roseway, the Horse and Jockey public house on the corner of Church Street and Roseway and the Methodist Chapel at the eastern end of Roseway. The eastern boundary is formed by the A159 North Street, the main road through the town on a north south axis. Opposite the site on North Street is the Post Office building, a three storey brick building, with the storey and a half render fronted Co-operative Funeral Services building to the north.

Much of the site is within Flood Zones 2 and 3 as identified by the Environment Agency flood maps.

Proposal:

It is proposed to demolish the court building and put a KFC drive thru restaurant (78 covers) at the eastern side of the site facing Roseway with car

parking and landscaping to the rest of the site. The boundary with Church Street will be a tall brick wall with arches cut through it, reflecting the immediate local architecture on the Friendship Inn and the Parish Church. One of the arches will form a pedestrian entrance onto the site. The vehicular entrance will be from Roseway and there will be another pedestrian entrance on the corner with Roseway and North Street. There will be 25 car parking spaces, including 2 disabled spaces and 3 cycle spaces along with space for a delivery lorry to park.

The KFC building will be built of red brick and composite wall cladding in RAL 9002, a colour called Hamlet but that is a grey white, with glazing at the front then wrapping round the sides with glazing dividers in goosewing grey. The roof of the building will have a central red spine which will slope back from south to north. The other roofs will be slightly sloped but hidden behind a fascia in white. At the front, the building is 6.9 metres to the main roof and 10.2 metres to the top of the central spine.

The wall onto Church Street will be 4.3 metres to the top coping stone. The wall onto North Street will be 0.8 metres at its tallest point but the drive thru lane will be set down from this with a landscaped slope. The railings onto Roseway will be 1 metre tall and painted matt black.

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

The development does not require an EIA screening opinion.

Relevant history:

W/33/623/74 Planning permission for building Magistrates Court on site
W/33/919/92 Planning permission for car park on site

127405 Pre application discussions regarding this proposal

Representations:

Chairman/Ward members: No comments received

Town Council: None received

Residents and local businesses: 15 identical letters received from the following businesses: Prezzo Plc Marshall's Yard, Subway 41 Lord Street, Pizza Barri, Chicken Express, The Cloverleaf Café 3-4 Curtis Walk, Skippers Fish and Chips 801 Trinity Street, Papa's Fish and Chips 18 Bridge Street, Lucky House Takeaway, Hung Wang Chinese Takeaway, Caffè Latte 37 Lord Street, Florentino's Pizza, Pizza Milanos 35 Market Street, Pizza Piccante 73 Church Street, Marmaris Kebab Shop 3 Silver Street, Best in Town Pizza Chicken 23 Silver Street.

- Currently have nearly 10 takeaways in town
- This is a type of business where the same person comes once or twice a week or even less.

- It has already proved difficult, especially since McDonald's opened and this has slowed business down.
- Having another food shop will make it more difficult and one will have to close.
- Help to save our businesses by not allowing another food shop to open at such a close location.

Owner of Cox's Fish and Chips, Church Street

- I am not against KFC coming to Gainsborough, I just object to their chosen location.
- I own a shop very close to the chosen site, so get to hear what my customers generally think about KFC's proposals. I would say virtually 100% think it is a bad location for KFC and it would have a NEGATIVE impact on the area and town centre. The main things people are saying include:
 - Traffic issues on an already busy junction with North Street.
 - The smell that a KFC will create will drift over the surrounding area including the town centre and Parish Church's grounds.
 - The extra litter on our streets which will also no doubt find its way into the church's grounds. McDonalds litter can currently be found all over Gainsborough.
 - The proposed location is within only a few minutes walk of several fast food takeaways and will threaten their survival in already difficult economic times. Chicken Express is only 20-30 metres away! They say competition is good, but how can small local businesses compete with a company that is backed by multi million pound advertising on TV and in the national press?
 - Gainsborough is currently not big enough to accommodate two national fast food chain outlets. Gainsborough has too many hot food takeaways as it is. So I can only foresee the closure of some of these.

Residents at 8 Tower Street

- While regeneration of a derelict building is an aim generally to be considered positive, we object to this proposal.
- On page 5 of the Design and Access Document, paragraph 2.2, the claim that the site is located in a predominantly commercial area is a little misleading; there are a significant number of houses in the immediate surrounding of the site - specifically directly opposite its current access point on North Road.
- There will be an increase of traffic and difficulty in turning out of the car park opposite the site and Tower Street. Given the general business of North Street, it is already difficult to exit the two places mentioned; the addition of a fast food restaurant will create a greater number of queues on the main road, resulting from vehicles waiting to turn into

the site, creating a significantly greater issue for vehicles seeking to exit the two places mentioned than already exists for them.

- Odours given off by the restaurant. Having visited fast food places before, including KFC restaurants at other locations, the aroma given off by them is enticing at first, but becomes very quickly off-putting (this can be found by eating food in an outside seating area of such a restaurant). The impact this would have on the ability for my wife and I to enjoy sitting outside in our rear garden, which is within comfortably 50 metres of the site, would be seriously affected by this proposal.
- Noise in the evening and night. Having previously been involved in youth work, I believe that young people in general are given very bad press. However, it is also commonly noted that young people frequently gather in the car parks of fast food restaurants in the late evening, early part of the night. Such places are therefore beset by loud revving of engines, music played etc. Additionally, many people do feel threatened and intimidated by groups of young people congregating in such areas.
- It will have a substantial effect on the value of our house. Given that house prices in this area are among the lowest in Gainsborough, the effect of this restaurant on the value of house prices will be very keenly felt.

LCC Highways:

Swept path analysis and delivery arrangements are acceptable. Request conditions relating to new access specification, stopping up existing access onto North Street and ensuring parking/turning/delivery arrangements shown on plan are available at all times together with note to contact Divisional Highways Manager about the above.

Environment Agency:

The Environment Agency withdrew their objection following the submission of a revised Flood Risk Assessment (FRA) and requests a surface drainage condition.

Environmental Protection:

Odour

If a flue one metre above the ridge is not acceptable in design terms then there are other effective measures that can be put in place. This can be dealt with by condition.

Noise

This is capable of being dealt with through the use of planning conditions requiring the submission of a noise report and the implementation of mitigatory measures required.

Conservation:

- Demolition of the existing Magistrates Court is an opportunity to improve both the quality of the architecture on the site and the wider urban design.

- The proposed KFC restaurant goes some way to achieving these aims although the particular choice of the modern quasi-retro architectural style and the constraints of the drive thru layout do make this a finely balanced application.
- The location of the application site is within close proximity to the Grade I listed parish church, the Church of All Saints in addition to a number of properties sited opposite the church along Church Street which are listed Grade II.
- Although the site itself is not in a Conservation Area it is bounded on two sides by the Gainsborough Town Conservation Area and the Britannia Works Conservation Area is visible nearby to the south east.
- The site is a relatively new area within the townscape, created when the Roseway was carved through the late 18th and 19th century courts and yards in the 1950s. The resulting building plot was at odds with the close grain the housing and commercial premises it replaced but more spatially associated to the open spaces surrounding the Church of all Saints and Gainsborough Old Hall.
- It also forms a focal viewpoint looking towards the site from North Street and Beaumont Street. For this reason it was felt that a landmark building was appropriate which would be in keeping with the strong corner building tradition in Gainsborough as evidenced by the nearby Royal Mail delivery office on Spital Terrace, Sun Hotel on Market Street and the County Court offices on Beaumont Street.
- The KFC would be a commercial building, as are the majority of premises in this location and would be constructed in a contemporary idiom which is reminiscent of Art Deco. The use of a contemporary building naturally suggests the use of contemporary materials. This is a very subjective area of the application. Certainly the principle of modern buildings being able to make a positive contribution to historic streetscapes is widely acknowledged, including by the government's advisor on the historic environment – English Heritage. Advice on this approach can be found in their publication, 'Building In Context – New Development in historic Areas' produced by English Heritage and CABA (Commission for Architecture and the Built Environment) 2001.
- The principal elevation which provides the focal point will be the glazed apse which references the apsidal parish church whilst addressing the curvature of the plot shape. The expansive area of glazing provides a degree of permeability which avoids the building directly competing for architectural dominance with the parish church.
- The position of the building on the plot has been arrived at due to the drive thru constraints. It being set back from Church Street is not ideal in terms of achieving a preferred active street front and sense of enclosure, however, the compromise reached during pre application discussions was to build a substantial wall which sat on the back edge of pavement would provide some sense of enclosure.

