



**Guildhall Gainsborough
Lincolnshire DN21 2NA
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This meeting will be recorded and published on the website

AGENDA

**Planning Committee
Wednesday 6 March 2013 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, Giles McNeill, 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 the Planning Committee held on 6 February 2013, 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

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

6. Planning Applications for Determination
Print herewith PL.14 12/13
Summary attached at Appendix A **PAPER A**

7. County Matters Application number 129661 - Eastern bypass
Print herewith PL.15 12/13 **PAPER B**

8. To note the following determination of appeals:

- i) Appeal by Warden Farming against West Lindsey District Council's refusal to grant planning permission for 2 no. 50 kW wind turbines and ancillary works at Waddingham Grange Farm, Kirton Road, Waddingham.

Appeal dismissed – see copy letter attached as Appendix Bi

Officer's original recommendation to grant.

- ii) Appeal by Warden Farming for an award of costs against West Lindsey District Council's refusal to grant planning permission for 2 no. 50 kW wind turbines and ancillary works at Waddingham Grange Farm, Kirton Road, Waddingham.

The application for an award of costs is **allowed** – see copy letter attached as Appendix Bii

M Gill
Chief Executive
The Guildhall
Gainsborough

26 February 2013

Item 1 - Planning Application No: 128964

Proposal: Planning application for the demolition of 5 poultry sheds and the erection of 4 new poultry sheds, plus the erection of 2 new poultry sheds as a replacement for 2 previously permitted, farm office and balancing ponds plus the change of use of 2 existing poultry sheds from egg laying to broiler production.

Location: Hill Top Farm Torrington Road Lissington Lincoln, Lincolnshire LN3 5AF

RECOMMENDED DECISION: Grant permission

Item 2 - Planning Application No: 129269

PROPOSAL: Planning application for erection of 32no. dwellings, including 24no. affordable housing units

LOCATION: Land Opposite 55-77 Waterford Lane Cherry Willingham Lincoln

RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-

1. Which homes are affordable and when they are delivered in the context of the delivery of the open-market homes.
2. The criteria for the first and subsequent occupancy of the affordable homes.
3. The mechanisms for ensuring the affordable homes are affordable.
4. The provision and subsequent management and maintenance of public open space within the site.

Item 3 - Planning Application No: 128773

Proposal: Planning application to erect 37 semi detached, terraced and detached dwellings

Location: Land adjacent 4 Hawthorn Road, Cherry Willingham, Lincoln LN3 4JT

RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-

1. A contribution of £205,640 towards off-site affordable housing provision
2. The provision and subsequent management and maintenance of public open space within the site.



Appeal Decision

Site visit made on 12 December 2012

by J.P. Watson BSc MICE FCIHT MCI

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

Decision date: 5 February 2013

Appeal Ref: APP/N2535/A/12/2181210

**Waddingham Grange Farm, Kirton Road, Waddingham, Gainsborough
DN21 4TB**

- 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 Warden Farming Co Ltd against the decision of West Lindsey District Council.
 - The application Ref 128608, dated 24 April 2012, was refused by notice dated 31 July 2012.
 - The development proposed is 2 no. 50 kW wind turbines and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for 2 no. 50 kW wind turbines and ancillary works at Waddingham Grange Farm, Kirton Road, Waddingham, Gainsborough DN21 4TB in accordance with the terms of the application, Ref 128608, dated 24 April 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, presented as appendices to the Planning Statement dated 15 April 2012:
 - a) Appendix 1a – Site Plan
 - b) Appendix 1b – 1:500 Block Plan
 - c) Appendix 2 – Location Plan
 - d) Either Appendix 3 – Scale drawing of C&F 50; or Appendix 5 – Scale drawing of Endurance 3120.
 - 3) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The scheme shall accord with the Lincolnshire Archaeological Handbook and shall include:
 - i) A strategy for the assessment of significance and proposed mitigation (preservation by record, preservation in situ, or a combination of both);
 - ii) A method and timetable for site investigation and recording;
 - iii) Provision for site analysis;
 - iv) Provision for publication and dissemination of analysis and records;

- v) Provision for archive deposition;
- vi) Nomination of a competent person/organisation to undertake the work.

All archaeological site work shall be carried out in accordance with the approved scheme, subject only to such modification to the scheme as the local planning authority has authorised in writing in advance. Archaeological site work shall start only with the written approval of the local planning authority, and at least 14 days notice of such intended start shall be given, in writing, to the local planning authority.

