

This meeting will be recorded and published on the website

AGENDA

**Planning Committee
Wednesday 30 May 2012 at 6.30 pm
The Council Chamber, Guildhall, Gainsborough**

Members: Councillor Chris Underwood-Frost (Chairman)
Councillor Stuart Curtis (Vice-Chairman)

Councillors Owen Bierley, Alan Caine, David Cotton, Richard Doran,
Ian Fleetwood, Malcolm Leaning, Jessie Milne, Roger Patterson, Judy
Rainsforth

1. Apologies for absence.
2. Public Participation Period. Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. Minutes.
Meeting of Development Management Committee held on 2 May 2012, and the Planning Committee held on 14 May 2012, previously circulated.
4. Members' Declarations of Interest.

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. Update on Government/Local Changes in Planning Policy

6. Planning Applications for Determination
Print herewith PL.01 12/13
Summary attached at Appendix A

7. To note the following determination of appeals:

- i) Appeal by Edwin Davey (Limber) & Co against West Lindsey District Council's refusal to grant planning permission for the installation of 2 no wind turbines (34.2m to blade tip) and ancillary development on Land adjacent to Northwold Farm, Thoresway.

Appeal Allowed – see copy letter attached as Appendix Bi

Officer's original recommendation to grant permission.

- ii) Appeal by Mr D Saxby against West Lindsey District Council's refusal to grant planning permission for 2 dwellings, at Rear of 10 Sands Lane, Scotter.

Appeal Dismissed – see copy letter attached as Appendix Bii

Officer's original recommendation to refuse permission.

- iii) Appeal by Mr G Wraith against West Lindsey District Council's refusal to grant planning permission for rear extension, comprising of ground floor and first floor, at Barn Cottage, Rasen Road, Tealby.

Appeal Dismissed – see copy letter attached as Appendix Biii

Officer's original recommendation to refuse permission.

M Gill
Chief Executive
The Guildhall
Gainsborough

22 May 2012

Appendix A

1. 128134 - Planning application for removal of existing agricultural shed and replace with new proposed agricultural shed

Manor Park Farm Rand Market Rasen

Recommendation:- Grant Permission, subject to conditions.

2. 128354 - Planning application for a woodland, 27no. holiday chalets and the conversion of the existing reception building to warden's accommodation

Lakeside, Barlings Lane, Langworth

Recommendation: That the decision to grant planning permission be delegated to the Director of Regeneration and Planning subject to the conditions contained within this report and the completion and signing of a section 106 agreement pertaining to the implementation and subsequent management of a scheme for a landscaping belt adjacent to the western and northern boundaries of the site and an updated ecological survey being submitted showing no adverse effects to the ecology of the site and its surroundings.

3. 128382 - Planning application for proposed extensions and alterations

25 High Street Willingham By Stow

Recommendation: Refuse permission

4. 128427 - Planning application for change of use of agricultural land to form car park and play area and form new field access

14 Whitegate Hill Caistor

Recommendation: Grant planning permission subject to conditions

5. 128555 - Planning application for change of use from B1 to B1 Business, Office and Light Industry and A2 Financial and Professional Service

Plough Inn, 37 Church Street Gainsborough

Recommendation: Grant planning permission, subject to conditions.



Appeal Decision

Site visit made on 4 April 2012

by Wendy J Burden BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 April 2012

Appeal Ref: APP/N2535/A/11/2164661

Land adjacent to Northwold Farm, Thoresway, Market Rasen, LN8 3UZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Edwin Davey (Limber) & Co against the decision of West Lindsey District Council.
 - The application Ref 127407, dated 06 06 2011, was refused by notice dated 08 11 2011.
 - The development proposed is to install 2 no wind turbines (34.2m to blade tip) and ancillary development.
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Decision

1. The appeal is allowed and planning permission is granted to install 2 no wind turbines (34.2m to blade tip) and ancillary development at Northwold Farm, Thoresway, Market Rasen, LN8 3UZ in accordance with the terms of the application, Ref 127407, dated 06 06 2011, subject to the following conditions:
 - i) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - ii) The development hereby permitted shall be carried out in accordance with the following plans submitted with the planning application: OS Sitemap; Endurance wind power E-3120 Elevation.
 - iii) 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.
 - iv) Not later than 3 months from the date that the planning permission hereby granted expires, the wind turbines and ancillary equipment shall be dismantled and removed from the site and the land reinstated to its former condition.
 - v) 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.