- The benefit of the building being sited towards the North Street is that it lessens the visual impact of the KFC on the setting of the parish church when the views naturally open up on Church Street; the views from the southern section of Church Street are not available due to the curvature of the street plan. The main views across to the church are from North Street and these will be unaffected whereas views toward the church from the Roseway junction are already limited by the existing magistrates building. Views from the parish church will in the most part be screened by the gable of the existing Friendship Inn and after construction by the brick wall.
- The application site in the wider urban design context and as a key focal point requires a building of substance and distinction. The proposed KFC is a distinctive building which clearly references its context whilst being an obvious modern addition to the building stock. The position on the plot is constrained but still addresses the unusual plot shape and seeks to provide enclosure as required along Church Street. The choice of a brick wall articulated by archways is more traditional in keeping with the sensitive heritage assets.
- It is considered that the proposal preserves the setting of the listed buildings and conservation areas.
- Recommend conditions for brick sample panel with 1 part lime, 1 part cement and 6 parts sand and brick detailing – samples – notwithstanding the blue brick shown for the detailing prefer to see a brick consistent in colour with the detailing on the Friendship Inn

English Heritage:

- The Church of All Saints, Gainsborough is listed Grade I and is therefore within the top 8% of listed buildings in England.
- The existing former Magistrates Court is within the setting of All Saints.
- It is the view of English Heritage that the proposed scheme would cause substantial harm to the setting and significance of the Church of All Saints, and that the substantial harm has not been justified.
- The substantial harm will be caused by the introduction of a commercial landmark building in a scale, form and materials that do not preserve or enhance the urban character of the setting of All Saints, and through the inappropriate large setback of the building from the back of the pavement along Church Street which is not in keeping with the urban form of the setting of the church.
- It is within the setting of two Conservation Areas.
- Our advice reflects policy and guidance provided in the NPPF, particularly paragraphs 126, 131, 132 and 133, English Heritage guidance 'The Setting of Heritage Assets and English Heritage guidance 'Conservation Principles' (2008).
- We recommend that the planning application is refused.

NB Further comment on the revised heritage statement in response to English Heritage objection is awaited.

Archaeology: Report of archaeological evaluation received which identified 19th and 20th century remains associated with the Victorian terrace housing which occupied this site prior to the construction of the court. The evaluation demonstrated that potential for encountering pre 19th century historic assets on this site is limited, therefore no further archaeological input is required.

Economic Development Growth Projects Officer:

- In principle, the Growth and Projects Team is supportive of this application.
- Re-development of this key derelict site situated in a strategic location on the A159 will revitalise this area of the town, significantly improving the visual appearance of the site.
- The proposed KFC drive-thru restaurant will attract investment from a national organisation.
- Local job opportunities will be created offering 25 full time equivalent positions with the potential for employees to progress through training and career development programmes.
- This proposal is considered to be a positive opportunity for Gainsborough, its residents and the local economy.

Relevant Planning Policies:

Development Plan

- East Midlands Regional Plan (2009)
Policy 19 Regional priorities for regeneration
Policy 22 Regional priorities for town centres and retail development
Policy 27 Regional priorities for the historic environment

All the above policies are available via the following link:-

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

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

Other relevant policy

- National Planning Policy Framework (2012)
- Technical Guidance to NPPF (2012)
- Gainsborough Regained – The Masterplan (2007)

Main issues

- Principle
- Highway Safety
- Heritage Impact / Design / Visual Amenity
- Residential Impact – Noise/ Odour / Litter / Antisocial Behaviour / Lighting.
- Economic Impact
- Flooding
- Archaeology

Assessment:

Principle

The site is located within Gainsborough Town Centre and policy MT 1 of the Local Plan identifies Gainsborough as a priority for regeneration and investment activity.

Policy RTC 1 of the Local Plan relating to town centre development, states that planning permission for food and drink establishments will be granted providing they meet a number of criteria, which are assessed below.

The central thread of the NPPF is the presumption in favour of sustainable development (para. 14) within the three dimensions of an economic role, a social role and an environmental role. It also recognises the need to plan positively to promote competitive town centre environments and to encourage economic activity within them (para. 23). In this case the site is previously developed, within a defined town centre and is currently unused. The existing court building is not considered worthy of retention and does not preserve or enhance the streetscape.

The proposed restaurant (A3) and takeaway facility (A5) are uses identified as being appropriate within the Town Centre. The application site has been vacant for five years and is viewed as a key regeneration site in a prominent location within both the Town Centre and the South West Ward. The development of the site will bring a vacant site back into use and provide approximately 25 full time equivalent jobs, which will contribute to the regeneration of the area.

The uses proposed will also compliment the shopping uses within the primary shopping frontages elsewhere within the town centre, reinforcing the viability and vitality of the centre as a whole.

The proposal is therefore considered appropriate in principle, subject to assessment against the following material planning considerations;

Highway Safety

The application includes a Transport Assessment.

Lincolnshire County Council Highways is content with the swept path analysis showing how a delivery lorry will enter and exit the site and with the delivery analysis. They were also involved at the pre application stage. The parking provision is acceptable for a site of this size in a town centre location. The drive-thru element has been designed to cope with the number of cars envisaged to visit this size of restaurant so queues of traffic on the road should not occur. The vehicular arrangements shown on plan will be conditioned to be available all times that the premises are open.

The site is located within Gainsborough Town Centre, within walking distance of the main shopping area. Gainsborough Town Centre is well served by bus and several local taxi firms operate in and around the town. 3 bicycle spaces are proposed along with 25 car parking spaces to the side of the building, including 2 disabled spaces closest to the building. As a result, it is considered that visitors would have a choice of sustainable transport modes.

Heritage Impact / Design / Visual Amenity

The design is not a typical KFC but is bespoke with a modern and contemporary design reminiscent of Art Deco, of which there are other examples in the town centre for example The State Club. Other modern design has been accepted within the town and within the context and setting of listed buildings such as the Marshall's Yard development particularly the Costa Coffee branch which incorporates a mainly glazed façade.

This building has an apsidal glazed frontage under a deep fascia which allows visual permeability. This lessens the impact of the building and will not compete with the solid architecture of the Parish Church.

The modern building will be on the eastern side of the site, away from the Parish Church. Views towards and away from the church are already restricted by the existing court building and other buildings that will remain, particularly the Friendship Inn. The use of a boundary wall towards Church Street that will wrap around the corner onto Roseway brings a definite built boundary at the back of pavement level, defining the site and the sense of enclosure.

The former street pattern was removed when the court building was constructed. Returning to a 19th Century street pattern will not assist with the regeneration of this site.

Whilst the distinctive red crest along the roof will be visible from other locations in the town, it will only be glimpsed. It is considered that the positioning of the building on the site brings a much needed built presence to this side of the site, all be it set back to allow for the drive-thru element. Its position on site relates more to the Post Office building across North Street and the Methodist Church opposite the site to the south, both within the Gainsborough Britannia Conservation Area and neither of which compete with the Parish Church. It is not considered that the building will substantially harm the setting of the Parish Church. The proposal will preserve the setting of this

and the other listed buildings nearby along with the setting, character and appearance of the two nearby Conservation Areas.