Within 3 months of completion of the archaeological site work, a written report of the findings of the work shall be submitted to and approved by the local planning authority. The approved written report and any artefactual evidence recovered from the site shall be deposited within 6 months of the completion of the archaeological site work, in a manner and location previously approved in writing by the local planning authority.

- 4) No development shall take place until coloured samples of the materials to be used in the construction of the external surfaces of the turbines, nacelles, masts and rotors hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details.
- 5) The local planning authority shall be notified in writing of the intention to start operating the approved turbines, at least one month prior to such commencement.
- 6) The turbines, masts and rotors hereby approved, and ancillary equipment, shall be removed from the site and the land reinstated to its former condition no later than the date 25 years and three months after the date that has been notified to the local planning authority under condition 5.
- 7) Should either turbine be decommissioned or otherwise cease to generate electricity for a continuous period of more than 6 months it shall be removed from the site and the land reinstated to its former condition within 3 months of the expiry of the 6-month continuous period, unless the local planning authority agrees in writing to any longer period.

Application for costs

- 2. An application for costs was made by Warden Farming Co Ltd against West Lindsey District Council. This application is the subject of a separate Decision.

Main Issues

- 3. The main issues are:
 - a) Whether the appeal proposal would have a harmful effect on landscape character; and, if there would be harm,
 - b) Whether any other consideration outweighs the harm that would be caused through issue a).

Reasons

4. The proposed turbines would be 25 metres high to the hub and 35 metres high to the rotor tip.
5. Policy NBE 10 of the West Lindsey Local Plan First Review, adopted in 2006, is concerned with the protection of landscape character in development proposals. The Council's decision notice draws attention to three of the four criteria in that Policy that are to apply where development is to be permitted. They are: development should reflect local styles and the local environment, respect and enhance local distinctiveness, and cause no harm to the skyline.

Landscape

6. The West Lindsey Character Assessment 1999 identifies the landscape character area that includes the appeal site as the Limestone Dip Slope, which offers long views toward the site from the north, east and south. Views from the west are available only from the area east of the Cliff escarpment. The site is not in or adjacent to any designated or protected landscape; the Lincoln Cliff Area of Great Landscape Value ("AGLV") is some 4 km away. The land here is a farmed and largely open plateau, with hedges and some hedgerow trees. There are two wind turbines (with a 25 metre tip height) at Mount Pleasant Farm, some distance to the east of the appeal site, and I saw another turbine of a comparable scale to the north of Pyewipe House Farm, off the Redbourne Road, perhaps 1.5 km north of the appeal site.
7. Visualisations have been prepared to represent the appearance of the turbines in the landscape from various viewpoints. The colour of the turbines reduces the visual effect they would have; nevertheless they would be visible in the landscape. From the east-facing viewpoint in Kirton Road one turbine would be screened by roadside trees and the other would be seen in close combination with the smaller, more distant Mount Pleasant Farm turbines. From several viewpoints the turbines would be seen against the sky. But this is a large-scale, simple landscape that seems to me capable of accommodating the appeal turbines without them appearing out of scale or overbearing in their surroundings, and the act of crossing the skyline makes little difference to the harm in the views in question. The turbines would relate satisfactorily with Waddingham village and its Listed church, by virtue of lateral separation (for example, in the view from the top of Kirton Road), distance and intervening topography (for example, from Ermine Street near Redbourne Grange Farm) and the screening effect of vegetation (for example, from the entrance to Waddingham House, on the road from Snitterby). Looking out from the western side of the village, the turbines would be clearly visible in the middle distance. The AGLV is 4 km away and any visual effect when viewed from there would be slight by virtue of the distance. Overall the turbines would change the landscape to a degree but their location is not a designated landscape, the landscape's scale and form assists the assimilation of the turbines and I am satisfied that only in the shorter views would any harm arise; that harm would be due to the close presence in a largely static landscape of the moving rotors, and the harm would be slight and confined to a relatively small area around the appeal site.

Policy NBE10 Criteria

8. The Council's decision notice refers to criteria from Policy NBE10. The Council does not explain what it considers exemplifies the local distinctiveness. It seems to me that the distinctiveness of the locality arises particularly from its landscape, which I have considered previously in this appeal decision. I have also considered the effect of the turbines' crossing the skyline.
9. Nor does the Council describe the inconsistencies it finds between the appeal proposal and local styles. There are various styles of development in the area: the village uses a range of stone and brick in more or less traditional forms; I saw a farmstead near the site with silos and other functional buildings in prefabricated modern materials, and the existing wind turbines at the two locations I have mentioned within about 1.5 km of the site are comparable in form to the appeal turbines, apart from having two rotor blades whereas the appeal turbines would have three. That is not a harmful difference. And I find no failure that I have not already considered in the appeal scheme's reflection of the local environment – and the Council again does not describe the shortcoming that it found in that regard.

Conclusion: Effect On The Landscape

10. I conclude that the appeal proposal would have a harmful effect on the landscape but that the effect would be slight and confined to the close vicinity of the appeal site.

Other Considerations

11. Attention is drawn to the National Planning Policy Framework ("the Framework").
12. Paragraph 93 of the Framework says that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, and in supporting the delivery of renewable energy. This is central to the economic, social and environmental dimensions of sustainable development. There is a presumption in favour of sustainable development set out in the Framework, although this would not apply where any adverse impacts of a development would outweigh the benefits.
13. The Framework's paragraph 98 points out that those who make development control decisions should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Proposals should be approved if their impacts are acceptable.
14. Paragraph 97 identifies through a footnote that, in determining planning applications for wind energy development, the approach that should be taken is that set out in the National Policy Statement for Renewable Energy Infrastructure ("EN-3"), which should be read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure ("EN-1").
15. EN-1 describes, in its Part 2, Government policy on energy and energy infrastructure development; the importance in the short to medium term of onshore and offshore wind energy generation is identified in paragraph 3.3.10, and the urgency of the need for new electricity capacity is set out in paragraphs 3.3.15 to 3.3.24.

Conclusion

16. Having regard to the importance of providing renewable energy as a dimension of sustainable development, I find that significant weight must be attributed to the need for renewable and low carbon development. In view of the wider environmental benefits it would bring as a renewable source of energy, the importance placed by Government policy on onshore wind development and the limited visual impact that this scheme would have, I consider that the harm I have identified would be outweighed by the other considerations in this case. On balance, the harm would be acceptable. The appeal should therefore be allowed, subject to conditions.

Conditions

17. The Council has made no representation in response to the appeal. The Council officer's report to the Council is before me. It sets out conditions, and the Appellant raises no objection to those conditions.
18. A time condition is necessary to comply with the Town and Country Planning Act 1990. There are Bronze Age barrows nearby and a condition is necessary to protect archaeological resources, in accordance with paragraph 128 of the Framework. Prior notification of the start of use of the turbines is necessary to ensure aviation safety. The turbines should be removed once they are no longer operational, to avoid unjustified visual harm.
19. Additionally, the approved drawings should be identified, to define the permission, and the external finishes of the installation should be subject to control, to ensure an acceptable appearance.

J.P. Watson

INSPECTOR



Costs Decision

Site visit made on 12 December 2012

by J.P. Watson BSc MICE FCIHT MCMi

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

Decision date: 5 February 2013

**Costs application in relation to Appeal Ref: APP/N2535/A/12/2181210
Waddingham Grange Farm, Kirton Road, Waddingham, Gainsborough
DN21 4TB**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Warden Farming Co Ltd for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for 2 no. 50 kW wind turbines and ancillary works.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. I am satisfied that the costs application was made in a timely way.
3. The Council refused planning permission against the advice of its officers, as it is at liberty to do. At appeal, it has not shown reasonable planning grounds for taking a contrary decision; nor has it produced relevant evidence on appeal to support its decision in all respects. The applicant draws attention to paragraph B20 of Circular 03/2009.
4. The Council has produced no evidence at appeal to substantiate its reason for refusal of the planning application. The applicant draws attention to paragraph B16 of Circular 03/2009.
5. The Council has made no response to the costs application.
6. I find that the Council has behaved unreasonably in that it has not produced relevant evidence on appeal to substantiate its reason for refusal of the planning application for the proposal that was the subject of the appeal, and in that it has not shown reasonable planning grounds for taking a decision contrary to the advice of its officers. As a result, costs have unnecessarily been incurred by the applicant in pursuing the appeal.
7. Therefore, unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated and a full award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that West Lindsey District Council shall pay to Warden Farming Co Ltd, the costs of the appeal proceedings described in the heading of this decision.
9. The applicant is now invited to submit to West Lindsey District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

J.P. Watson

INSPECTOR