Main Issue

2. The main issue is the impact of the proposal on the character and appearance of the surrounding area which forms part of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).

Reasons

3. Since the appeal was submitted, the National Planning Policy Framework has been adopted. This replaces the advice in Planning Policy Statements 7 and 22. The new Framework carries forward in Section 10 the support given to the delivery of renewable and low carbon energy and associated infrastructure set out in the earlier policy statements. It also continues to give significant weight to the conservation of the landscape and scenic beauty of AONBs, and restates the advice that major development in the designated areas should be refused save in exceptional circumstances.
4. Although the East Midlands Regional Plan 2009 is to be abolished, it currently remains part of the statutory development plan. Policy 40 states that local authorities should promote the development of a distributed energy network using local low carbon and renewable resources. The Policy also sets out criteria for onshore wind energy development which include the landscape and visual impact of the proposal. In the West Lindsey Local Plan First Review 2006, Policy NBE9 states that development in the AONB will not be permitted if it would harm or devalue the natural beauty of the landscape.
5. Paragraph 214 of the Framework states that decision makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. In this case the relevant policies set out in the Framework carry forward the principles of earlier national policy on which the appellant relies and on which the Council based its decision, and the development plan has been adopted since 2004. I shall therefore base my decision on the balance between the encouragement for renewable energy provision established in national and regional policy, and the requirement to conserve and enhance the valued landscape of the AONB as expressed in national and development plan policies.
6. In this case the wind turbines would be located on a plateau which forms part of the holding of Northwold Farm. The turbines would be within the vicinity of a banked reservoir, a large corrugated steel agricultural storage building and a number of substantial stacks of pallets stored around the building. The two turbines would serve the energy requirements of the farming operation, and at some 24.6m in height to the hub, with blades of some 9.6m radius, I agree with the view expressed in the planning officer's report to Committee that the two turbines would not constitute "major" development.
7. Northwood Farm is set within the undulating landscape of the Wolds, with woodland and pastures divided by trees and hedgerows. The main views of the turbines are likely to be from the Rothwell to Thoresway Road, in particular in the vicinity of the entrance to the farm. Other close views would be gained from the public rights of way which run east west to the north of the farm, and to the south from the Rothwell to Thoresway Road. A number of those closer views would be filtered by the trees and hedgerows which line the roadside and divide the fields. They would also be views of the turbines within the context of a working farm rather than as isolated features in an undeveloped countryside.

As a result the turbines would not be seen as dominant new features in the landscape.

8. Villages and farmsteads in the surrounding area are generally located within the valleys of the Wolds. As a result there would be no views of the turbines from Rothwell to the north or Thoresway to the south of the appeal site. Other viewpoints towards the appeal site are at some distance, for example some 2.9 km from Caistor Road to the north, and 2.2 km from High Street, Mount Pleasant. However, at this distance and with the natural vegetation which lies between the viewpoints and the appeal site, the turbines would not be prominent in the landscape. Closer views would be gained from Croxby Top at 1.7 km, but the turbines would be seen through the line of telegraph poles that crosses the landscape in the foreground. These form a more prominent feature of the landscape than would the turbines further away at the appeal site.
9. The turbines would be simple in form and although the Lincolnshire Wolds Joint Advisory Committee suggests alternative designs or colouring, I consider that the functional appearance of the turbines would be appropriate in the setting of a working farm, and the light colour would ensure that the structures recede when viewed against the skyline.
10. Local residents also expressed concern as to potential noise impacts from the turbines. The Council has considered noise impacts in the light of ETSUI for DTI 1997 and is satisfied that although the bungalow which forms part of the farm holding may experience some noise from the turbines, the other nearest dwelling is at some distance and sheltered by trees. That is unlikely to be affected by any significant noise impact. I have no reason to disagree with the Council's findings.
11. The application is for the wind turbines to be in use for a period of 25 years. The Council has put forward conditions to ensure that the development is dismantled at the end of the 25 year period, or earlier in the event that the turbines cease to be used for the generation of electricity for a continuous period exceeding 6 months. I consider the proposed conditions to comply with the requirements of Circular 11/95. In addition I shall impose a condition which requires the development to be carried out in accordance with the submitted plans in the interests of clarity.
12. In conclusion, set within a working farm and largely screened within the undulating folds of the landscape, the proposed wind turbines would be a small scale development with a limited effect on the character and appearance of the AONB. Furthermore, the visual impact on visitors and residents of the area would not be significant. Having regard to the national requirement to increase the availability of low carbon energy resources, I consider that the appeal should be allowed.