In response to the English Heritage objection, the agent has submitted an additional heritage statement. English Heritage has responded to reaffirm their previous objection including that the urban character of the setting of the Parish Church contributes to its significance along with the historic architecture. They consider that the wall to Church Street is different in character to the rest of Church Street as it is not a two storey building.

The existing court building is not of architectural merit and does not contribute to the setting of the listed buildings or the conservation areas. The new development will contribute to the character and distinctiveness of the area (NPPF para's 126 and 131) as it is a unique building.

It is acknowledged that the Parish Church is Grade I listed and that significant weight should be given to its conservation and setting. (NPPF para 132) However, unlike English Heritage, the Council Officers do not consider that the proposal will cause substantial harm to the setting, character and appearance of the Parish Church given that the court building will be removed and the replacement building will be further to the east and therefore further from the Parish Church, which can only be glimpsed from the site. Furthermore, the proposal will introduce a tall brick wall with arched openings at the back of the pavement on Church Street, offering more site definition and enclosure that currently exists. Therefore, paragraph 133 of the NPPF does not apply as substantial harm will not occur.

In all of this it needs to be remembered that this proposal will bring the site back into use and increase footfall at this end of the town centre. This, along with the improvements to the street scene outweigh any impact the development has on nearby designated heritage assets.

Residential Impact – Noise/ Odour / Litter / Antisocial Behaviour / Lighting.

Noise - The application site is located within a mixed use area with places of worship to the west and north west of the site, the main Royal Mail building for the town to the east of the site, commercial and retail premises to the north and south of the site and residential streets to the north. The agent has requested opening hours of 7am until 2am. However, given that the site is near to residential properties, which may be disturbed by cars and customers visiting the site through the night using the drive thru, it is considered reasonable, in the interests of residential amenity, to restrict the opening hours to 7am until midnight.

It will also be necessary to impose planning conditions requiring the submission of a specialist noise report for agreement and implementation of ameliorative measures to further safeguard residential amenity.

Odour – The Environmental Protection Team advise that for the efficient dispersion and dilution of odours, the flue should either terminate at a

minimum height of 1 metre above the ridge of the building or have an effective efflux velocity. Due to the design of the building, a flue a metre above the ridge would spoil the appearance of the building so an alternative effective measure will need to be put in place. This is capable of being dealt with through the use of planning conditions.

Litter - Planning Inspectors have not viewed litter as being a material consideration in determining planning applications, therefore little weight can be attached to this issue. However, KFC include litter management in their wider management policy.

Anti Social Behaviour – Although not a planning issue, the design allows for views across the site due to the variation of boundary treatments and the use of glazing at the front of the building. The drive through lane is operated via staff located in two service windows, thus covered by natural surveillance. The site will also be covered by CCTV. Therefore, incidents of anti social behaviour should be minimal.

Lighting – A condition will be required due to the proximity of residential properties and various heritage assets.

Economic Impact

A competitive, town centre environment is encouraged by the NPPF (para 23) and the attraction of a national company to the town is to be welcomed. That other businesses will be in competition with the KFC for trade is not a material consideration.

Flooding

The majority of the site is within Flood Zone 3. A revised Flood Risk Assessment has been submitted during the life of this application following the objection of the Environment Agency. The Environment Agency has now withdrawn their objection. The NPPF states that inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk, but where development is necessary, make it safe without increasing flood risk elsewhere.

The Technical Guidance accompanying the NPPF sets out the Sequential Test (similar to the former PPS25), the 'Flood Risk Vulnerability Classification Table' classes a restaurant as a less vulnerable use and the 'Flood Risk Vulnerability and Flood Zone 'Compatibility' Table', classes a less vulnerable use as being appropriate in flood zone 3. There are also no appropriate town centre sites in flood zone 1 for this type of development. The proposed development passes the Sequential Test and does not require the Exception Test.

The site is located within the floodplain for the River Trent. However, the area covered by buildings will be significantly reduced from the current amount so the development will not need to compensate floodwater storage loss. As a result the proposal would not result in unacceptable flood risk.

In terms of drainage, surface water drainage and waste water are to be disposed of to the mains drains. The flood risk assessment recommends the incorporation of Sustainable Urban Drainage system techniques to ensure that the run-off from the site is no greater than the predevelopment level. This proposal reduces the permeable area by 0.066ha to 0.045ha. The imposition of conditions in line with The Environment Agency comments will cover this issue.

Archaeology

Pre application evaluation took place including the digging of trial trenches on site. The archaeology found was the remains of the 19th and 20th century housing that stood on the site before the court building was constructed. The Historic Environment Team at Lincolnshire County Council has assessed the report on the findings and does not recommend any further archaeological input for this site.

Landscaping The details of the landscaping scheme will be conditioned and a few trees should be included within the scheme to soften the site and replace trees removed from the site as part of pre development works. These trees were not of a standard to have Tree Preservation Orders on them and the applicant was within his rights to remove them.

Other matters

The impact of the proposal on property prices is not a material consideration that can be taken into account when assessing this application.

Conclusion

The proposal has been considered against the provisions of the development plan in the first instance and specifically Policy 19 Regional priorities for regeneration, Policy 22 Regional priorities for town centres and retail development and Policy 27 Regional priorities for the historic environment of the East Midlands Regional Plan (2009) and saved policies STRAT 1 – Development requiring Planning Permission, SUS 1 – Development Proposals and Transport Choice, SUS 5 – Secure Cycle Parking Facilities, SUS 7 – Building Materials and Components, MT 1 – Market Towns, CORE 10 –Open Space and Landscaping within Developments, RTC 1 – Town Centre Development, RTC 9 – Restaurants, Cafes, Drinking Establishments and Hot Food Takeaways, NBE 14 – Waste Water Disposal and NBE 18 – Light Pollution of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other considerations include the National Planning Policy Framework (2012), the Technical Guidance to NPPF (2012) and the Gainsborough Regained – The Masterplan (2007), as well as the positive regenerative effects of the proposal including the creation of new employment opportunities. These are matters afforded significant weight in the consideration of this application. Accordingly in light of this assessment and subject to the imposition of the safeguarding conditions discussed above it is considered that the proposal is acceptable. The development is well designed and will not harm the character or appearance of the site or wider area. There are no unduly adverse impacts on the living

conditions of nearby dwellings and the grant of planning approval is considered appropriate.

Recommendation

That Members agree to 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:

None

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

2. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by RSK dated 4th October 2012 with a finished floor level being 6.71m AOD.

Reason: To protect the proposal from flooding in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review June 2006.

3. No building construction shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed.....

Reason: To ensure that a satisfactory surface water scheme is implemented to reduce the risk of flooding in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review June 2006, the National Planning Policy Framework (2012) and the Technical Guidance to the National Planning Policy Framework (2012).

4. No building construction shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees and shrubs to be planted have been submitted to and approved in writing by the Local Planning Authority.

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

5. No building construction shall take place until, samples of all bricks to be used on site including the main building and at the boundary have been made available to and approved in writing by the Local Planning Authority and the development shall only be carried out using the approved materials. Notwithstanding the blue brick shown for the detailing at the boundary, the detailing brick should be consistent in colour with the detailing on the Friendship Inn to the north.

Reason: To ensure the use of appropriate materials in the interests of enhancing the character and appearance of the site and the wider area in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

6. No building construction shall take place until a 1 metre square sample panel of the brick work for the boundary wall has been constructed on site to show the bricks, bond and mortar joints. The mortar shall be in the ratio 1 part lime, 1 part cement and 6 parts sand to be brushed back at first set.

Reason: To ensure the use of appropriate detailing on the boundary of this key site within the Gainsborough Town Centre in close proximity to heritage assets in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review June 2006 and the National Planning Policy Framework (2012).

7. No building construction shall take place until details of the lighting within the site have been made available to and approved in writing by the Local Planning Authority. No other lighting, other than that approved by this condition, shall be erected within the site.

Reason: To safeguard the residential amenities of the area in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

8. No building construction shall take place until details of a scheme for the extraction and filtration of all cooking fumes have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the residential amenities of the area in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

9. No building construction shall take place until a noise report, including a noise impact assessment and details of proposed mitigation measures, has been submitted to and approved by the Local Planning Authority. The proposed mitigation measures, as approved by the Local Planning Authority, shall be implemented prior to commissioning of all plant associated with the use and shall remain in place at all times.

Reason: To ensure that noise levels within the site and at the curtilage do not reach a level that would harm the amenity of nearby residents in accordance with West Lindsey Local Plan First Review Policy STRAT1.

10. No building construction shall take place until a scheme relating to the vehicular access to the public highway of Roseway, including materials, specification of works and construction method shall be submitted to and approved in writing by the Local Planning Authority. The approved details

shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason: To ensure the safety of all users of the site and the public highway in accordance with West Lindsey Local Plan First Review Policy STRAT1.

11. No building construction shall take place until the details of the permanent closure of the access onto North Street, to include materials, specification of works and construction method shall be submitted to and approved in writing by the Local Planning Authority. The existing access onto North Street shall be permanently closed in accordance with the approved details within seven days of the new access onto Roseway being brought into use.

Reason: To reduce to a minimum the number of individual access points to the site in the interests of road safety in accordance with West Lindsey Local Plan First Review Policy STRAT1.

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

12. The use hereby permitted shall not be open to customers outside the following times; 07.00 until midnight, on any day.

Reason: To protect the amenities of residential properties in the vicinity from noise and disturbance from cars using the drive thru lane and customers coming and going from the building and in accordance with West Lindsey Local Plan First Review Policy STRAT1.

13. Prior to the first occupation of the building, the boundary wall along Church Street and Roseway shall be completed.

Reason: In the interests of the visual amenities of the locality and the character, setting and appearance of the various heritage assets in the vicinity in accordance with with West Lindsey Local Plan First Review Policy STRAT1.

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

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 West Lindsey Local Plan First Review Policies STRAT 1 and CORE 10.

15. The arrangements shown on the approved drawing number 0000/2012/A100, revision G dated 13/08/12 for the

parking/turning/manoeuvring/loading/uploading of vehicles shall be available at all times when the premises are in use.

Reason: In the interests of highway safety and in accordance with West Lindsey Local Plan First Review Policy STRAT1

Notes to the Applicant

1. In order to discharge condition 3 above, the detailed surface water scheme shall include but not be limited to:

- Information on the utilisation of sustainable drainage techniques;
- How surface water run-off will be limited to a betterment of current brownfield rates;
- Information on how the site can accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

2. The extraction and filtration system required by condition 8 shall have an effective efflux velocity (the vertical velocity of the emitted odours) of no less than 15m/s or shall be in line with DEFRA guidance – change to note.

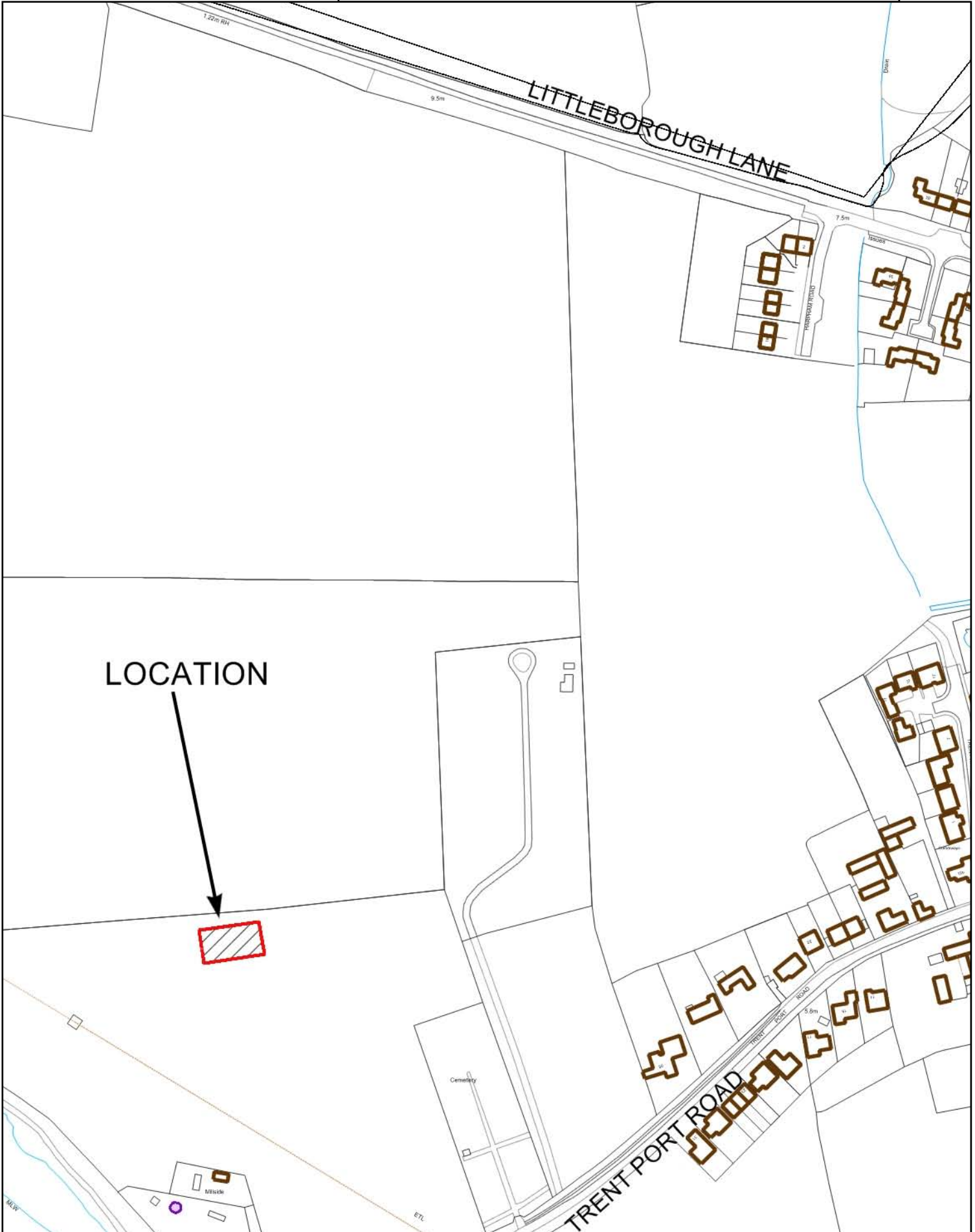
3. The noise impact assessment required by condition 9 should consider all noise sources that have the potential to affect nearby residential properties in particular, extraction unit, supply systems and any noise emitting plant, shall have regard to the guidance offered in World Health Organisation's, Sleep Disturbance Criteria and British Standard BS4142 (1997) – Method for rating industrial noise affecting mixed residential and industrial areas.

4. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

Reasons for granting permission

The proposal has been considered against the provisions of the development plan in the first instance and specifically Policy 19 Regional priorities for regeneration, Policy 22 Regional priorities for town centres and retail development and Policy 27 Regional priorities for the historic environment of the East Midlands Regional Plan (2009) and saved policies STRAT 1 – Development requiring Planning Permission, SUS 1 – Development Proposals and Transport Choice, SUS 5 – Secure Cycle Parking Facilities, SUS 7 – Building Materials and Components, MT 1 – Market Towns, CORE 10 – Open Space and Landscaping within Developments, RTC 1 – Town Centre Development, RTC 9 – Restaurants, Cafes, Drinking Establishments and Hot Food Takeaways, NBE 14 – Waste Water Disposal and NBE 18 – Light Pollution of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other considerations include the National Planning Policy Framework (2012), the Technical Guidance to NPPF (2012) and the Gainsborough Regained – The Masterplan (2007), as well as the positive regenerative effects of the proposal including the creation of new employment opportunities. These are matters afforded significant

weight in the consideration of this application. Accordingly in light of this assessment and subject to the imposition of the safeguarding conditions discussed above it is considered that the proposal is acceptable. The development is well designed and will not harm the character or appearance of the site or wider area. There are no undue adverse impacts on the living conditions of nearby dwellings and the grant of planning approval is considered appropriate.



Officers Report

Planning Application No: 128577

PROPOSAL: Planning application to erect timber cutting area and dry storage area

LOCATION: Village Farm Marton Gainsborough DN21 5AP

WARD: Torksey

WARD MEMBER(S):

APPLICANT NAME: Mrs C Tindale

TARGET DECISION DATE: 16/08/2012

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is an area of agricultural land connected to Village Farm, Marton. The land is covered by overgrown grass and is occupied by a static caravan and electrical pylon. The proposal will be surrounded by open agricultural land with the field to the north having an agricultural building currently being constructed. The main road to the east that passes through the village is 565 metres away (0.35 miles) and the nearest dwelling to the south east is 30 Trent Port Road which is approximately 171 metres away. To the south of the site is a residential mobile home (Millside, Trent Port Road). Public footpath Mton/66/3 runs inside the southern boundary of the field that the building will be sited in.

The application seeks permission to erect a timber cutting area and dry storage area.

Relevant history:

128078 – Agricultural Determination for proposed agricultural storage building – 28/12/11 - Prior Approval Not Required

128248 – Agricultural Determination for proposed portal framed building for timber processing and log storage - 23/02/12 - Planning Permission Required

128249 - Agricultural Determination for proposed portal framed building for grain storage and animal feed preparation - 21/02/12 - Planning Permission Required

128487 - Planning Application for dry grain store and dry area – 24/09/12 – Granted time limit and other conditions

Enforcement proceedings 2005 and 2006.

Representations:

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

Parish/Town Council/Meeting: Objections

- The site will become over developed with the other agricultural buildings.
- The use will not be agricultural.
- There will not be enough timber on site to fuel the biomass boiler therefore deliveries will increase the amount of traffic along Trent Port Road.
- Has the applicant planted the 1,000 trees stated.
- The proposed tree planting of trees near to the public footpath is too close and will affect its use.

Local residents: Representations received from 29 and 30 Trent Port Road, Marton:-

- The land cannot sustain the developments proposed.
- Building is industrial and has no place in the open countryside.
- The development will cause an offensive level of noise.
- The land is untidy.
- The proposal will not be used for its applied use.

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

Environment Agency: No representations received to date

Archaeology: Comments

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.

Building Control: No representations received to date

Area Development Officer: No objections

Providing an adequate supply of timber is achievable on site without having a detrimental impact on existing hedgerows.

IDOX Checked – 7th November 2012

Relevant Planning Policies:

West Lindsey Local Plan First Review 2006

STRAT1: Development Requiring Planning Permission
 STRAT12: Development in the Open Countryside
 CRT 9 – Public Rights of Way affected by Development
 NBE20: Development on the Edge of Settlements

East Midlands Regional Plan

Policy 1: Regional Core Objectives
 Policy 18: Regional Priorities for the Economy
http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

National Guidance

National Planning Policy Framework (March 2012)
 Chapter 3: Supporting a Prosperous Rural Economy
 Chapter 7: Requiring Good Design
 Chapter 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change
 Chapter 11: Conserving and Enhancing the Natural Environment
<http://communities.gov.uk/publications/planningandbuilding/nppf>

Main issues

- Principle
- Visual Impact
- Rural Economy
- Timber Source
- Public Right of Way
- Landscaping

Assessment:

Principle

The proposed agricultural building will be located in a field connected to Village Farm and classed as agricultural land. The applicant has 74 cattle, 10 horses, 350 poultry for food egg and 80 poultry for fertile egg.

The agricultural building has been proposed to provide an area for timber cutting and dry timber storage to fuel the biomass boiler which will be installed in the agricultural building approved under planning application 128487. The building will also store the equipment required to transport the timber around the site.

As a result of this the proposed building will have an agricultural use and support the agricultural business currently in operation. This meets with the requirements of STRAT 12.

Visual Impact

In accordance with the application form the agricultural building will have a dark stained vertical timber boarding finish with an aluminium roof in forest green colour. Drawing No.08-GP-0001 shows the timber boarding in a horizontal position therefore to meet with Lincolnshire vernacular the timber boarding will be conditioned to be vertically installed.

The suggested dark stain finish will contradict the other two agricultural buildings which will have a forest green elevation finish. To enable uniformity and to respect its open countryside location the proposed building will be conditioned to have a finish (forest green) to match the other buildings.

It is therefore considered that the proposed building will be designed in relation to the existing buildings and have the appearance of a typical agricultural building within its agricultural location.

The screening that exists along the field boundaries provides good screening to the dwellings on Trent Port Road. The proposed building will partly be in view from the mobile home (Millside) to the south and partly well screened by high trees along the boundary. The proposal is significantly separated from the mobile home (approximately 105 metres) therefore will not have an overbearing impact.

It is not considered that the proposal will be visually intrusive in its agricultural setting due to its design and position.

Rural Economy

Paragraph 28 of the National Planning Policy Framework (NPPF) clearly supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. In addition it supports the promotion of development and diversification of agricultural and other land-based rural businesses.

The biomass boiler will produce feed for the on site poultry population which the applicant keeps to sell eggs as part of their business. The proposed building will provide the necessary space to assist the production of timber suitable to fuel the biomass boiler therefore make a contribution to the development of the existing rural business.

Timber Source

The applicant has stated that the timber will be sourced from within the agricultural site. During the site visit there was clear evidence of newly planted and established trees within the agricultural holding that will be used to source the timber. It is important that the applicant instigates a proper scheme of planting and coppicing to continually replenish the source. The cutting down of trees shall not impact on any important boundaries that provide essential screening to the open countryside and dwellings.

Sourcing the timber on site to produce animal feed will prevent the existing feed deliveries from Devon from being needed. This will stop Heavy Goods Vehicles from travelling down Trent Port Road and past residential dwellings.

Paragraph 97 of the NPPF supports the use of renewable energy sources to help lower carbon emissions. The use of timber in connection with the biomass boiler is a renewable energy source.

Public Right of Way

The proposed building will be in view from the public footpath (Mton/66/3) but significantly separated at different points by approximately 105-195 metres. Due to the separation distance and design of the proposal it was not considered necessary to advertise the public footpath. Therefore the separation distance and design of the proposal will not affect the use or enjoyment of the footpath or the safety of the user.

Landscaping

The application includes the planting of high and low level landscaping to provide screening between the footpath discussed above and the proposal. The position of the proposed landscaping will be to the north east and east of the footpath (See drawing no. 08-GP-0001 AND 08-OS-0001).

Paragraph 118 of the NPPF promotes the enhancement of biodiversity where possible. The introduction of the high and low level planting should encourage an increase in biodiversity.

The final landscaping scheme including numbers, species, position and time of planting will need to be agreed through a condition.

Other Considerations:

None

Conclusion

The decision has been considered against policies STRAT 1: Development Requiring Planning Permission, STRAT 12: Development in the Open Countryside, CRT 9: Public Rights of Way affected by Development and NBE 20 :Development on the edge of settlements of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework Chapter 3: Supporting a Prosperous Rural Economy, Chapter 7: Requiring Good Design and Chapter 12: Conserving and Enhancing the Historic Environment, Chapter 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change and Chapter 11:Conserving and Enhancing the Natural Environment. In light of this assessment it is considered that the proposal will not harm the character and appearance of the nearby dwellings or the open countryside. It will not impact on the living conditions of neighbouring occupiers. The proposal will allow feed to be prepared on site for the animals using an on site renewable energy source and stopping the existing transport of feed to the site. The

incorporation of landscaping screening the footpath will improve the biodiversity influence of the site

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 take place until, a scheme of landscaping to screen the proposal from the public footpath including details of the size, species and position or density of all trees to be planted have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate high and low level planting is introduced to the site to provide screening between the proposal and the public footpath in the interests of visual amenity and in accordance with West Lindsey Local Plan First Review Policy STRAT1, STRAT12, CRT9 and NBE20 of the West Lindsey Local Plan First Review 2006.

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 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 external facing materials shall be constructed in vertical timber boarding and finished in a green wood stain.

Reason: To preserve the external appearance of the buildings in accordance with West Lindsey Local Plan First Review Policy STRAT

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

Reason: To ensure appropriate high and low level planting is introduced to the site to provide screening between the proposal and the public footpath in the interests of visual amenity and in accordance with West Lindsey Local Plan First Review Policy STRAT1, STRAT12, CRT9 and NBE20 of the West Lindsey Local Plan First Review 2006.

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

10. 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.

11. The materials used for cutting and storing in the proposal shall only be sourced from the agricultural holding of Village Farm.

Reason: To use a renewable energy source from the agricultural holding and stop the need for Heavy Goods Vehicle feed deliveries in accordance with West Lindsey Local Plan First Review Policy STRAT1.

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)

Committee Report

Planning Application No: 128979

PROPOSAL: Planning application for ground floor extensions to existing care home

LOCATION: Cheyne House Main Street North Carlton Lincoln LN1 2RR

WARD: Saxilby

WARD MEMBER(S): Cllr Mrs Brockway, Cllr Cotton

APPLICANT NAME: Cheyne Group Management Ltd.

TARGET DECISION DATE: 27/09/2012

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Fran Bell

RECOMMENDED DECISION: Grant planning permission with conditions

Description:

Cheyne House is an established care home for dementia patients in the centre of North Carlton. The original stone house is 3 storeys high and has various single storey extensions to the rear. The buildings are at the rear of the site, with parking at the front. Two trees at the front of the property are protected by Tree Preservation Orders. The site is within an Area of Great Landscape Value. Residential properties surround the site on 3 sides with open fields to the south.

The care home was extended before the introduction of National Minimum Standards under the Care Standards Act 2000 and does not meet the current standards in terms of room size or sanitary provision, hence this application and the previously refused application 125575 for extensions and alterations.

It is intended to add a number of single storey extensions. Three small extensions will add en-suite facilities to six existing bedrooms to bring the rooms up to standard for sanitary provision. An extension on the northwest of the building will replace four existing rooms that are shared with six single rooms all with en-suite facilities. Two extensions on the east side will provide 9 additional bedrooms at the correct standard together with a new assisted shower, assisted bath and laundry. The existing small conservatory, which is used as a dining room, will be replaced with a larger dining and dayroom. En-suite facilities will be added into two existing rooms at first floor level.

As part of this proposal, the gas storage tanks will be moved to the front of the property but will be screened. This is to ease delivery. The sewage disposal will also be upgraded to a package treatment plant to the east of the car park in front of the new extension.

Since the last application was refused, a meeting was held between planning officers, the applicant and the agent to discuss the situation. A traffic impact statement and the incorporation of a sensory garden were requirements for this application, both of which have been submitted.

The local Primary Care Trust was also contacted. The PCT is supportive of the home and this care home set the benchmarks for the PCT standards. The PCT assessed effectiveness in resident safety, clinical effectiveness and resident experience and Cheyne House is rated excellent in all three areas.

Relevant history:

125575 Planning Application for ground floor extensions to existing care home – refused 23/4/10 on the following grounds:-

“North Carlton is a small rural settlement which has only limited community services and facilities. In these circumstances the approval of 9 additional bedrooms will further consolidate development in a location unrelated to facilities and services and heavily dependent on the use of the private car. Furthermore it is considered that due to the size, scale and location of the proposed extensions it will result in over-development of the site which will have a detrimental impact on the character and appearance of the original building and the village of North Carlton. Accordingly the development is considered to be contrary to the provisions of saved policies STRAT1, STRAT3 and CRT14 of the West Lindsey Local Plan First Review 2006.”

Subsequent meeting with applicant and agent and further discussion with PCT.

Various previous applications from 1980's onwards for extensions to care home.

Representations:

Chairman/Ward member(s): Cllr Mrs Brockway on behalf of both ward councillors called application in to Planning Committee on following grounds:

- The traffic impact statement is inaccurate.
- As it stands, the application appears to be no different from the previous application, which was turned down.
- The access statement appears to be inaccurate.
- There are serious concerns about impact on drainage of surface and foul water.
- Disposal of sewerage is not properly explained and is causing concern.
- The car-parking drawing appears to be inaccurate and actually includes someone else's land.
- There are safety concerns about the proposed siting of fuel canisters.

- There are serious concerns about lack of evacuation potential for vulnerable residents in case of fire. A fire safety assessment would be appropriate.
- Many of the trees have preservation orders and their loss would impact on the village.
- The plans would constitute over-development of the site.
- North Carlton is not a 'sustainable village' in the settlement hierarchy and cannot support this development.
- The proposed development will affect the street scene, siting and appearance within the village.
- Residents are already being disturbed by vulnerable residents calling out for help for extended periods (about half an hour was quoted). The proposed development could increase this possibility because of an increased number of residents and proximity to other housing.

North Carlton Parish Meeting: Object on the following grounds -

- *Traffic Survey* - It was felt that the traffic survey had a number of inaccuracies which called into question its credibility. Specifically, some of the claims made in relation to staff walking to work from Sturton-by-Stow (6 miles) appear difficult to believe and a member of staff who lives in South Carlton is known to residents in North Carlton and is known to travel by car.
The claim that prescriptions deliveries through Boots pharmacy was now on a monthly basis was strongly disputed – neighbouring residents claim that every other day is probably more accurate from their observations. There is also no mention of local deliveries in the survey (Pooles of Saxilby) who are known to deliver approximately 3 times per week.
The claim that increasing the overall size and capacity of the home would have no effect on vehicles to and from the premises appears difficult to believe. The car park is already busy at certain times of the day which has caused issues for the residents of The Old Barn who have a right of access in to their garages via the front entrance of Cheyne House.
The meeting felt that at best the Traffic Survey was woefully inaccurate, almost deliberately misleading.
- *Gas Storage Tanks* - Concern was raised in relation to the positioning of the gas storage tanks at the south east corner of the site being in direct line with any vehicle descending the hill leading from the B1398. North Carlton Hill has a steep gradient and is subject to icing during winter months due to surface water draining across the road at various points. It was therefore felt that in the interests of safety, any fuel storage tanks should not be positioned anywhere close to the road and as far as possible from boundaries of adjacent properties.
- *Sewage and Surface Water* - By far, the biggest concern from the meeting was in relation to the provision of sewage and surface water disposal, the detail of which appears to be completely omitted from the planning documentation. North Carlton has no main drainage facility

and is solely reliant on individual septic tank and bio units for sewage disposal. The village has been subject of investigations by the Environment Agency for untreated sewage finding its way in to drains and water courses and the constant stench of sewage which some residents have to endure.

The meeting had concerns that the current sewerage facility at Cheyne House was probably already contributing to this problem without the addition of increasing the capacity further. Concern was also raised in relation to the proposed extension seemingly being built over the existing septic tank units to the rear of the property and issues in relation to access for emptying.

Some of the properties to the rear are at a lower level than Cheyne House and concern was raised in relation to surface water disposal which is by way of soakaway. The meeting felt that an independent assessment of current sewage and surface water disposal should be conducted at Cheyne House before any consent to increasing its capacity was considered.

- *Over-Development Issues* - The plans for this application appeared to be unchanged from the previous application in 2010 when it was refused on the grounds of over development. North Carlton is not a 'Sustainable Settlement' and the West Lindsey Local Plan First Review (2006) Saved Policy List Settlement Hierarchy should confirm that this extension should be rejected on these grounds alone. The meeting felt that the proposed extension appeared too large for the grounds causing it to impose on adjacent residential properties and increase the problem of noise which was already experienced by some residents. There would also be very restricted access to the rear of the property which could be a significant issue in the event of a fire and compromise the ability to safely evacuate residents. The boundary as defined on the plans was also thought to be inaccurate with respect to adjacent properties.
- *Tree Survey* - The proposed extension would result in the removal of existing mature trees which the meeting understood to be subject of preservation orders.

Local residents: 5 letters of objection from residents of Catalina, Capenor, Old Barn, Gamekeepers Cottage and Old Smith raising the following points:

- *Traffic survey inaccurate* – no one walks from Sturton by Stow and staff member from South Carlton comes in the car. Everyday volumes in car park are ignored.
- *Traffic volume will increase* - Already deliveries at unsocial times, lorries reversing down drive, noise from cars and music at staff change over times, visitors parking on neighbouring properties drives
- Part of land shown for car parking belongs to Old Barn

- The Old Barn has a right of access over the applicant's driveway for the two garages belonging to The Old Barn. This access is impaired occasionally by the applicant's staff and visitors vehicles overspilling from the main car park onto the grass opposite the garages, and also on several occasions directly outside the garages.
- Vehicles parking on the main road will cause traffic nuisance and a hazard for cars/delivery lorries and ambulances exiting the Nursing Home or passing through the village plus many cars pass through village in excess of 40mph speed limit.
- Vehicles parked on the road will also make it difficult and unsafe for the local residents and children who need to cross the road in order to walk along the Public Footpath in the field opposite the Nursing Home.
- Obscene language from residents unsuitable for neighbouring small children and could increase with extensions.
- Overlooking / building up to boundary – no space for maintenance.
- Fire and escape risk due to building up to boundary
- Hazard from relocating gas tanks to front of property at bottom of hill that is bad in inclement weather leading to accident if vehicle slips from road.
- Foul drainage – extension to be built over existing septic tank making access/maintenance impossible. Where will new one be? Problems with sewage smells will increase with more patients/ rooms.
- The site has a history of drainage problems, but is stated that drainage is by soakaway. No soakaway is shown on the plans, and no ground area available for a soakaway of adequate capacity.
- No notification from WLDC.
- Plans show extension up to agricultural shed taking away boundary from Capenor
- North Carlton is not a sustainable village.
- Extensions not in keeping with original size of the property and does not fit in with style or heritage of the village.
- Over development of small site which will be detrimental to all neighbouring properties.
- Plans no different to those submitted and refused in April 2010.

- Applicant erected a smoking shelter on land belonging to Old Barn in 2011 owners knowledge or consent. This should be removed and relocated to the applicants land.
- The patients will outnumber the local population.

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

WLDC Conservation: The proposal will involve minimal change to the street view of the application site. The traditional proportions of the traditional property are reflected in the form, massing and detailing of the new bedroom wing to the front of the site, likewise the walling materials are responsive to the traditional palette found throughout the village, however, the proposal is for interlocking concrete pantiles and it is considered that clay pantiles would be more appropriate.

The extensions to the rear of the site add to an already extensive development, however, they are in keeping with the existing build and the substantial massing is already established whilst the use of a single storey scheme preserves the hierarchy of the site

Condition stone sample panel with mortar to be 1 part cement, 2 parts lime and 8 parts sand, 1/5th to be sharp sand, brushed back at first set

LCC Archaeology: No objections

WLDC Environment: -

- There are various trees within this site, some of which are protected by the Tree Preservation Order North Carlton 1988. The trees that are protected are the two large mature copper beech trees near the site frontage, and the acacia closer to the building front on its easterly side.
- All the other trees on the site are not protected by a TPO and do not meet the criteria for a TPO to be placed on them. Views from the east have the TPO trees as the main feature trees with the poplars set well back from having any impact on the street scene. Views from the west have the trees around the church as the main tree features providing visual amenity value along the street.
- The original Tree Survey plan 6742C/10 specified no roots over 50mm are to be removed without permission of an arborist. Severing roots up to 50mm diameter would include major supporting roots very close to the tree stems and so is likely to cause significant damage to the root plate and cause the trees to become unstable. Conditioning that no roots over 25mm diameter are to be severed is acceptable.
- The proposed works would not require the removal of TPO trees, and should not have an impact on them providing materials and machinery are not stored around them.
- The non-TPO trees are not of such importance to be a major constraint on the proposed development works. The poplar trees to the west

could be removed, but if they are to be retained then additional consideration needs to be taken in foundation design to minimise the amount of roots being severed so close to the trees, and for tree protection measures to prevent soil compaction around the trees and within the working area around the outside of the extension. This is to prevent the trees from declining in health or being made unstable.

- TPO replacement trees could be incorporated into a landscape scheme if one is specified.

Relevant Planning Policies:

Development Plan

- **East Midlands Regional Plan**
Policy 1 Regional Core Objectives
Policy Lincoln Policy Area SRS7
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**
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT1 Development requiring planning permission
STRAT3 Settlement Hierarchy
CRT14 Residential and nursing homes

National guidance and other legislation

- National Planning Policy Framework (March 2012)
<http://communities.gov.uk/publications/planningandbuilding/nppf>
- Circular 3/99 Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147582.pdf>
- The Care Standards Act 2000
<http://www.legislation.gov.uk/ukpga/2000>

Main issues

- Principle
- Design
- Drainage
- Neighbouring amenity
- Traffic
- Ownership / boundaries
- Trees

Assessment:

Principle

Policy CRT14 of the Local Plan allows for extensions of existing care homes provided that they do not result in the loss of essential amenity open space or harm the general amenities or character of the locality, are located close to existing services and facilities, including public transport and health services, do not harm the existing character of the premises by conversion or extension, provide suitable open space and landscaping and do not harm the amenities of adjoining properties or residents.

Policy Lincoln Policy Area SRS7 in the Regional Plan seeks the development of more sustainable communities including the provision of health and social care to meet additional needs.

This care home has been established in the village for decades. Changes to the care standards require that each room is a minimum size and has en-suite facilities. In discussion with the PCT, following the previous refusal, further information regarding why these standards are required was given. People living with dementia are more at risk of losing their dignity due to their reduced cognitive ability. En suite facilities reduce the risk of falls as patients are not wandering around the home at night. They also maintain dignity as commodes beside the bed are not required. They also help with orientation and the patient feeling secure if facilities are nearby. At present, facilities are not big enough for wheelchairs or hoists. Increased bedroom size allows for small pieces of personal furniture. Familiar items are important for the well being of those with dementia and maintain a sense of belonging and ownership. Larger bedrooms will further reduce risk of injury both to patients and staff as safe moving and handling techniques can be used.

The PCT considers that secure sensory gardens can assist with the residents overall wellbeing and can stimulate memories and conversation. In regards to the location, the PCT consider the quietness and small size of North Carlton to be of benefit to care home residents. If residents were required to relocate if the home closed this would be detrimental and could lead to increased falls and morbidity due to unfamiliar surroundings. There is a constant need for specialist care settings for dementia patients and expanding Cheyne House would help to meet some of that wider community need.

It is considered that the sensory garden will provide adequate open space for residents. The new extensions will not harm the existing character of the home, which already has modern extensions. Due to the nature of the site, most of the extensions will not be seen from the street. Whilst it is accepted that North Carlton is a small settlement as defined in Policy STRAT3, this care home is already established within it, providing specialist care. There would be 9 extra patients here as a result of the changes, as although there would

be 11 extra rooms, 4 existing shared rooms housing 8 patients, would be replaced by 6 single rooms.

The wider community need for specialist dementia care outweighs the impact that 9 additional patients would have on this small village.

Design

The four bedroom extension will be seen in context with the older front of the house and will be built in random coursed limestone with gable ends, tumbling in brickwork and brick arches, taking references from the original house. The other extensions will be hidden from view from the street and will be of simpler construction to match the more modern extensions. The use of low eaves and roof pitches further lessens the impact.

There is sufficient distance between the extension walls and the boundaries for a path way for emergency access.

Drainage

It is intended to upgrade the foul drainage as the existing septic tank will be underneath the four bedroom extension. Instead, a package treatment plant will be installed to the east of the car park.

Soakaways will be under the landscaped gardens either side and under car park and they will have to satisfy Building Regulations. Further information regarding the precise soakaway details is required via a pre commencement condition.

Neighbouring amenity

The low level of the extensions reduces the impact of the extensions when viewed from neighbouring gardens. It is not considered that overlooking will occur as all the extensions are single storey and will be screened from neighbouring properties by existing close boarded fencing or a new close boarded fence to the north.

In discussion with the applicant on site, it is rare for patients to shout out or be heard outside the premises.

Traffic

The applicant admitted at the site meeting that the member of staff from South Carlton does use a car to get to work as does the member of staff from Sturton by Stow. He also informed the case officer that vegetables were delivered from a local source in order to support the local economy and in line with the wishes of patients' relatives.

The County Highways Authority has not raised an objection to the application and does not wish to add any conditions to the consent. The application has a traffic assessment as requested following the previous refusal. The home

has rationalised their delivery arrangements with most food being delivered from Asda twice a week and medicines from Boots once a month with other medicines being delivered in between if required. Trust Hygiene Services have taken over from four other deliveries and call at the home twice a month. These arrangements will be sufficient to supply the increased number of residents.

Staff already car share where possible. Three additional staff will be taken on for the extra rooms; one will work Monday to Wednesday and the other two will share the rest of the week. It is considered that there is sufficient parking space within the site to accommodate this small increase in staff numbers.

Parking on neighbouring properties driveways is not within the control of the Local Planning Authority and is a matter that residents should take up with the owner of Cheyne House.

Ownership / boundaries

The area of land owned by The Old Barn is clearly marked on the plan and is outside the red line. The removal of the smoking shelter is a matter between the owner of the Old Barn and the applicant as is maintaining access to the garages for Old Barn.

The extension of the building will stop short of the agricultural building to the east, leaving sufficient space for a path and for maintenance. It will not remove the boundary with Capenor.

Trees

There are several trees at or on the boundaries of the site. Three of these are the subject of TPO's: the two beech trees at the front and the acacia tree closer to the front of the house. It has been agreed previously that the acacia tree can be removed as it has become dangerous. It will need to be replaced along with a replacement tree for a copper beech that was removed at least five years ago. None of the trees covered by TPO's will be affected by the works. None of the other trees meet the criteria for TPO's and could be removed without consent.

There is a group of poplar trees to the west of the site. However, as the extension of the dining area will come very close to these trees, a note will be added to the applicant warning of the possibility of the trees becoming unstable if the roots are severed. The root plate is within the top 600mm of soil so any foundations will affect these trees.

The tree plan says no roots over 50mm will be removed without advice from arborist but the severing of roots over 25mm can cause damage leading to the tree becoming unstable. However, it can be conditioned that no root over 25mm will be removed without professional oversight. In addition, pre commencement conditions will be added requiring details of the root protection areas and the position of the protective fencing. The replacement of the acacia and the copper beech will also be required.

Further landscaping is proposed in a garden area to the east of the site and a sensory garden in a courtyard to the west of the site.

Other matters

The gas tanks are to be set back from the front wall and it is not considered that they will increase the risk of a health hazard.

It is considered that there is sufficient space to provide an emergency escape route from all parts of the building in the event of a fire. Every institution such as this needs to have an evacuation plan and will be checked by the Fire Authority.

Consultation letters were sent to immediately adjacent land owners as part of the consultation for this application.

Conclusion and reasons for decision

This is a finely balanced issue between permitting additional development of this site in a small rural village versus allowing an established care home providing excellent care for dementia patients to continue and expand to meet the needs of more patients. The design includes references to the existing older house where appropriate and simple architecture on the more modern extensions. The travel assessment shows that the management of the home has been altered to have fewer deliveries and that the new staff will result in only two additional car journeys. The outside areas will be improved to provide secure landscaped gardens to benefit the patients. Protection of the trees can be conditioned. The foul drainage will be improved. Therefore, on balance, the development is now considered to be in accordance with saved policies STRAT1, STRAT3 and CRT14 of the West Lindsey Local Plan First Review 2006.

Recommendation: That planning permission is granted 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 1m square stone sample panel has been constructed on site for inspection showing the size, texture and coursing of the stone to be used. The mortar shall be 1 part cement, 2 parts lime and 8 parts sand, 1/5th to be sharp sand, brushed back at first set. The approved

panel shall remain on site for reference throughout construction. The development shall be constructed in accordance with the approved details.

Reason: To assist in the selection of appropriate materials in the interests of preserving visual amenity in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

3. Notwithstanding the details shown on the submitted plans, this permission does not extend to include the proposed roofing materials of concrete interlocking tiles. No development shall take place until full details of clay pantiles have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance of the development and ensure the proposals uses materials and components that have a low environmental impact in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

4. 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 in accordance with West Lindsey Local Plan First Review Policy STRAT1

5. No development shall take place until details of the position of fencing for the protection of all trees on the site have been submitted to and approved in writing by the Local Planning Authority and such fencing shall be erected in the positions approved before the development is commenced and thereafter retained until completion of the development. Details of the tree stem diameters, tree heights and crown spreads shall be provided with the details of the fencing to show how the distances are worked out to provide sufficient root protection area. Nothing shall be stored or placed in any area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.

Reason: To safeguard the existing trees on the site during construction works, in the interest of visual amenity in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

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

6. Notwithstanding the details shown on drawing 6742C/10 Tree survey, no roots greater than 25mm in diameter shall be removed without permission of an arborist.

Reason: To conform with British Standard 5837 2012 in order to safeguard the long term health and stability of the existing trees on site in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

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

7. At the next planting season following completion of development, a replacement acacia tree and a replacement copper beech tree shall be planted in accordance with details to be submitted to and approved in writing by the Local Planning Authority, to include the precise variety, trunk diameter and height of both trees.

Reason: To ensure that these Tree Preservation Order protected trees are replaced in a timely manner in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

8. The measures to reduce traffic impact outlined in the traffic assessment dated 20th July 2012 shall be adhered to at all times.

Reason: To ensure that the traffic impact of the care home use is kept to a minimum in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

Note to Applicant

The works within the root plate of the poplar trees near the western boundary of the site could affect the stability of these trees.