Wendy Burden

INSPECTOR



Appeal Decision

Site visit made on 4 April 2012

by Wendy J Burden BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 April 2012

Appeal Ref: APP/N2535/A/12/2168948

Rear of 10 Sands Lane, Scotter, Gainsborough DN21 3TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Saxby against the decision of West Lindsey District Council.
 - The application Ref 127941, dated 31 10 11, was refused by notice dated 14 12 11.
 - The development proposed is 2 no dwellings .
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are whether there is any need for the provision of housing on the site in terms of housing land supply; the impact of the scheme on the character and appearance of the area in terms of the density of the development; the effect of the proposed dwellings in terms of the living conditions of the residents of neighbouring properties and future occupiers of the proposal; and whether the scheme should provide a contribution to the provision of affordable housing.

Reasons

3. Since the appeal was submitted, the National Planning Policy Framework has been adopted and Planning Policy Statements 1 and 3 have been withdrawn. The new Framework carries forward many of the principles expressed in earlier national policy advice, including the need for development to be plan-led, and to seek a high quality of design and good standard of amenity for all existing and future occupiers of land and buildings. The Framework also states at paragraph 214 that decision takers may continue to give full weight to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework.
4. In this case the East Midlands Regional Plan 2009 is to be abolished, but currently remains part of the development plan. Policy 13a sets out the level of housing provision which should be planned for in 2006-2026. In addition the West Lindsey Local Plan First Review was adopted in 2006, and therefore paragraph 214 of the Framework applies. As a result I intend to determine the appeal in accordance with the policies of the development plan.

Housing Land Supply

5. The appeal site lies within the settlement boundary of Scotter which is one of the Primary Rural Settlements in Policy STRAT 3 of the Local Plan. It is

therefore within one of the key service centres in which the day to day needs of residents can be met. STRAT 6 allows for windfall and infill housing development subject to certain criteria and provided that all proposals are on previously developed land. However, that policy was adopted before the status of previously developed land was removed from garden land within PPS3. Although that status has not been altered under the new Framework, since the site lies within the settlement boundary, and is enclosed within existing residential development, I would regard the appeal site as one which may be suitable for infill development.

6. One of the criteria of STRAT 6 is that the proposal has no impact, either individually or cumulatively, on the housing strategy of the plan in terms of Policy STRAT 9. That Policy requires regard to be had to the management of the Council's housing land supply when considering the release of new housing land. In this case, there is an up to date 5 year supply of housing and the Local Planning Authority's Annual Housing Supply Assessment confirms that there is a supply in the District of 7.5 years overall against Policy requirements. As a result I agree with the Council that there is no overriding need for the release of the appeal site in order to meet any shortfall in housing land supply.
7. However, the figures set out for housing provision in Policy 13a of the Regional Plan are not specified as a ceiling, so there is no requirement for new provision to be refused once the target figures are met. Local Plan Policy STRAT 9 states that no site will be released where this would adversely affect the Council's management of the housing land supply, but no evidence is provided to demonstrate that the release of the appeal site would have such an adverse effect. I therefore consider that there is no in principle objection to the residential development of the appeal site.

Character and appearance of the area

8. The site is located to the rear of 10 Sands Lane and is currently in a rough and untidy condition. A local resident complains about the attraction of the site to acts of anti social behaviour and supports the prospect of improvement through a new development. Although the appeal scheme would amount to tandem development, which is subject to control under Local Plan Policy RES 3, it has been severed from the rear garden of no 10 to the south, and has houses to its east and west boundaries. In terms of the character of the area, development would clearly improve the existing unkempt nature of the plot, although this in itself is not a good reason for granting a planning permission for the development of the site if the development is likely to result in any other harm.

Impact on living conditions of existing and future residents

9. Whilst I find that in principle, the development of the appeal site may be acceptable, the appeal scheme should only be permitted if the details are appropriate, and meet the criteria set out in Local Plan policies. Bungalows are proposed which would avoid problems of overlooking at first floor level into adjoining houses or gardens. To the west of the site, the side elevations of nos 4 and 5 Crown Gardens which face the site contain no habitable rooms. As a result of the orientation of these houses, there is unlikely to be any harmful impact on the amenities of the occupiers of these houses, or any harmful overlooking of the gardens of the new bungalows from the west.

10. To the east of the site, nos 5 and 7 Poplar Grove are two storey houses which are separated from the site by a hedge/close boarded fence. The rear elevations of the houses face onto the appeal site. Their rear garden areas are relatively small, and include rear conservatory extensions. Windows to habitable rooms in the ground and first floor of no 7 would overlook the new development with a short separation distance to the boundary, and the side elevation of the new bungalow would be within 2 ms of that boundary. At a height of 4.6 ms to the ridge of the garage, I consider that the new building would have an overbearing impact on the occupants of no 7, in particular when using the conservatory. Conversely the main garden area for the new bungalow at the northern end of the appeal site would be overlooked by the upper floor windows of no 7 Poplar Grove.
11. A 1.8 m close boarded fence separates the rear of no 10 Sands Lane from the appeal site, and would provide screening of the proposed southernmost bungalow from windows in the ground floor of no 10. However, there are habitable room windows at the first floor of no 10 which would overlook the new dwelling and its outdoor amenity space. Furthermore, the front elevation of the new bungalow would be less than about 13 ms from the rear elevation of no 5 Poplar Grove. That has habitable room windows at ground and first floor levels. There would be intervisibility between the windows of the existing and new properties, with a poor standard of privacy for the occupiers of both dwellings.
12. Whilst a 2 ms high means of enclosure could be erected along the boundary with 5 and 7 Poplar Grove to limit intervisibility at ground floor level, this would not prevent overlooking from first floor windows, which would undermine the privacy of the occupants of the new dwelling within the southern most plot, and users of the garden to the new bungalow in the northernmost plot.
13. In addition to the lack of privacy which would result for the occupiers of the existing and new dwellings, the new dwellings would enjoy very limited outdoor amenity space. I note the appellant's calculation of the areas of hard and soft development within the appeal scheme. However, for the northernmost dwelling a limited area of private amenity space would be located to the north of the bungalow in close proximity to existing trees. This would provide a poor standard of garden area for future residents. For the southernmost dwelling the private amenity space is very limited in size, and located between the rear of the bungalow and the 1.5 m wooden panel fence to the side of 5 Crown Gardens. Having regard to the limited size and orientation of the private amenity space, I find that the proposal would result in a cramped form of development with inadequate private amenity space for future residents.
14. I note that it is intended to replace the gravel driveway with tarmac to reduce noise nuisance to neighbours. However, the driveway serving the new dwellings would run immediately alongside the boundary with the houses in Poplar Grove. Having regard to the limited length of the rear gardens to the houses in Poplar Grove, I consider that the use of the driveway in such proximity to those houses would be likely to result in disturbance to the occupants both within the houses and when using their rear gardens.

Affordable Housing

15. Policy RES 6 requires that development in excess of 2 dwellings in settlements of less than 3000 population such as Scotter should make some contribution to

affordable housing provision. The appellant has indicated that such a contribution could be made and therefore this matter does not weigh against the proposed development.

Other matters

16. The access on to Sands Lane would serve a further two dwellings. There is reasonable visibility from the entrance such that a driver wishing to access the driveway would be able to see a car which is exiting the proposed bungalows. Thus the potential for collision within the driveway or at its entrance would be avoided. Furthermore this is a relatively quiet residential street and I consider that neither a car waiting to enter the driveway, nor the increase in the use of the access, would be likely to undermine the safety of traffic using the road or the access.

Overall conclusion

17. Whilst I consider that the appeal site is within a location where development might be acceptable in principle, that must be subject to the achievement of a satisfactory design and layout which would not harm the living conditions of existing residents, and which would provide satisfactory living conditions for the future residents of the site. For the reasons I have identified above, I find that the proposal would result in an adverse effect on the living conditions of existing and future residents, and would fail to provide adequate private amenity space for the future occupants. It would therefore be in conflict with the criteria set out in Policies STRAT 6 and RES 3 of the Local Plan.

Wendy Burden

INSPECTOR



Appeal Decision

Site visit made on 10 April 2012

by Roger C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MIL

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 April 2012

Appeal Reference: APP/N2535/D/12/2171159

'Barn Cottage', Rasen Road, Tealby, Market Rasen, Lincolnshire LN8 3XL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Wraith against the decision of West Lindsey District Council.
 - The application (reference 128084, dated 30 November 2011) was refused by notice dated 18 January 2012.
 - The development proposed is described in the application form as a "rear extension, comprising of ground floor and first floor".
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Decision

1. The appeal is dismissed.

Main issue

2. I have concluded that the main issue to be determined in this appeal is the effect of the proposed extensions on the character and appearance of the surrounding area.

Reasons

3. The appeal site lies at the edge of Tealby, within the Lincolnshire Wolds Area of Outstanding Natural Beauty and the Tealby Conservation Area and there are a number of listed buildings in the vicinity. The village has developed in a rather loose pattern over the centuries and the Conservation Area incorporates open land as well as built up parts of the village.
 4. The existing dwelling at 'Barn Cottage' is built on a sloping site, at the edge of a built up part of the village and adjoining an open field. The land slopes steeply around this part of the village and the site is clearly overlooked from All Saints Church, on the opposite side of Rasen Road, which is one of a number of significant historic buildings nearby. The site can also be viewed from a public footpath to the west, while the rear part of the property is apparent even from Rasen Road itself.
 5. 'Barn Cottage' has a traditional appearance, being constructed of stonework, with brick dressings, under tiled roofs and although it does not have the appearance of a "barn", being obviously domestic in character, it is suited to its
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- surroundings. It is a single storey construction in relation to the highway but the land drops away sharply at the rear of the building which stands higher out of the ground on this elevation. Moreover, the rural character of the setting has already been eroded due to the impact of "engineering" works on the site and adjacent to the site frontage.
6. It is now proposed to expand the accommodation at the property by extending the rear part of the existing bungalow, at ground and first floor levels. The new building works would be constructed of materials to match the existing bungalow and the ridge line of the proposed extension would be lower than the highest part of the existing ridges, since the new extension would have a lower level ground floor, following the slope of the site.
 7. Nevertheless, the relatively shallower pitch of the new main roof and the wider span of the main element of the building, combined with an awkward pattern of fenestration (especially on the western gable), would be in marked contrast to the architectural character of the original building. The extension would be ill proportioned and would be a clumsy addition to the setting, irrespective of its size. Thus, the design of the proposed extension would not harmonise with the existing building.
 8. Moreover, the cumulative impact of the proposals, added to other development which has already taken place, would be substantial, while its visual impact would be increased because of the slope of the land and its significance in wider views, including views from Rasen Road, the churchyard and the public footpath. This harm could only be mitigated to a limited degree by additional landscaping (which, in any case, has not been clearly integrated into the design for the site).
 9. In short, the new construction would be awkward in itself and visually intrusive in its setting, causing further erosion to the rural character of the location, at the edge of an open field. It would cause material harm to the appearance of the surroundings and the Area of Outstanding Natural Beauty generally and to that of the Conservation Area in particular.
 10. In practical terms, the proposed extension would be a useful addition to the accommodation at 'Barn Cottage', the appeal site being an established residential property. Nevertheless, I am convinced that the harm that would be done to the character and appearance of the surroundings outweighs the benefits of the project. Hence, I have concluded that the scheme before me would conflict with the planning aim of achieving good standards of design, set out, for example in Policies STRAT 1 and RES11 of the West Lindsey Local Plan First Review.
 11. I am convinced, therefore, that the appeal must fail (in spite of the lack of local opposition) and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR