

Applicant	Larkfleet Limited c/o agent
Agent	David Bainbridge, Bidwells John Ormond House, 899, Silbury Boulevard, Central Milton Keynes, MK9 3XJ
Proposal	Development of 49 dwellings for occupiers aged 55 and over, communal hall, vehicular access, amenity open space, landscaping, allotments and associated works.
Location	Land Off, Chesham Drive, Baston
App Type	Major Full (Residential)
Parish(es)	Baston
Reason for Referral to Committee	This application has been brought for consideration by the Planning Committee as it is a major application and involves planning contributions that would necessitate a Section 106 planning obligation.
Recommendation Summary	That the development be Refused.

Key Issues

- Compliance with the Development Plan
- Five Year Land Supply
- Flood Risk
- Design and Layout
- Visual Amenity and Landscape
- Highway Safety
- Planning Obligations

Technical Documents

- Application Forms
- Site Location Plan
- Topographical Survey
- Site Layout Plans
- Elevational Drawings
- Floor Plans
- Street Scenes
- Aerial Views
- Geophysical Survey
- Design and Access Statement
- Ecological Scoping Survey
- Flood Risk Assessment and Drainage Strategy
- Landscape and Visual Impact Assessment
- Planning Statement
- Sustainability Assessment
- Transport Assessment
- Plots Materials Schedule

REPORT

The Proposal

The application is for the erection of 49 dwellings for occupation by residents aged 55 years and above. This number would include 17 affordable dwellings. The dwellings would be a mix of 1-3 bed properties and would be either single or two storey in height. The development would include a communal building for use by occupiers and visitors, 0.14 hectares of public open space and 0.15 hectares of land for allotments. A landscape buffer would be provided along the southern boundary of the site. Vehicular access to the site would be from Chesham Drive, however, an emergency access would be provided at the south-west corner of the site leading to the layby at the A15. The secondary access point is being considered for use by construction traffic. Additional pedestrian access is also available at the north-east and south-east corners of the site from the public footpath that crosses the site.

The Application Site and its Surroundings

The application site comprises 2.727 hectares of largely flat agricultural land on the southern edge of Baston. It is accessed through an existing residential estate via Aveland Way and Chesham Drive. Access to the A15 would be via the junction at Main Street, the principle road into the settlement. The site is bounded to the south by a hedgerow, to the west by mature trees adjoining the playing fields of Kirkstone House School, to the north by residential properties and to the east by the public right of way.

Baston is designated as a Local Service Centre under Core Strategy Policy SP2. Baston is a typical fenland village which has developed in a linear fashion eastwards into the open countryside. Most of the village, and all of the facilities, lies to the east of the main A15 Bourne to Peterborough road.

Relevant Site History

In 2011, the Council screened the proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and concluded that an Environmental Impact Assessment would not be required as the development would not be likely to have significant effects on the environment by virtue of physical characteristics of the land, scale of development and its location.

Policy Considerations

National Planning Policy Framework

Section 1 Delivering sustainable development

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

East Midlands Regional Plan

Policy 2 Promoting Better Design

Policy 3 Distribution of New Development
Policy 4 Development in the Eastern Sub-area
Policy 13a Regional Housing Provision (excluding Northamptonshire)
Policy 26 Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27 Regional Priorities for the Historic Environment
Policy 28 Regional Priorities for Environmental and Green Infrastructure
Policy 29 Priorities for Enhancing the Region's Biodiversity
Policy 31 Priorities for the Management and Enhancement of the Region's Landscape
Policy 32 A Regional Approach to Water Resources and Water Quality
Policy 36 Regional Priorities for Air Quality

South Kesteven Core Strategy 2010

Policy SP1 Spatial Strategy
Policy SP2 Sustainable Communities
Policy SP4 Developer Contributions
Policy EN1 Protection and Enhancement of the Character of the District
Policy EN2 Reducing the Risk of Flooding
Policy EN4 Sustainable Construction and Design
Policy H1 Residential Development
Policy H3 Affordable Housing

Emerging Site Allocation and Policies Development Plan Document 2011

Policy LSC1 Housing Allocations in the Local Service Centres
Policy SAP H1 Other Housing Development
Policy SAP10 Open Space Provision

Representations Received

Baston Parish Council: objects to the application on the grounds of

- Against South Kesteven District Council's Site Allocation and Policies Development Plan Document
- No Doctors
- Little employment within the Parish
- Great concerns about the increase in traffic at the junction of Aveland Way onto Main Street and the A15 junction
- Great concerns about the proposed use of emergency exit/entrance onto the south bound lay-by which is used as a stopping point for HGVs etc
- Access onto the A15 from the south bound lay-by has poor visibility and no speed control
- Concerns about water issues and its effects on other areas such as Baston Fen
- Unhappy about the proposed Community Area as it may discourage new residents to partaking in village activities
- A Housing Needs Survey should be undertaken before the application is approved to justify the requirement in Baston

If the Committee is mindful to approve the development then the Parish Council would require that Larkfleet make a financial contribution to the Parish Council so that they can undertake improvements/refurbishment works to the Barn on behalf of BPFMC (Brudenell Playing Fields Management Committee) or other projects within the parish. This should be placed on a s106 Agreement (CIL) as a condition of planning approval with financial contributions to be agreed at a later date with the Parish Council.

Environment Agency: Objects to the application on the grounds that the Flood Risk Assessment submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In order to overcome their objection, a suitable means of surface water disposal would need to be confirmed. The drainage strategy proposes soakaways for the site but infiltration tests have not been carried out. The Local Lead Flood Authority is Lincolnshire County Council who have advised that soakaways would not be approved for sites larger than 10 dwellings and there are no public sewers in the vicinity as confirmed by Anglian Water. The Environment Agency are unlikely to support this application if the approval of the LLFA is not forthcoming and they would wish to see evidence of this. The Welland and Deepings Internal Drainage Board has permitted surface water discharge into its systems, however, there are further issues with this. To discharge into its No.3 drain via existing highway drainage, it is unlikely that LCC would approve any additional new drainage to be connected to the existing highway drainage due to capacity issues. To discharge into its No.4 drain, flows would need to go via a riparian watercourse, which would need permission from the landowner and this has not yet been obtained. If the above issues can be resolved, then the drainage strategy should be updated to show the revised drainage proposals for the site with the necessary surface water calculations to support this.

Anglian Water: Do not raise any objection to the application. In relation to Wastewater Treatment, they note that foul drainage from the development is in the catchment of the Deeping STW that at present has available capacity for these flows. In addition, the Foul Sewerage Network at present has available capacity for these flows. The preferred method of Surface Water Disposal would be to a sustainable urban drainage system (SUDS) with connection to sewer seen as the last option. Building Regulations (Part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency. We request that the agreed strategy is conditioned in the planning approval.

Wellings & Deepings Internal Drainage Board: In line with current recommendations, the use of SUDS systems should be considered as a first approach to dealing with surface water run-off. However, if this is not possible, an agreed flow may be accepted into the Board's system from the proposed highways but this will be depend on agreements of third parties. The Board's written consent would be required for any surface water discharged into its system.

Lincolnshire County Council (Drainage): A scheme for the provision of surface water disposal is to be submitted by the applicant and must be approved by the drainage authority before the development commences. Within the documents enclosed within this application there is no evidence that a SUDS will be incorporated within the surface water strategy. The use of soakaways on this particular site would not be approved. Currently, Lincolnshire County Council, under the Development Road Specification 2011, does not permit sites larger than 10 dwellings to be served by the use of soakaways for surface water discharge from the public highway and only then where there is no positive outfall within reasonable proximity to the site. The applicant must submit a detailed design and construction proposal for a sustainable drainage system and include a management plan which incorporates proposals for future maintenance and ownership of such a system.

SKDC Senior Planning Policy Officer: In summary, the site is not allocated in the emerging local plan and, as a Greenfield extension site it is contrary to adopted policies SP1 and H1 and emerging policy SAP H1. Considerable weight can be attributed to this emerging policy as there are no objections to it. Representations have been made that the application site should be allocated for

housing development in the SAP DPD. The determination of this application in advance of the Inspector's consideration of the matter at examination would prejudice the Examination process in relation to determining the scale, location and distribution of development in the Local Service Centres (having regard to the guidance in 'The Planning System: General Principles' [paragraph 17] regarding prematurity and of NPPF [paragraph 216]).

SKDC Partnership Project Officer: The application shows that provision has been made to provide 17 affordable housing units of which 10 will be social rented and 7 will be intermediate (shared ownership). I have made some investigations of the housing register which shows that on 14 September 2012, 109 applicants have registered with an interest of living in a bungalow in Baston and are aged over 55 years. There is no Parish Housing Needs Survey to refer to. Additional information has been provided on the applicants on the Housing Register which indicates that a total of 88 residents have a local connection to the settlements including and around Baston. Of these, 17 had a local connection to Bourne, 20 had a local connection to Market Deeping, 14 had a local connection to Deeping St James, 10 had a local connection to Langtoft and 7 had a local connection to Morton. The remainder had local connections to Thurlby, Tallington, Haconby, Twenty and Manthorpe. Only 4 had a local connection to Baston.

Lincolnshire County Council (Highways): The site is located south of Baston village adjacent to the A15. Chesham Drive is a cul-de-sac at the end of Aveland Way. The target design speed for the access roads both existing and proposed is between 20 and 25 mph. An emergency access incorporating a footway/cycleway route is incorporated in the scheme. There have been 2 recorded accidents in the vicinity of the site in 2006 and 2008. In effect that means only 1 injury in the last 5 years. A Transport Assessment accompanied the application which has been checked by officers of the local highway authority who also interrogated the TRICS database – a national database providing vehicle trip generation rates for land use categories. Based on the findings, it is not considered that the development will not have a significant impact on the surrounding network and taking into account committed development although it is appreciated there will be a perceived and real increase in movements over and above those currently noticed by local residents. This, however, would not justify a reason for refusal and based on recent planning appeal judgements. The junction with the A15 has benefit of a speed camera in close proximity, it is considered will work within capacity. A contribution of £7,000 towards traffic calming measures has been requested. A number of conditions have been requested should planning permission be forthcoming.

For information - in respect of the Baston Household Waste Recycling Centre, a routing arrangement via a s106 arrangement has been entered into with the company for their HGVs to use Cross Road to gain access to the major highway network thus avoiding travelling through Baston village.

Lincolnshire Fieldpaths Association: Our interest in this application is the footpath running along the eastern side of it. We note that there is no intention to divert the route of this, and that a broad green corridor has been left alongside it. This follows what we regard as best practice for incorporating existing public footpaths within new development. We say "within" because there is clearly an access being included to allow for possible future development on the other side of the footpath. If this site is developed as proposed, and further development in the future to the east were to take place following the same best practice, the path will be left as a broad green way. This prevents such a path becoming a hiding place and security problem, makes it more pleasant to use and an attractive environmental enhancement to the development. This type of planning also removes conflict between the path's use and motor traffic, including parked cars. If we have understood the plan correctly and the above is a correct interpretation, we wish more developments would follow this type of practice.

Lincolnshire County Council (Rights of Way): In the absence of further information, it is expected that the definitive line and customary width of the path will not be affected by any proposed development. During any works allowed by this proposal, users of the Public Right of Way should not be inconvenienced or exposed to hazard by any such works.

Heritage Trust of Lincolnshire: No objections.

Lincolnshire Wildlife Trust: Conclude that they are satisfied that providing the recommendations are followed, there should not be any significant negative impacts on protected species as a result of the proposed works. We strongly support the recommendation to provide a range of bird boxes within the development. We would recommend that features are included for declining urban birds such as house sparrow, swift and swallow where appropriate. We would also recommend that consideration is given to the inclusion of features for bats within the development, such as bat bricks or access tiles within buildings on site or bat boxes fitted externally to buildings or trees on site. We are pleased to note the provision of open space through there is no indication in this application as to how this area will be managed. The Trust would strongly support the creation of species rich native grassland habitats on site which would contribute towards UK and Lincolnshire Biodiversity Action Plan targets for the creation of lowland meadows and would provide accessible natural greenspace for local residents. We support the inclusion of allotments on site. Allotments are a Lincolnshire BAP habitat in recognition of their importance for biodiversity when managed with wildlife in mind. The Trust would recommend the retention of existing trees and hedges on site wherever possible.

Natural England: From the information provided within this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority to fully take account of the environmental value of this site in the decision making process. LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

Lincolnshire Police: No objections but request that the developer give due regard to the provision of lighting, boundary treatment and landscaping in the interests of crime reduction.

SKDC Community Leisure Officer: The amount of open space and allotments on-site are reasonable to the size of the development. Given the nature of the development I think provision of on-site allotments is preferable to any play contribution. I note in the Design and Access Statement, they are looking to the parish council to manage the allotments long term. Are they looking for SKDC to adopt the POS?

Representations Received as a Result of Publicity

The application has been publicised in accordance with the Council's Statement of Community Involvement and 30 letters have been received. The issues raised are summarised as follows:

- Concerns that the new communal building proposed on-site will impact on the use of the existing community centre (known as The Barn) which relies on grants and fundraising for its maintenance and upkeep
- The current Barn has such fantastic grounds that this has to be the priority
- Queries over how the proposed communal building would be maintained in the long term

- Surely the residents of the new development should integrate with the existing Baston residents with the current facilities rather than requiring their own communal facility
- Concerns about the amount of traffic likely to be generated by the development, both during construction and post-construction, and its impact on the roads in the Aveland Estate
- The Aveland Way roads are not built or designed for extra traffic – the road width is exceptionally narrow with twists and turns that were initially put in to make the design of the estate more aesthetically pleasing
- Approximately 20 children aged between 5-11 years live on the Aveland Estate and walk to the local school. The bends and narrow width of the roads is such that pedestrian would be in real danger or serious injury if construction traffic use this road.
- No objection to the proposed development but believe that the access road mentioned in 4.18 should be the sole access road to the site for all site vehicles during the building programme. To ensure this is strictly complied with access from Chesham Drive should not be opened up until all work has been completed. This should be controlled by a planning condition.
- The comment that there are no traffic problems at the Baton crossroads is incorrect. The developer has not clearly spoken to villagers. Villagers are ultra careful when using it. There may have been only a few minor injuries in the last 5 years but I suspect that there have been more minor bumps. The crossroads is also very busy at school times when the queue to leave the village is considerable with business and school traffic
- The junction with the A15 from Main Street is extremely congested with inappropriate heavy vehicles using the gravel pits and waste recycling centre
- The traffic analysis is flawed as it ignore the serious and fatal accidents that have occurred recently particularly between Mill Farm and the lay-by.
- Concern that the emergency access onto the A15 could become a rat-run
- Planning has recently been given to PMK recycling which will have a huge impact on traffic through Main Street – how much more traffic can our village take? The recycling plant will result in an increase in heavy lorries travelling through the village and using the crossroads.
- The over 55s can have 2 cars, may be working until the new retirement age of 67 and there may still be children living at home and they may still need schools which are currently very oversubscribed
- Emergency access could provide unobserved access and escape for less desirable visitors eg car thieves.
- Concern the emergency access will become a rat run for people avoiding congestion at the A15 junction in the village
- Query why a cycle path is included as number of 55+ year olds is minimal and there are no cycle paths on the A15
- Query over how the over 55 policy would be monitored
- Baston is not a village for non-car owners – although there are shops and facilities within the village they are limited and you would still need transport
- Concerns about future plans for field to east of the site
- Impact on views from properties that currently look onto green fields
- Development will be visually intrusive and impinge on our privacy
- Dominant and oppressive environment – shutting out my sun and light, creating carbon monoxide poisoning and noise from multiple parking bays
- The site is not included in the Site Allocations and Policies DPD as a housing allocation
- Development would be contrary to the Core Strategy
- If the application was granted, it would be a major U-turn on the considerations and decisions made previously by SKDC that there would be no large developments taking place in Baston for the foreseeable future due to the possibilities of flooding, lack of doctors, employment, school capacity and concerns over the A15 junction and other highway issues.
- People have moved onto the estate with knowledge of the Development Plan and its forecast. This trend could now be reversed with a possible reduction in property values

- Further development in Baston on this side of the A15 will lead to a very unbalanced village
- The developer is trying to bulldoze this past SKDC quoting the supposed 5 year land availability, government policy and questioning SKDC's planning strategy and ability
- Concern over comment in 4.15 regarding the line of trees as it implies that the developer has control or ownership of this tree line whereas it was purchased by the adjacent landowners
- The tree lined strip of land to the southern boundary of the Aveland Estate was the subject of a planning application (refused) and an appeal (dismissed). The purpose of the land is "to soften the edge of the Aveland development from the south and help assimilate it into the surroundings". The developer's interpretation is for it to act as a buffer between two developments.
- The new development will have a substantial visual impact from the A15 and Langtoft
- Development into the open countryside will result in loss of open fields, views and prime agricultural land
- The proposed roof and external materials for the houses would not be in harmony with the materials used on the Aveland Estate houses
- Design would be out of keeping with the character of the existing Aveland Estate
- Concern over lack of garages
- There is a great need for retirement properties within the village, why should people be forced to go to Bourne or elsewhere. However, they still fall a long way short of what is needed. When people get to 55 or over they do not want to be crammed into a rabbit hutch with no garden of their own, no privacy only small "sitting area".
- Noise nuisance through night time functions and activities held at the communal building may affect properties on Chesham Drive
- Increased noise and pollution from additional traffic
- Concern over risk to properties from flash flooding
- Concern over maintenance and upkeep of open spaces
- Baston and the surrounding area is sited on an extensive deposit of aggregate materials. The aggregates recovered around Baston are crucial for local and national purposes and a large industry is based in Baston to exploit these minerals, no further land should be built upon.
- There may be more ecological interests than recorded eg sightings of bats, badgers, owls.
- Request for extension to time period for response due to summer holidays
- Plans do not show store to 11 Chesham Drive approved under s08/0777. Wishes assurance in writing from the developer for responsibility for any damage or subsidence to the store.
- Query over boundary treatment along 11 Chesham Drive
- Occupiers of houses directly affected by the proposal were not invited or made aware by either the developer or Baston Parish Council to the presentation given by the developer in January 2012
- Reduction in property values

Officer Evaluation

Compliance with the Development Plan

The application relates to a greenfield site that is currently in agricultural use, located on the southern side of Baston, outside the built-up part of the settlement. Core Strategy policy SP1 states that in Local Service Centres, preference will be given to brownfield sites within the built-up part of settlements and sites allocated in the Site Specific Allocations and Policies DPD. The application site does not fall within either criteria of the policy. Core Strategy policy H1 plans for a modest level of development within the Local Service Centres to enable them to continue to

function as sustainable local centres. Paragraph 5.1.11 of the Reasoned Justification states that in these locations, development will be limited to identified allocated sites and infill/redevelopment sites within the built-up areas of the settlements. Again, the application site does not fall within either criteria of the policy.

Paragraph 12 of the NPPF states that

“Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

The emerging Site Allocations and Policies DPD is a material consideration relevant to the determination of this application. It has been submitted to the Secretary of State and is now in the Examination phase. Consequently, a considerable amount of weight can be attributed to the policies and proposals included within it particularly where there are no or less significant, objections to the specific policies.

SAP policy H1 provides guidance on new housing development on non-allocated sites. It advises that new housing development will be provided in the Local Service Centres through the development of suitable brownfield redevelopment sites and small infill sites within the built-up parts of these settlements. It goes on to state that other than those sites which are allocated, new greenfield sites on the edges of the towns and villages will not be considered acceptable for housing development. The application site would not fulfil the requirements of this policy. There are no registered objections to SAP policy H1 and three representations of support for its inclusion.

SAP policy LSC1 seeks to allocate new housing sites in the Local Service Centres. It allocates six small housing sites in six of the sixteen Local Service Centres providing a total of 185 new houses. The application site is not one that is allocated for new housing development. Representations of objection have been made to the non-allocation of a number of the sites considered in the site allocation process, including the application site. These representations will be considered by the Inspector as part of the public examination of the DPD. The Council's Senior Policy Officer has advised that the application could be considered to be premature to the examination in public of the DPD.

The site assessment process for the Site Allocation and Policies DPD considered constraints to development, impact of development and public consultation responses. The site was not considered suitable for allocation in the DPD due to highway concerns with potential access from both Chesham Drive and the A15 lay-by and sewage disposal and network constraints identified by Anglian Water. The site assessment process also concluded the development would encroach on open countryside and would have a significant impact on the landscape character of the open countryside. Public consultation responses raised concerns about intrusion into the open countryside, loss of agricultural land and concerns about access through the Aveland estate. There was support for the site as the only practical one in the village.

Consequently, as the site is not a brownfield site located in the built-up part of the settlement nor allocated for new housing development, contrary to policies SP1 and H1 of the Core Strategy and policy H1 of the Site Allocations and Policies DPD; the proposals would be detrimental to the sustainable growth of the District.

Five Year Land Supply 2012-17

The NPPF advises, at paragraph 49, that housing applications should be considered in the context of the presumption in favour of sustainable development. In particular, it states

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

The Council has completed and published a Five Year Land Supply (2012-17) paper. This demonstrates that a 5.2 year supply of housing land is available and deliverable across the District. The paper also considers the NPPF requirement to include a buffer of 5% of housing land. Contrary to the applicant’s Planning Statement, the Council has demonstrated that it has consistently delivered beyond the annual delivery rates set out the housing trajectory in the adopted Core Strategy. Therefore, an increase in the buffer from 5% to 20%, as suggested by the applicant, is not considered to be necessary and does not comprise a material consideration that would warrant the approval of this development. This conclusion adds weight to the status of SAP policy LSC1.

Flood Risk

The application site is located within Flood Risk Zone 1, within which residential development is considered to be acceptable. In the case of a development of this size, according to the technical guidance to the NPPF, the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off should be incorporated into a Flood Risk Assessment. As the Flood Risk Assessment does not include infiltration tests to demonstrate that the surface water from the site can be disposed of by means of infiltration to soakaways located on-site, the Environment Agency (a statutory consultee) have objected to the application and maintain their objection until infiltration tests have been carried out and prove that this method of surface water disposal can be achieved on-site. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In addition, Lincolnshire County Council does not permit sites larger than 10 dwellings to be served by the use of soakaways for surface water discharge from the public highway and requires further design and construction details for a sustainable drainage system.

If soakaways are not possible, the FRA proposes that discharge would be to local watercourses that are managed by the Welland and Deepings Internal Drainage Board and thus their consent is required. In addition, further consents would be required by Lincolnshire County Council to utilise connecting highway drainage and from the landowner of a riparian watercourse depending on which watercourse might be utilised. These matters have not been fully addressed.

As presently submitted, the application is contrary to paragraph 103 of the NPPF, paragraph 9 of the Technical Guidance to the NPPF and Policy EN2 of the Core Strategy as inadequate information has been submitted to demonstrate that the proposals will not lead to an increased flood risk in the vicinity of the site by virtue of surface water disposal.

Visual Amenity and Landscape

The South Kesteven Landscape and Character Assessment (2007) locates the site within The Fens Character Area. The character of the Fens is determined by the level low terrain with large man-made rectangular fields divided by drainage ditches with virtually no trees or woodland. It is an open landscape with sparse settlement. There is little to dictate the form of those settlements that existing. It advises that “Any new development around the settlement should carefully consider the settlement edge. In some places it may be appropriate to have properties looking out over the countryside and in others to have areas of planting. Back fences backing onto open countryside would not be appropriate.” The landscape sensitivity to new residential provisions would be low or medium and at the edge of the existing settlements.

The application is accompanied by a Landscape and Visual Impact Assessment. It states that the site has no landscape designation and is not protected; it is judged to be of low landscape

sensitivity, comprising arable land and largely devoid of landscape features; clear views of the development would be largely restricted to localised views from the southern edge of Baston; new housing would be observed as an extension to the properties on Chesham Drive especially as most dwellings would be single storey in height; development would be visually contained from the west by the retained existing hedgerow to Kirkstone School; new tree and hedgerow planting around the site perimeter will soften and filter views of the built form, as well as providing local landscape enhancement in the long term. The report finds that the magnitude of landscape change on the site and its immediate landscape is judged to be medium adverse, as a result of the change from arable to built development, but would reduce in the long term.

It is considered that the proposals would result in a significant encroachment into the countryside to the south of Baston and would change the character of the immediate area around the site which can be viewed from the Baston-Langtoft footpath, from residential properties at Chesham Drive and to a limited extent from the A15 lay-by. The principle of the development, on greenfield land, is still considered to be contrary to Core Strategy policies SP1 and H1 together with emerging SAP policy H1; however, it is not considered that the impact on the landscape of the area (having regard to the proposed landscape mitigation measures) would be significantly detrimental on its own account. The proposal would comply with Core Strategy policy EN1 and Section 11 of the NPPF in respect of landscape matters.

Design and Layout

The proposed layout comprises a number of formal landscaped squares and frontage development with private courtyards contained within perimeter blocks. A range of detached, semi-detached and terraced properties are proposed throughout the site. There would be 7 two storey dwellings, located to the western part of the site, with the remainder being single storey. The dwellings would be of traditional construction in brick with tiled roofs and chimneys. A limited palette of material is envisaged comprising red and/or buff facing brick, white painted render and red and/or grey roof tiles. Car parking would be provided to the front of each property on the basis of one space per dwelling. The garden areas would be a mix of private and communal areas.

The layout includes provision for a communal facility that would provide a communal lounge and coffee area, a kitchen, consulting room, toilet facilities and a waiting area. It is intended that the facility would be used by residents of the development and visitors. Some residents have written with concerns that the facility would take demand from The Barn community centre, however, it should be noted that the communal facility will have external dimensions of 9.5m by 9.5m which is reasonably small in size.

The principle of the development, on greenfield land, is still considered to be contrary to Core Strategy policies SP1 and H1 together with emerging SAP policy H1; however, it is not considered that the design and layout of the residential development would be significantly detrimental on its own account. The proposal would comply with Core Strategy policy EN1 and Section 11 of the NPPF in respect of achieving good quality built and landscape design.

Highway Safety

Vehicular access to the site is proposed via Chesham Drive and the connecting roads in the Aveland estate. An emergency access would be provided to the lay-by on the A15 from the south-west corner of the site. During the construction phase, it would be used by construction traffic rather than the residential streets through the village and Aveland estate. The emergency access would also provide a pedestrian and cycle route to the bus stops on Deeping Road. The application proposes a 2m wide footpath link along the lay-by. The existing public right of way, connecting Baston and Langtoft, would be retained and set within the area of public open space. In respect of concerns raised by local residents over cumulative traffic generation from this

development with the nearby household waste recycling facility; the Highway Authority have confirmed that HGVs from the waste recycling facility are routed away from the Main Street in Baston.

The Highway Authority has confirmed that do not have any objections to the application.

Archaeology

The applicant's are currently undertaking trial trenching on site and the results of that work will be assessed by the Heritage Trust for Lincolnshire. It is likely that any archaeological issues could be dealt with by a planning condition should planning permission be forthcoming.

Other Material Considerations

The majority of the issues raised by local residents have been addressed in the main body of the report above. Some residents have raised concerns that the proposed communal facility will be used in preference to The Barn which will prevent residents from the estate from integrating into the village and, if it is available for public hire, would be in direct competition with The Barn and could result in a loss of revenue for the existing community facility. The applicant has not provided any specific information on how the communal facility is to be operated and if it would be available to the wider public.

The application is made on the basis of over-55s residential accommodation. Some residents have raised concerns over how this would be controlled. The planning statement states that the tenancy agreement put in place between the developer and the occupier will ensure the restriction is controlled. This is considered to be acceptable as recent case law has found that it would be outwith normal planning controls to impose a condition restricting the age of occupants in residential development.

Section 106 Heads of Terms

The applicant has proposed the following draft head of terms for a planning obligation:

- Affordable housing comprising 17 residential units to meet the requirement for 35% of the total number of proposed dwellings
- Amenity Open Space comprising 0.14 hectares
- Allotments comprising 0.15 hectares
- Health Care comprising a financial contribution to be agreed subject to appropriate evidence of local need being received from the Primary Care Trust

The Planning Obligations SPD requires the following contributions:

- Affordable housing – requirement for 35% of the total number of proposed dwellings. The development would meet the affordable housing requirement.
- Informal/natural greenspace – requirement for 0.188 hectares of on-site open space resulting in a shortfall on-site of 0.048 hectares as 0.14 hectares are proposed. A financial contribution of £11,140.80 would be required to address the shortfall.
- Outdoor sports space – requirement for 0.094 hectares of on-site sport space. None is to be provided. A financial contribution of £26,207.20 is required.
- Allotments – requirement for 0.018 hectares of allotment. The amount provided as part of the development would exceed the SPD requirement by 0.132 hectares.
- Parks and recreation grounds – requirement of £8,990.16 for off-site commuted sum.
- Highways and transportation – contribution of £7000 towards traffic calming measures.

- Community centres and village halls – requirement of £22,981 for commuted sum to maintenance of existing community centre known as The Barn.
- Sports facilities – requirement will depend on existing sport facility capacity.
- Healthcare – requirement of £18,564 assuming that there is no spare capacity in the healthcare catchment. Awaiting comments from PCT.
- Fire and rescue – awaiting comments from Fire Service.
- Lifetime homes – proposal is for over 55s therefore standards will be met.
- Flooding, drainage and watercourse management – not known at present.
- Waste and recycling - requirement for £980 for commuted sum towards provision of silver recycling bins.

There is a shortfall between the mitigation measures provided by the applicant and those that are required to mitigate against the impact of the development on the wider community as required by the adopted Planning Obligations SPD. For this reason, as presently submitted, the proposals are considered to be contrary to Core Strategy policy SP4.

Crime and Disorder

It is considered that the proposed development raises no significant crime and disorder implications.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that Act will be breached.

SUMMARY OF REASON(S) FOR REFUSAL:

The proposed development would be located on greenfield land outside the built-up part of the settlement. It is not allocated for residential development in the emerging Site Allocations and Policies DPD. It is contrary to adopted Core Strategy policies SP1 and H1 and emerging Site Allocations and Policies DPD policy SAP H1. Considerable weight can be attributed to the emerging Site Allocations and Policies DPD as it has reached an advanced stage in preparation. The development would be detrimental to the sustainable growth of the District.

The Flood Risk Assessment submitted with the application is considered to be inadequate because it does not identify a suitable means of surface water disposal and, consequently, it is contrary to the requirements of paragraph 9 of the Technical Guide and paragraph 103 of the National Planning Policy Framework. For this reason, the Environment Agency has objected to the application. As a result of the inadequacy of the Flood Risk Assessment, the application is considered to be contrary to Core Strategy policy EN2.

Notwithstanding the objection to the principle of residential development on the site, it is acknowledged that the proposal would provide 35% affordable housing on-site and would comply with Core Strategy policy H3. The proposal would retain a public right of way running through the site. The proposal, based on a residential development restricted to the over 55s, would not have an adverse impact on highway safety and would provide a satisfactory amount of car parking on-site. The application would not have an adverse impact on any nature conservation interests or landscape designations. The design, scale and layout of the development are considered to be satisfactory. Notwithstanding the objection to the principle of residential development on the site,

the proposal would comply with Core Strategy policy EN1.

However, the application does not provide the full range of mitigation measures necessary to ensure the development would not have an adverse impact on the infrastructure of the local community. The proposal would not comply with the provisions of the Planning Obligations SPD and Core Strategy policy SP4.

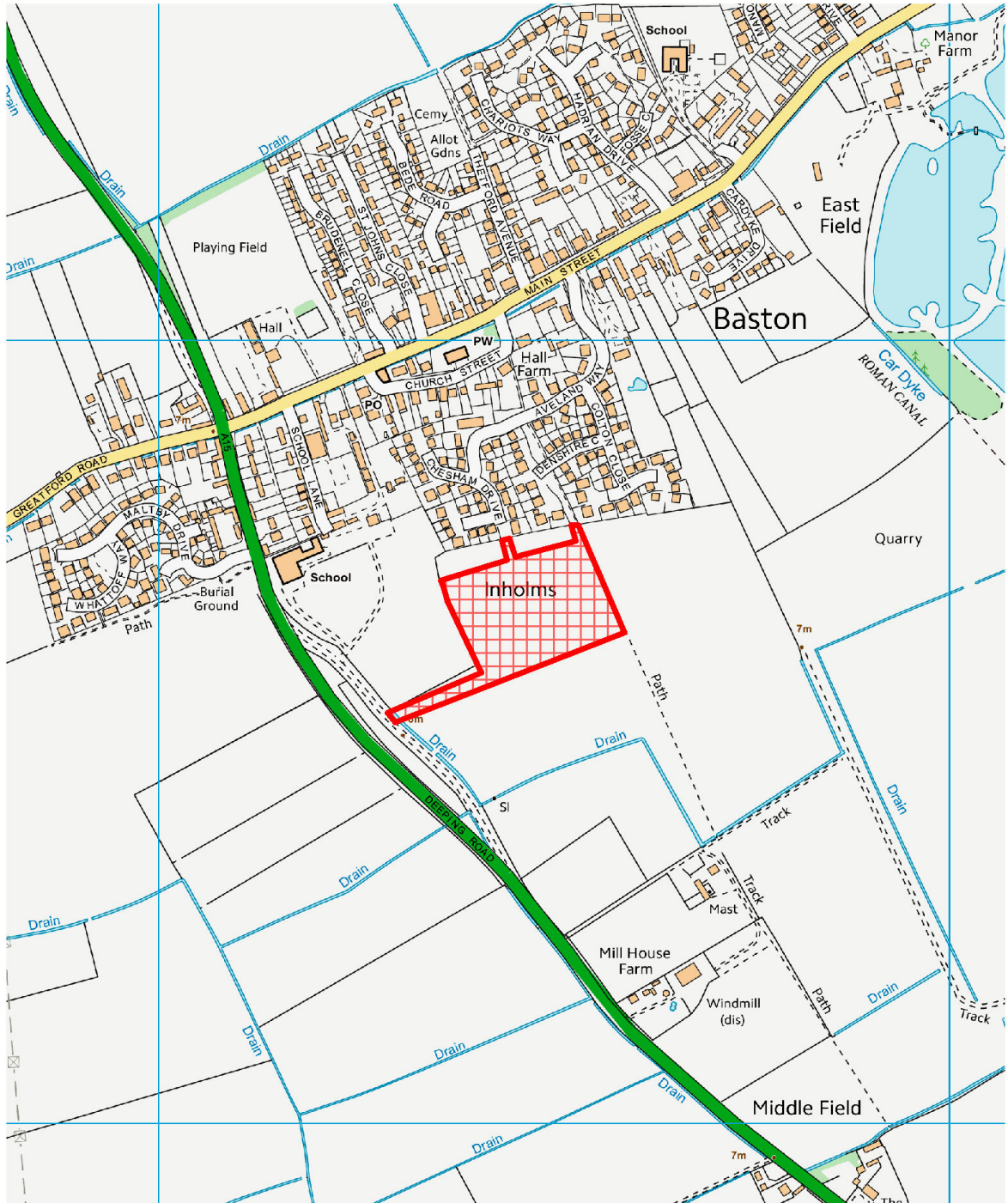
RECOMMENDATION: That the development be Refused for the following reason(s)

1. The proposed development would be located on greenfield land outside the built-up part of the settlement. It is not allocated for residential development in the emerging Site Allocations and Policies DPD. It is contrary to adopted Core Strategy policies SP1 and H1 and emerging Site Allocations and Policies DPD policy SAP H1. The development would be detrimental to the sustainable growth of the District.
2. The Flood Risk Assessment submitted with the application is considered to be inadequate because it does not identify a suitable means of surface water disposal and, consequently, it is contrary to the requirements of paragraph 9 of the Technical Guide and paragraph 103 of the National Planning Policy Framework. As a result of the inadequacy of the Flood Risk Assessment, the application is considered to be contrary to Core Strategy policy EN2.
3. The proposals do not provide the full range of mitigation measures necessary to ensure the development would not have an adverse impact on the infrastructure or the local community. The proposal would not comply with the provisions of the Planning Obligations SPD and Core Strategy policy SP4.

* * * * *

Site Location Plan

Ref	S12/1755
Proposal	Development of 49 dwellings for occupiers aged 55 and over, communal hall, vehicular access, amenity open space, landscaping, allotments and associated works.
Location	Land Off, Chesham Drive, Baston



Applicant	Mr T Hone Iram Paddock, 4, Toney Lane, Newark
Agent	Mr Alec Statham Garland Stud, Bagworth Road, Barleston, Nuneaton, CV13 0JA
Proposal	Change of use from agricultural land to Gypsy/Traveller site including ten mobile home pitches, associated access road and wc blocks
Location	Land At Woolsthorpe Lane, Sedgebrook, Grantham
App Type	Full Planning Permission
Parish(es)	Woolsthorpe by Belvoir
Reason for Referral to Committee	This application is considered to be locally controversial and has been referred to the committee at the request of the Chairman and the Local Ward Member.
Recommendation Summary	That the development be Refused.

Key Issues

- Sustainability including the local need for Gypsy and Travellers Sites
- Visual impact
- Highway safety/traffic
- Whether the site can be adequately drained
- Impact on ecology

Technical Documents Submitted with the Application

- Design and Access Statement
- Ecological Survey

REPORT

Application Category

This application is categorised as a minor application for Gypsy and Traveller development.

Reason for Referral to Committee

This application is considered to be locally controversial and has been referred to the committee at the request of the Chairman and the Local Ward Member

The Proposal

This application seeks full planning permission for a change of use of agricultural land to a Gypsy/Traveller site including provision of an access road and ten pitches. Each pitch would include provision for 1 x mobile home and 1 x touring caravan as well as a WC block. Access would be achieved through improvements to the existing field access on Woolsthorpe Lane.

The application site and its surroundings

The site is a field which appears to have been used as grazing land surrounded by dense overgrown hedgerows and trees on the south and east sides and more modest hedgerows on the west and north sides. The field is approximately 1.2 ha in area although the application site itself does not extend fully to the north, east and west field boundaries and is slightly smaller at approximately 0.9 ha. The site is in open countryside and is roughly equidistant (between 1.5 – 2km) from the nearest villages of Muston, Woolsthorpe by Belvoir and Sedgebrook. The small scattered hamlet of Stenwith lies just under 0.5km to the west. Woolsthorpe Lane runs along the south of the site with a small area of woodland beyond. The well wooded trackbed of a former railway line lies some 30 – 50m to the west with the Grantham Canal and towpath beyond, running parallel to it.

Site History

None

Representations Received

The Community Archaeologist:

The proposed development does not affect any known archaeological sites.

The Highway Authority:

Further information requested including the inclusion of a full topographical survey and any structures/vegetation within the visibility splays not shown on OS maps, as well as vehicle/trailer/caravan swept paths at the access. At the time of writing this information had not been received. Any information submitted and comments thereon from the Highways Authority will be reported in the late background papers.

SKDC Projects Officer (Drainage):

Soakaway drainage is unlikely to be suitable. A SUDS drainage system would be preferable with a positive outfall. Further information requested - either details of a SUDS system or results of percolation tests as per BRE365 to demonstrate that the ground is suitable for infiltration drainage. However, the information which has been provided is considered to be inadequate and it is doubtful whether the site can be satisfactorily drained.

Lincolnshire Wildlife Trust (LWT):

No significant impact expected on the adjacent Site of Nature Conservation Interest (SNCI). However a walk over survey to identify potential use by species such as badgers, reptiles and breeding birds and the botanical interest of the site was recommended. The requested survey has now been submitted and LWT reconsulted. LWT consider this survey to be inadequate.

British Waterways:

No comments

Severn Trent Water:

No objection

Belvoir Parish Council:

Objection to the proposal - comments summarised below

- Detrimental impact of the access on highway safety
- Pressure on local services
- Flooding
- Environmental damage
- Impact on the local community and the character of the area.

Sedgebrook Parish Council:

Objection to the proposal - comments summarised below

- Detrimental to highway safety due to increase in traffic
- Contrary to planning policy
- Need has been met
- Insufficient infrastructure
- Visually and environmentally destructive

Bottesford Parish Council:

Objection to the proposal - comments summarised below

- Pressure on local services and infrastructure
- Increase in traffic on inadequate roads - detrimental impact on highway safety
- Flooding
- Potential increase in fly tipping and problems with waste disposal
- Contrary to planning policy
- Need has been met
- Remote unsustainable location
- Over intensive use of site.

Woolsthorpe Parish Council

Objection to the proposal - comments summarised below

- Too many pitches
- Access onto narrow lane
- Poor drainage
- Impact on biodiversity
- Noise/disturbance

- Unsustainable site due to distance from services & lack of public transport
- Surrounding area used for recreation

Representations as a result of publicity

The application has been advertised in accordance with the Statement of Community Involvement relevant to this type of planning application. At the time of writing, 66 letters of objection had been received. A summary of the main concerns are listed below:

- Overdevelopment/too intensive for site
- Contrary to national and local planning policy
- The need for sites in South Kesteven has already been met
- Other sites/pitches are available in Grantham and Newark
- Would set a precedent for further development in the area
- Ordinary dwellings would not be allowed in this type of location
- Unsustainable location including poor infrastructure and access to facilities/services
- No street lighting
- Would overwhelm and dominate established local communities
- Flooding/poor drainage
- Environmental damage from contamination/pollution/litter
- Impact on biodiversity
- Highway safety and traffic issues including inadequate roads and visibility
- Greenfield agricultural land not suitable for development
- Visually intrusive
- Poor screening
- Out of character with the rural area and landscape
- Inappropriate fencing
- Unclear how land between fencing and field boundary would be used – could be occupied or used for storage without permission
- Impact on tourism and local economy
- Loss of amenity to residents and users of nearby footpaths etc from noise and disturbance and personal safety concerns

Policy Considerations

National Planning Policy Framework

Paragraphs 6 -17: Achieving Sustainable Development

Section 6: Delivering a wide choice of high quality homes

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment

Other Relevant National Policy

Planning Policy for Traveller Sites (March 2012)

East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives

Policy 3: Distribution of New Development

Policy 16: Regional Priorities for Provision for Gypsies, Travellers and Travelling Showpeople

Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage

South Kesteven Core Strategy

Policy SP1: Spatial Strategy

Policy EN1: Protection and Enhancement of the Character of the District

Policy H4: Gypsies and Travellers

Officer Evaluation

Key Issues

The key issues to be considered in this case are:

- Sustainability including the local need for Gypsy and Travellers Sites
- Visual impact
- Highway safety/traffic
- Whether the site can be adequately drained
- Impact on ecology

Sustainability/Need

The Gypsy and Traveller Accommodation Assessment (GTAA) for the period up to 2017 identifies a need for 26 permanent pitches. Since the completion of the GTAA planning permission has been given for 15 permanent pitches at the Lazy Acres site in Grantham. As a consequence the outstanding need was for 11 permanent pitches. This was met by the Stragglethorpe Lane site in Fulbeck. Planning permission was granted on appeal for 13 pitches (13 mobile homes and 13 touring caravans) in March 2011 (ref S10/1081/MJRF). Consequently, the application fails this critical first test and is contrary to Policy H4.

If there was a proven need there are other criteria in Policy H4 which this proposal must satisfy:

- Good access to highway network – While the site is relatively close to the A52 the local roads are poor and the access from the site is not proven to be adequate
- Near or adjoining residential area – The site is in an isolated, remote location well removed from any settlement ,apart from the small hamlet of Stenwith (a few scattered houses/farms)
- Accessible to local services – It is not close to any local services. The site is between 1.5 – 2 km from the villages of Muston, Woolsthorpe by Belvoir and Sedgebrook, which have very limited services. The nearest Local Service Centre is Barrowby, which is about 4 km from the site. Consequently, the development of this site would be contrary to Core Strategy Policy SP1 which seeks to direct development to sustainable locations.
- Not over dominate the residential (settled) community – The proposal would dominate the nearby hamlet of Stenwith in terms of population

The approach to site assessment in Policy H4 accords with the latest Government advice in “Planning for traveller sites” (March 2012). Especially the need to take account of local need; restricting sites away from existing development and not dominating the settled community (paras 22 & 23).

The development of the site would satisfy the remaining criteria of Policy H4:

- Provide an acceptable living environment – This could probably be achieved on the site
- The site is not identified as an area at risk of flooding – The site is not in a flood risk area

Visual Impact

This is not a significant issue. The site is well screened by mature hedges and trees, which could be retained or enhanced by condition if the proposal was otherwise considered to be acceptable. The site is not easily visible from public vantage points.

Neighbours' Amenities

There are no close neighbours and there would no significant impact upon their amenities.

Highways/Traffic

It is proposed that the existing site access would be modified and improved visibility splays provided at the junction with Woolsthorpe Lane. Additional information has been submitted to overcome objections from the Highway Authority, relating in particular to concerns about the adequacy of the visibility splays. The comments of the Highway Authority will be reported to committee in the late background papers.

Drainage

Drainage information, including the details of percolation tests have been submitted in support of this application. However, the information which has been provided is considered to be inadequate and it is doubtful whether the site can be satisfactorily drained. On this basis the inadequacy of the drainage is a reason for refusing planning permission.

Ecology

The application site is immediately adjacent to a site of wildlife interest, including trees and a hedge on the eastern boundary. Lincolnshire Wildlife Trust (LWT) requested an ecological survey which was subsequently submitted. LWT considers this survey to be inadequate and that it does not address their concerns. A more comprehensive survey was requested but has not been submitted. The applicant's agent has been unable to produce a further survey and questions the weight that should be given to LWT, who are not a statutory consultee.

Policy EN1 acknowledges that development should have regard to biodiversity and ecology. In this instance the applicant has failed to adequately assess the impact of the development upon local ecology. In the absence of this information the development is contrary to Policy EN1.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

Conclusion

In the absence of a proven need for this development the proposal is contrary to Core Strategy Policy H4. No other exceptional circumstances or reasons have been provided which would outweigh the consideration of this proposal against relevant, up to date development plan policies. The unsustainable location, poorly related to local services, does not comply with the Core Strategy SP1, which establishes the spatial strategy for development in the district.

In addition, the applicant has failed to satisfactorily address the impact of the development upon local ecology and the adequacy of the proposed drainage. Consequently, the proposal is contrary to Core Strategy Policies EN1 and EN2.

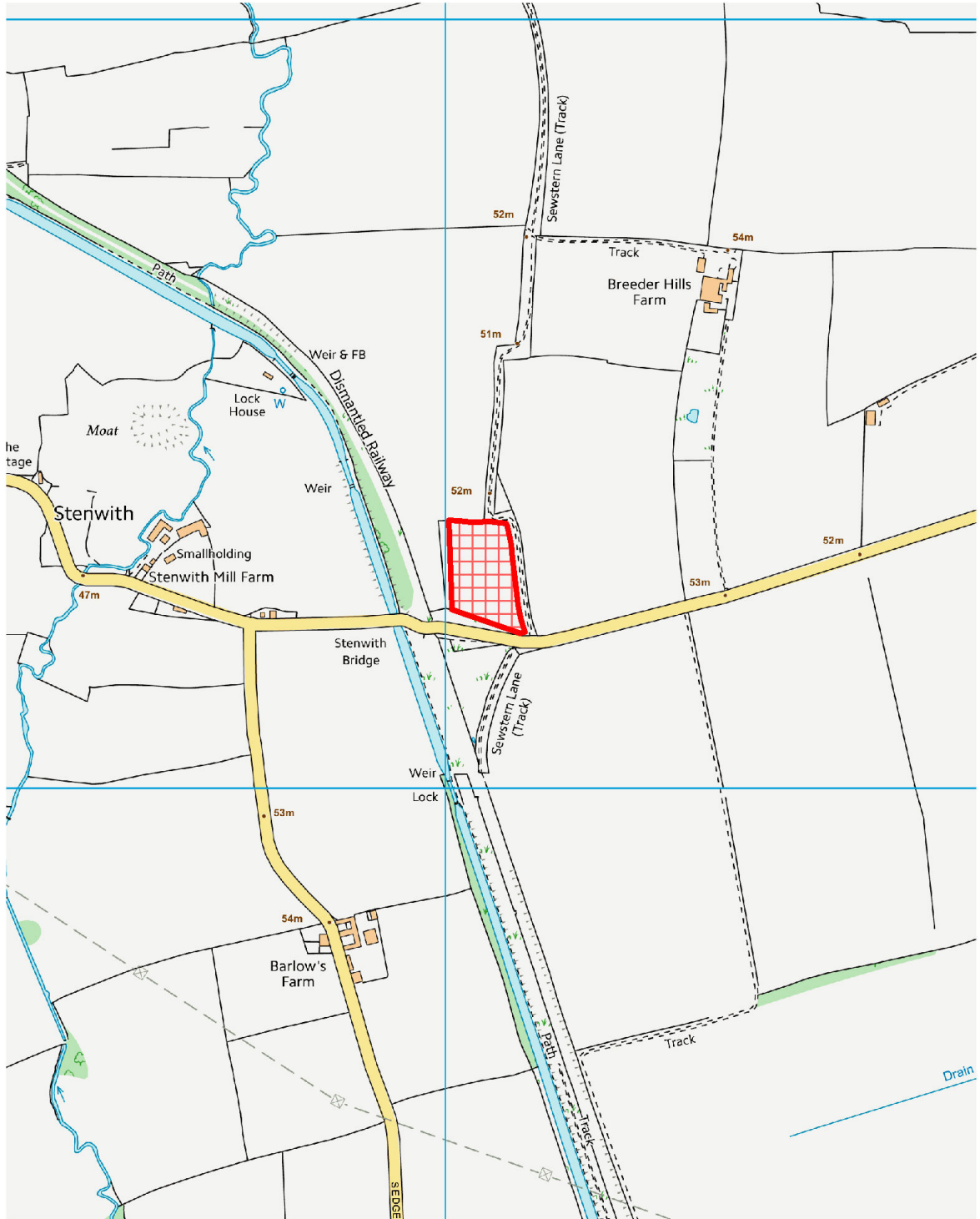
RECOMMENDATION: That the development be Refused for the following reason(s)

1. In the absence of a proven local need for this proposal the scheme represents an unwarranted development in an unsustainable location contrary to National Planning Policy for Traveller Sites (March 2012), NPPF (Paragraphs 6 -17: Achieving Sustainable Development & Section 4: Promoting sustainable transport), Policies 1, 3 & 16 of The East Midlands Regional Plan and Policies H4 and SP1 of the adopted South Kesteven Core Strategy.
2. The applicant has failed to demonstrate that the surface water drainage of the site would be adequate. In the absence of this information the development is contrary to Policy EN2 of the adopted South Kesteven Core Strategy.
3. The applicant has failed to demonstrate that the development would not have an adverse impact upon local ecology. In the absence of this information the development is contrary to NPPF (Section 11: Conserving and enhancing the natural environment) Policy 26 of the East Midlands Regional Plan and Policy EN1 of the adopted South Kesteven Core Strategy.

* * * * *

Site Location Plan

Ref	S12/0054
Proposal	Change of use from agricultural land to Gypsy/Traveller site including ten mobile home pitches, associated access road and wc blocks.
Location	Land At Woolsthorpe Lane, Sedgebrook, Grantham



© South Kesteven District Council (2012) - Licence No. 100018662

Applicant	Mr C Thompson, Enduro UK Lound Depot, Bourne Road, Lound, Bourne, Lincolnshire, PE10 0JY
Agent	Mr C Toulson, Plan A Designworks Datum House, 3, Commerce Road, Lynch Wood, Peterborough, PE2 6LR
Proposal	Change of Use to motorcycle dirt track, retention of portacabins and earthworks. Use for 24 events during a 12 month period. (Retrospective)
Location	Warren Farm, Main Street, Witham On The Hill, Bourne, PE10 0JN
App Type	Major Full (Non-residential)
Parish(es)	Careby, Aunby & Holywell, Witham on the Hill
Reason for Referral to Committee	Considered to be locally controversial.
Recommendation Summary	That the development be Refused.

Key Issues

- Access to the site and vehicle movements associated with the development, including highway safety.
- Impact of development on residential amenity and the adjacent Nature Reserve through noise that may be generated.
- Whether the principle of the development should be supported in this location.
- Environmental considerations including possible pollution and loss of agricultural land.

Technical Documents

- Application Forms
- Site Location Plan
- Environmental Noise Assessment
- Proposed Site Plan

REPORT

The proposal

The application is for the retention of earthworks on the site to create a motorcross track along with the continued use of the land for the same purposes. In addition, a portacabin is on site and also considered as part of this proposal.

The application site and its surroundings

The application site is a former agricultural field to the south of Stanton's Pit Nature reserve. It should also be noted that the site actually falls within the Parish of Careby, Aunby and Holywell, not Witham on the Hill.

Vehicular access to the site is from Main Street Witham on the Hill, a C classified road. There is an existing access point which is currently used to access the Nature Reserve and farm buildings further along the track. The access track, in terms of maintenance, is typical of a farm track and primarily compacted earth mixed with hardcore.

In terms of physical alterations to the land the main impacts are through the earthworks to create jumps and other physical features e.g. a portacabin. The majority of the course is marked by simple wooden posts stuck into the ground with rope between. A small area of hardstanding has been laid where drainage is poor and holes dug to assist with the same.

To the immediate north of the application site is a large mound of earth approximately 9m tall. It is understood that this was created when the land was a gravel pit and this has now been converted into the Stanton's Pit Nature Reserve, which includes a bird hide and small area for parking. To the immediate south and west the land is relatively open and some 200m to the east a wood.

The nearest dwellings to the site are approximately 300m away and include West and Oak Tree Farm; along with dwellings that were barns formerly associated with these farmsteads. The nearest property within Careby is some 600m away from the application site.

Site History

There is no planning history to the site which indicates that the land has been used for similar purposes in the past.

The applicants contest that the site has been used within the last couple of years by another motorcross group but the Council has no evidence to substantiate whether or not this is the case. Furthermore, given the retrospective nature of the application it is unclear what earthworks were carried out by the applicant and those that are natural features. That said, from an aerial photograph dating to 2006 there does not appear to have been any earth works on the site with it being a flat agricultural field.

Policy Considerations

National Planning Policy Framework

Section 1: Delivering sustainable development

Section 3: Supporting a Prosperous rural economy
Section 4: Promoting sustainable transport
Section 11: Conserving and enhancing the natural environment

East Midlands Regional Plan

Policy 1 – Regional Core Objectives
Policy 24 – Regional Priorities for Rural Diversification
Policy 41 – Regional Priorities for Culture, Sport and Recreation

South Kesteven Core Strategy 2010

SP1 – Spatial Strategy
EN1 – Protection and Enhancement of the Character of the District
EN2 – Reducing the Risk of Flooding
E1 – Employment Development

SAP4 – Business Development in the Countryside (including Rural Diversification Scheme)

Representations received

The Environment Agency (EA) does not object to the application although they request that additional information should be forwarded to the applicant about pollution control should permission be granted. This should cover issues including surface water drainage and how to control leaks if they were to occur on site.

Lincolnshire County Council, as Highway Authority, object to the application on the grounds that visibility at the junction is poor and would be harmful to highway safety through the increase and type of vehicles utilising the access.

Natural England note that the application does not appear to affect any statutorily protected sites or landscapes, or have a significant impact on the conservation of soils, nor is the proposal EIA development. However, the organisation would still expect the Local Planning Authority to consider protected species, local wildlife sites and biodiversity enhancements.

Environmental Protection note that the noise report concludes only bikes fitted with silencers are permissible for the track and there would be a need to comply with the 'code of practice from organised off road motorcycle sport 1994'. It has also been indicated in the noise report that an additional bund is proposed and details of this should be sought.

Planning Policy note that policy SP1 of the Core Strategy would generally restrict development in open countryside, save for certain exceptions, including rural diversification projects. There would also be a need to consider policy EN1 which identifies that, inter alia, development should be assessed in relation to remoteness and tranquillity; noise and light pollution and the condition of the landscape.

Lincolnshire Wildlife Trust raise concern about the application and question whether or not the use is appropriate given the adjacent nature reserve which should be quiet for the enjoyment of users. However, they do note that having been on site whilst an event was underway there was limited disturbance to birds. Salient points of the Wildlife Trusts observations are reproduced below;

“We have a number of concerns regarding the activities taking place adjacent to a site which is managed for wildlife and the quiet enjoyment of nature. The proposed (and indeed the existing)

use of the site in question is at odds with the established nature reserve and may dissuade legitimate visitors from visiting. We feel that a more appropriate location should have been sought.

We have some concern that the noisy motorcycles may disturb birds using the nature reserve. Recent experience during one of the motorcycle events suggests that some birds may not be affected, however we do not know if this one-off experience was typical or how any effects may change throughout the year, with different bird assemblages and varying levels of vegetation cover. We note that no lighting is proposed as part of this application, however we would like to take this opportunity to express our concerns should any lighting around the track be considered in the future.

We have recently experienced some vandalism of stock fencing and the field gate which has been attributed to people attempting to gain unauthorised access to the motorcycle track. Whilst we are grateful that the owners have made contact and offered to repair the damage, we are concerned that further damage to our property may occur with the continued usage of the track.

Whilst some of the perceived issues may be dealt with in time through liaison with the site owners, we feel that a motorcycle track in this location is inappropriate and is likely to result in additional work and expense for the Trust, as well as spoiling visitors' enjoyment of the nature reserve".

Additional observations were also received from Lincolnshire Wildlife Trust following observations from a third party on the application. Their additional comments are reproduced below;

"The Trust would have concerns about refuelling on site and we are pleased to see that you have highlighted this issue with South Kesteven District Council (SKDC). If there were to be any spillages, this could cause a pollution incident on the nature reserve, potentially damaging wildlife and requiring clearing up. We would recommend that SKDC should place a condition on any planning permission to the effect that there should be no refuelling on site, or that if there is to be refuelling, suitable pollution control measures should be put in place by the applicant.

You mention that there are guidelines which state that there should be a separation distance of at least 1.5km from nature reserves. We are not aware of this guidance and would be grateful if you could provide us with a copy or the reference.

I have discussed the issue with colleagues at some length and whilst we do have some concerns about potential disturbance to birds using the adjacent Stanton's Pit nature reserve, this does not appear to have been a significant issue so far. Birds are often able to habituate to this kind of disturbance and it is likely that regular dog-walkers on the reserve cause more disturbance than the occasional noise of the motorcycle track. The main issue as we see it is the appropriateness (or not), of a motorcycle track sited adjacent to a site meant for the quiet enjoyment and appreciation of nature.

I have copied in the SKDC Case Officer, Nigel Bryan, so that he can see our response to your email. If the applicant submits further information in support of the application, we would be pleased to be consulted by SKDC and to provide further comments as appropriate".

Witham on the Hill Parish Council object to the application and their reasons for objecting are drafted below;

"The Parish Councils wishes to enter an objection with regard to this application as follows:

1. Paragraph 4.2: There appears to be no genuine background noise measurement, this should be re-done during prevailing wind conditions when nuisance would be at its greatest.

2. It was felt that a noise test should be carried out by South Kesteven District Council and that the results be forwarded to all interested parties before a decision is made at committee;
3. Excessive noise can be heard in Bottom Street, Witham on the Hill;
4. Residents from West Farm have reported that their children have not been able to play outside due to the excessive noise and the effects on their ears;
5. People who use the nature reserve next to the land had reported that their enjoyment had been affected due to the excessive noise;
6. It had been observed that vehicles had to swing out onto the opposite side of the road to access the entrance to the event.
7. Vehicles were turning down West Farm entrance instead of Warren Farm because of poor signage.
8. There has been a significant increase in the number of vehicles along Main Street, at weekends as the events have gradually gone up to 24, with other events such as BMX and Mountain Biking proposed. Such an increase would have an impact on the amount of disruption for local residents and traffic levels.
9. The village main road has many twists and turns and this could lead to accidents. Events are held in the village at Witham Hall School, the Parish Hall and the Village Green with parking taking place mainly on the side of the road.
10. There is concern about the possible use of the portacabin selling food and beverages.

It was also noted that a recent planning application for a Golf Course outside the village on the same stretch of road, was refused in June 2011 and this decision upheld at Appeal in December 2011 for the following reasons: -

1. Notwithstanding that the proposal would have limited visual impact on the character of the area it is considered that the proposed golf course would be in a location detached from a Local Service Centre and lead to a form of development that would generate an unacceptable level of vehicle movements in an unsustainable location. Furthermore, there would be limited economic benefits to the local economy with no identified need for the development.

The proposal is therefore deemed contrary to core strategy policy SP1, E1 and SAP4 of Site Allocation and Policies Development Plan Document along with being contrary to guidance contained in PPS4.

It is felt that this reason also applies to the application under discussion.

If the committee are minded to approve the application:

1. Temporary signage should be placed on the east side of West Farm entrance so that vehicles can properly find the site;
2. There should be a restriction on the hours for each event – 10:00 – 16:00
3. There should be intermittent monitoring of the noise at various locations inside the site and surrounding area, especially properties at West Farm.
4. Environment Noise Assessment - Paragraph 6.1: Earth bank should be completed before any further events”.

Careby, Holywell and Aunby Parish meeting object to the application and their observations are reproduced below;

“I am writing on behalf of Careby, Holywell & Aunby Parish Meeting to object to the above retrospective planning application. I enclose for information a note of the minutes of our 8 August meeting which captures the principal concerns raised by residents.

Having read the applicant’s proposals, and met with locals to discuss, we are extremely concerned about the proposed use of the site and the lack of supporting information accompanying the proposals.

Insufficient supporting information

In our view it is not clear what is being proposed in the application and there is insufficient supporting information.

The description of development refers to 24 events during a 12 month period. However, there is no definition of an event; it could mean a meeting which takes place over a 2 or 3 day weekend. There is also a danger that events only take place over weekends during summer months where 24 events would allow the site to operate every weekend between April to September; the time when many residents would expect to enjoy sitting outside in their gardens and have their windows open.

No transport information was submitted with the application and it is surprising that the application was registered given that highways is one of the principal planning issues.

The two page design and access statement does not explain what is proposed and is technically deficient. In our view it fails to accord with the Planning (Development Management Procedure) (England) Order 2010, where Part 2(8) sets out specific requirements in respect of the content of Design and Access Statements. Contrary to those regulations the Applicant has not provided an explanation of the design principles and concepts (with specific reference to the amount, layout, scale, landscaping and appearance of the development) or an explanation of how the context of the site has been taken into account in the proposals. We note that there is a lack of consideration of the impact on the local landscape which, as we explain below, is a specific requirement of the Council's planning policies. We also note that disabled access matters have been overlooked.

As we come on to explain, the Applicants have also provided insufficient information in respect of noise issues.

Consideration against policy

We understand that the Council will consider the proposals in the context of the Adopted July 2010 Core Strategy and the Emerging Site Allocations Document (Submission Draft January 2012). It is noted that Policy SP1 of the Core Strategy recognises the possibility of rural diversification in the countryside including for sport and recreation purposes. However, Policy EN1 of the Core Strategy also requires all development proposals to be assessed in relation to amongst other things:

7. biodiversity and ecological networks within the landscape
9. remoteness and tranquillity
10. visual intrusion
11. noise and light pollution

Policy SAP 4 (Business Development in the Countryside including Rural Diversification Schemes) of the Site Allocations document only allows sport and recreation uses where they would meet ALL of the following criteria:

- be of a scale appropriate to the rural location
- be for a use(s) which is (are) appropriate or necessary in a rural location;
- provide local employment opportunities which make a positive contribution to supporting the rural economy.
- the use /development respects the character and appearance of the local landscape, having particular regard to the Landscape Character Assessment.
- will not negatively impact on the neighbouring uses through noise, traffic and pollution impacts.
- avoids harm to areas, features or species which are protected because they are important for wildlife, biodiversity, natural or historic assets.

As we explain below we consider that the proposals are contrary to both policy EN1 and SAP4 and should be refused permission.

Scale (Policy SAP4)

In our view it is impossible to tell whether the proposals are of an appropriate scale for the local area. As explained, an event is not defined and could comprise activities occurring over a whole weekend and for every weekend during summer months (April – September).

The application also provides virtually no details of how the track will operate and makes no reference to ancillary activities such as camping, catering and entertainment facilities which we understand often accompany these types of operations and are known to have taken place on this site at previous events.

Employment (Policy SP1 & SAP4)

Understandably the Council's rural diversification policies seek to enhance the economic wellbeing of rural areas by encouraging employment generating uses. However, in this instance, there is no evidence that the currently unauthorised motocross use provides any economic benefits or advantages. Zero employment is stated on the planning application forms and the sites remote location means that it is unlikely to benefit businesses in the closest villages of Witham on the Hill and Careby.

Noise (Policy EN1 and SAP4)

The applicant's noise assessment is based on survey results from one location during a very narrow time period. In our view it is wholly inadequate and not sufficiently robust to enable the Council to take a reasoned decision on the proposals.

The Applicant's noise assessment also fails to properly consider the noise environment in the area. The assessment does not properly reflect key characteristics of the site including:

1. Its tranquil rural location and how activity on the site will result in a significant change to the existing very low background noise levels;
2. The site's elevated location. The site is the highest point in the area, and exposed (the 62m "spot height" is within the track), making it one of the worst possible positions for motocross. Noise from the site can travel large distances unimpaired with associated impact on surrounding villages and residences. (This may account for the complaints received from Pickworth & Holywell ~3.25miles & ~2.7 miles away, and from Witham on the Hill ~1 mile away.)
3. How the intermittent character, duration and timing of the noise generated by high revving motorcycles being used for racing generates impact beyond the over-simplistic db reading. The constant and rapid change in pitch/intensity of noise emitted from the site creates significant disturbance to the amenity of nearby residents.

The proposals will create disturbance, not just from the events themselves, but also the traffic before, after and during events. As the noise assessment itself acknowledges background traffic creates significant 'spikes' in the noise environment but has failed to consider how traffic generation from the site itself would contribute to these spikes and therefore disturb residents during ordinarily quieter weekends.

We understand that the Auto Cycle Union lists several different machine noise test procedures in their 2012 Handbook, and differing noise limits. Whilst the applicant references a 96db maximum noise target, it is unclear which, if any, of the ACU's listed test procedures is, or would be deployed to measure this, or why a 96db limit is proposed where a significantly lower target is referenced in the Handbook.

Whilst the noise etc. generated by this change of use is aggravating and annoying for many people, there will be no respite for the families living closest (300m & 600m) to the site. By all accounts it is just not possible to adequately mitigate the environmental impact of this application for these people.

Further concern relates to the potential for additional practice sessions, official or otherwise, and the associated disturbance outside the events themselves.

Biodiversity (Policy EN1 and SAP3)

The site's northern boundary abuts Stanton's Pit nature reserve. An established wildlife haven equipped with a hide built for use by wheelchair users and the able bodied. Whilst the adverse impact on wildlife is not actually proven, motocross with associated noise, dust & traffic will certainly adversely impact ongoing visitors' experience. With 30 alternative motocross facilities listed in the "Total MX" directory, all 50 miles or less distant there can be no justification for spoiling Stanton's Pit.

Highways (Policy SAP3)

Road access to the proposed site is via a potentially dangerous junction. The Witham on the Hill to Little Bytham road (C432) is subject to a 60 mph speed limit and visibility from Enduro's proposed access is around 100 to 120m to the south. The risk of collision with the larger, slower vehicles bearing motorcycles (vans, trailers, converted coaches & lorries) emerging from Enduro UK's proposed site onto the C432 needs careful consideration. (Please note two "Personal Injury Accidents" are recorded within about 100m of the above junction during the last 13 months. A further 7 PIAs at the junction of the C432 and the A6121 near Toft, a principle route to the site, are also on record for the 5 years to 30th June 2012).

Rural Tranquillity & Landscape (Policy EN1 and SAP4)

Taking into account the remote nature of the site and the expectation of its tranquillity, the noise and disturbance generated by the proposals is, in our view, contrary to Policy EN1 of the Core Strategy. In our view, rural diversification should not be at the expense of the tranquillity of the countryside. Other rural sites closer to the background noise of busy roads would be better suited to this use, not an elevated site close to two settlements and a number of houses.

Summary

In summary, we have a number of concerns about the proposals particularly in relation to their impact through noise and traffic. However, it is not possible to reach a fully considered view on the application because submitted materials with the application are wholly inadequate.

In our view it is essential for Council Officers and Members to visit the site during an event and other comparable sites within the district so there is a proper understanding of the likely impacts of the scheme.

We trust the Council will seek further information and allow us to comment in due course before determining the proposals".

Representations received as a result of publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement with the closing date for representations being the 03 August.

At the time of writing a total of 33 representations have been received and object to the application. A summary of the concerns raised are drafted below;

- The retrospective nature of the application gives cause for concern about future management of the site
- Noise from the motor bikes is harmful to the amenity of neighbouring properties and could possibly lead to mental health problems and ruining the quiet enjoyment of the rural environment
- Possible use and expansion of the number of days should permission be granted

- Pollution from the bikes into neighbouring water courses
- Negative impacts on the adjacent Nature reserve and wildlife generally through noise that generated by the bikes which would deter visitors and harm wildlife generally
- Harmful to the economy through a reduced number of bookings for nearby Bed and Breakfasts
- Sunday is a day of rest and should be respected nor should it impact on Church services.
- The access point to the main road is substandard and a hot spot for accidents, the use would exacerbate existing problems
- Re-fuelling is occurring on-site and any waste will pollute the land and/or watercourse
- What constitutes an 'event', how many days will the site be used in a calendar year
- Jet-washing of vehicles is occurring and this will cause pollution from the run-off
- Valuable agricultural land will be taken out of food production
- Alternative sites are readily available
- The strength of local feeling could lead to public dis-order

A further 35 letters of support have been received and a summary of their comments are drafted below;

- This is a valuable resource to local residents with there being no other such facility in the locality
- It is a facility that is good for socialising with other likeminded people and gives young people something to do
- The site is well run, safe and a good family day out
- Local business will benefit from the spin-offs of this commercial use
- There are no other sites within the locality and this one should be valued

Officer evaluation

The application is made retrospectively with the use of the land for motorcross purposes being brought to the attention of the Council late last year. Since this date the site has been used for motorcross purposes whilst the applicant has been collating information to submit a planning application; most notably a noise report.

The application is two-fold in that there is operational development on site, including the earthworks, along with a material change of use of land from agriculture to its use as motorcycle dirt track. It should be noted that the applicants contest that the site has been used for such purposes in the past; however, there is, in planning terms, no lawful use of the land for motorcross. It is possible that the site could be used for motorcycle practice for a period not exceeding 14 days in one calendar year without the need to apply for planning permission. Regardless, the earthworks to create the track require permission in their own right and this application is for the use of the site for a period of 24 days in a calendar year, over and above the permitted 14.

Highways

The access point is from a C Classified road and is currently used to access existing farm buildings and a Nature Reserve. It has been indicated that between 25 and 35 vehicles will enter the site when an event is underway and most are likely to have trailers or be vans that can accommodate bikes. Planning Inspectors have taken different views as to what visibility splay would be required in such locations and under the Design Manual for Road and Bridges a clear view of 215m would be required in each direction. Under the Manual for Streets guidance a distance of 122m would be required; regardless, neither can be achieved when exiting the site and looking left, particularly given bends in the road which would mask the presence of a car/bike. Vehicles waiting to enter the

site and turning right will also cause problems. All of the aforementioned problems would be exacerbated by the type of vehicles entering the site, which are likely to be larger than a typical domestic car.

Therefore based on the information supplied it is considered that the application as submitted would be detrimental to highway safety and is recommended for refusal on this ground.

Noise

It is noted in the submitted noise report that an initial survey of the site undertaken in February found the bikes to be a noise nuisance and this was through a small number of individual bikes. A subsequent test was undertaken with greater controls on the bikes and only those with adequate silencers were allowed to take part; this is in accordance with the Code of Practice on Noise from Organised Off-road Motorcycle Sport. With greater controls the noise nuisance to the nearest dwellings, where measurements were taken, did not form a statutory nuisance. The nearest dwellings being those on the opposite side of the road to the Nature reserve. Therefore in terms of management there would be a need to ensure that the Code of Practice is adhered to ensure that residential amenity would not be compromised through noise that would be generated. Surveys indicate that the noise level generated when the track is in use, from the nearest dwelling, is the same as the background noise and adding a +5db for a 'character' noise still indicates that any impacts would be within tolerant levels.

There is a nature reserve adjacent to the site with a bird hide and associated parking. No guidance is available as to what would constitute a noise nuisance to such a site. The noise report indicates that the use did not impact on wild birds with a number on the water when an event was taking place. Lincolnshire Wildlife Trust have expressed concern about the use and how it may deter visitors when an event is taking place but having visited the site when an event was underway there did not appear to be a negative impacts on the birds.

In addition, the noise report concludes that an additional bank to block views of the site from the nearest dwellings would be beneficial. An amended plan has been received showing where this would be sited but no details of its height have been submitted.

While the noise from the site may not be a statutory nuisance and could probably be controlled in accordance with the recognised Code of Practice, there are still concerns about the adverse impact of the use upon this quiet rural location.

The evidence submitted to-date suggests that the use could be managed to tolerable levels. Policy EN1 specifically states that the remoteness and tranquillity of rural sites must be taken into account in the consideration of planning applications.

The nature of their use, particularly the range and modulation of noise levels and the proposed daily duration of the activities, is likely to have a significant impact upon this remote, tranquil area. In particular the quiet enjoyment of the adjacent Nature Reserve will be adversely affected by the use, contrary to Policy EN1.

Principle of development

Development should normally be concentrated close to the main urban areas of the District; however, as identified in policy SP1 of the Core Strategy, exceptions can be made for rural diversification projects. Policy SAP4 of Site Allocation and Policies DPD expands on Business Development in the Countryside and identifies that sport and recreation uses are acceptable, subject to certain criteria. This includes the need for a rural location, impact on the character of the area, residential amenity and the local economy. The application is considered to be a rural

diversification project. It is accepted that a location closer to a Local Service Centre would reduce the need to travel but this would have to be assessed against the nature of the development which would be best located away from urban areas. Given the use it is unrealistic for users to utilise public transport to access the site with the nearest bus stop in the neighbouring villages of Witham on the Hill and Little Bytham.

Policy EN1 of the Core Strategy identifies the need to consider the impact on 14 criteria including, inter alia, the condition of the landscape, remoteness and tranquillity, visual intrusion and noise and light pollution. The visual impact from the development would be limited as views of the site are restricted by the earth bund to the north which acts as a visual barrier. Physical alterations to the site are also limited to the creation of bunds for the track and siting of a portacabin. The physical impact from the development is therefore limited and there is not considered to be any conflict with policy EN1. The impact from noise in relation to Policy EN1 is addressed above.

Policy E1 (Employment Development) of the Core Strategy identifies that rural diversification projects which require a rural location will be supported subject to them supporting or generating a sustainable rural economy. It is noted that the site is proposed to be used for a period of 24 events and whilst there would be some economic benefits from the site it is likely that these would be sporadic in nature given the temporary use of the site and limited to part time employment or even volunteering e.g. marshals.

There is, therefore, a policy objection to the proposal because of the likely impact from noise upon this quiet tranquil area. There is also the detrimental impact that the development would have on highway safety.

Other considerations

It is accepted that farmland would be taken out of production as a result of the application; however, it is not felt that this one issue would justify a refusal of permission although could add weight to a refusal should members feel that the location of the development is inappropriate. In addition, attention has been drawn to the refusal of permission for a golf course (ref; S10/2296) and subsequent dismissal of appeal for a site some 800M away, to the west of Witham on the Hill. It is noted that there are parallels between the two applications in terms of sustainability but given that the proposed use is one that would be best located away from major urban areas an isolated location is actually sought after. The National Planning Policy Framework has also superseded Planning Policy Guidance notes and there is no requirement to look at sequentially preferable sites.

It has been indicated that re-fuelling will not take place on site and this could be controlled if necessary. With the site formerly being an agricultural field there is unlikely to be any negative impacts on local wildlife and birds on the adjacent nature reserve appear unaffected.

Section 106 Heads of Terms

Given the proposed use there is no requirement for a section 106 Legal Agreement.

Crime and Disorder

The proposed development does not raise any significant crime and disorder implications for the local area.

Human Right Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

Summary of reason(s) for refusal

The application in terms of broad sustainable and noise considerations is finely balanced. However, vehicle movements associated with the development would be detrimental to highway safety with the access point on a C classified road with poor visibility along its length a situation made worse by the type and number of vehicles likely to be utilising the site. The impact of the use upon this quiet, tranquil area would be contrary to Policy EN1 together with detrimental impact of the development on highway safety is considered to be enough to justify a refusal of planning permission.

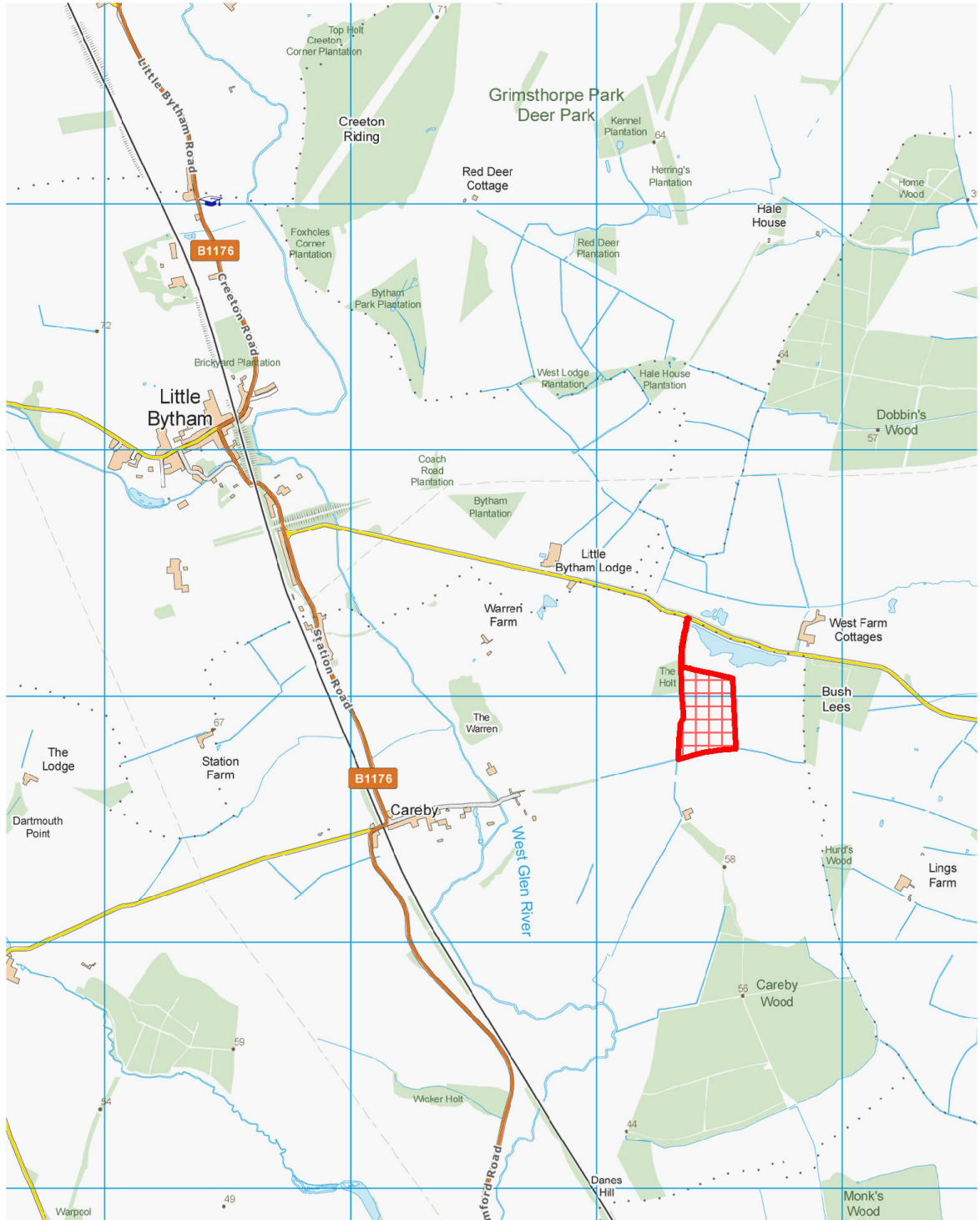
RECOMMENDATION: That the development be Refused for the following reason(s)

1. The proposal if permitted is likely to result in an increase in the number of private vehicles entering, leaving, waiting and turning right on the Main Road where visibility afforded to following or oncoming traffic and for drivers of vehicles entering the highway is below the national recommended distance. The consequent danger to highway safety and interruption that will be caused to other road users cannot be justified.
2. Visibility to the west from the proposed point of access to Main Road is substantially below requirements as indicated both on the drawings submitted and from observations on site due to the geometry of the road and presence of mature hedge and tree lines. It is considered that vehicles emerging from the access will be in conflict with traffic travelling west-east due to the lack of forward visibility, on Main Road and visibility from the point of egress on the minor road contrary to the interests of highway safety.
3. The range of noise levels from this site would have an adverse impact upon the remoteness and tranquillity of this area, particularly the quiet enjoyment of the adjacent nature reserve, contrary to Policy EN1 of the South Kesteven Core Strategy.

* * * * *

Site Location Plan

Ref	S12/1350
Proposal	Change of Use to motorcycle dirt track, retention of portacabins and earthworks. Use for 24 events during a 12 month period. (Retrospective)
Location	Warren Farm, Main Street, Witham On The Hill, Bourne, PE10 0JN



© South Kesteven District Council (2012) - Licence No. 100018662

Applicant	Mr Dick Baines Lodge Farm, Carlton Scroop, Grantham, NG323AZ
Agent	Mr Conor McAllister, Entrust Professional Services Ltd Daresbury Innovation Centre, Keckwick Lane, Daresbury, Warrington, Cheshire, WA4 4FS
Proposal	Two wind turbines (hub height 29.6m, rotor diameter 20m and total ground to tip height 39.6m) and associated works
Location	Lodge Farm, Main Street, Carlton Scroop, Grantham, NG32 3AU
App Type	Full Planning Permission
Parish(es)	Carlton Scroop
Reason for Referral to Committee	This application was first discussed at the committee meeting of 06 March 2012. At that meeting the committee voted to defer the application with a request for further information: an on site background noise survey and an on site ecology survey. Clarification from the applicant on the positive benefits of the proposal was also requested.
Recommendation Summary	Approve subject to conditions

Key Issues

- The Government Position on Renewable Energy
- Landscape and Visual Impact (including cumulative impact)
- Impact on the Setting of Heritage Assets
- Noise, Disturbance and Amenity Issues
- Impact on Wildlife and Biodiversity

Technical Documents Submitted with the Application

- Design and Access Statement
- Heritage Impact Assessment
- Traffic Management Statement
- Noise Report
- Background Noise Assessment
- Ecological Survey
- Extended Phase 1 Habitat Report
- Bird Species Data
- ZVI (Zone of Visual Influence)

REPORT

Application Category

This application is categorised as a minor application for planning permission.

Reason for Referral to Committee

This application was first discussed at the committee meeting of 06 March 2012. At that meeting the committee voted to defer the application with a request for further information: an on site background noise survey and an on site ecology survey. Clarification from the applicant on the positive benefits of the proposal was also requested.

The Proposal

The proposal is for two small scale wind turbines with a hub height of 29.6m, rotor diameter of 20m and an overall height to blade tip of 39.6m. There would be a separation distance of 100m between the turbines.

The access track shown on the plan shows the route that would be taken by vehicles during construction and maintenance and would not involve construction of a hard surface.

The route taken for any cabling to connect to the grid and any ancillary buildings are not included in the plans. It is assumed that underground cabling would go directly to the applicant's farmstead across land in the applicant's ownership. A separate planning application may be necessary for any such works which are deemed to be development requiring planning permission.

The application site and its surroundings

The site is in open countryside located approximately 1.2km to the northwest of Carlton Scroop village. The turbines would be located within arable farmland on the gently undulating top of a plateau (approx 74m AOD) which forms part of a secondary escarpment to the higher ground of the Lincolnshire Edge escarpment to the east. Immediately adjacent to the site is a small area of uncultivated land where a former ironstone working has been filled in. The plateau slopes gently down towards the vale to the east and more abruptly down to the low lying Vale of Belvoir to the north and west and the vale containing the Honington Brook which forms part of the Ancaster Gap to the south. The nearest dwellings include a small cluster of dwellings approximately 550m to the east and two isolated farms between 550m and 700m to the west and south west.

Site History

A formal request for a screening opinion for an identical proposal, located approximately 400m to the west of the current application site was submitted in May 2011 (S11/1468/EIASO) to determine whether the proposed turbines would fall into the category of Environmental Impact Assessment (EIA) development. It was determined in accordance with the EIA regulations and having regard to government guidance that it was not EIA development.

The current application involves the same number of turbines of the same type and height but in a different location. Although some 400m to the east, it is considered that the context is not

significantly different in terms of landscape sensitivity, distance from buildings, landscape features, ecology and heritage assets etc and therefore that an EIA is not considered necessary or appropriate.

Notwithstanding the above, an objector has made a direct request to the Secretary of State to make a screening opinion direction under regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Secretary of State has confirmed that the current proposal is not EIA Development.

An EIA would only be reasonably necessary in the case of large scale or particularly complex schemes which are likely to have significant and wide ranging environmental impacts, for example a nuclear power station, chemical works or major infrastructure project. In the case of wind energy developments, government guidance indicates that EIA is only likely to be applicable to large scale wind farms of more than five turbines and > 5MW output.

For the avoidance of doubt it should be noted that a screening opinion is a technical exercise to determine whether the development falls under a particular category of planning application (EIA Development) – it has no bearing on the acceptability or otherwise of a proposal. Furthermore, if it is deemed that a proposal is not EIA development, this does not override the need for the applicant to submit sufficient information with a planning application to enable the local planning authority to fully assess all the environmental impacts of the proposal.

Representations Received

The Senior Historic Environment Officer (Archaeology): The proposed development does not affect any known archaeological sites.

The Highways Authority: No objection subject to delivery being carried out in accordance with the submitted Traffic Management Statement. The Highways Authority considers that the proposed development will not be detrimental to highway safety and traffic capacity.

Natural England (comments summarised, on application as originally submitted): Natural England do not normally give specific comments on most planning applications and refer to their standing advice. However in this case they were asked to comment specifically on the ecological survey after its legitimacy and accuracy was questioned by objectors. They have stated that whilst they can understand some of the concerns raised by objectors, in particular relating to the methodology, they do not wish to change their original comments relating to standing advice. They conclude that the Local Planning Authority should be satisfied that the information provided is sufficient to ensure that protected species are not adversely affected. They have confirmed however that in terms of the impact on birds and protected species, the sensitivity of the site is low.

Natural England (initial comments on site specific ecology survey 28 August 2012). Natural England refer to their standing advice only commenting on bats and great crested newts. Their main points are outlined below:

This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.

We have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Bats and Great Crested Newts

Natural England (further comments on site specific ecology survey 14 September 2012). Natural England were asked to give further comments on the methodology and scope of the ecological survey for the avoidance of doubt.

A few points to note which you should use along with our response gave to you (dated 28th August, ref – 61718) which ultimately should remain our statutory response to this consultation.

As previously advised, we are pleased to note that the applicant has undertaken a Phase 1 habitat survey (with bat survey) which has managed to address our previous concerns. We recommend that the mitigation/recommendations made by the ecologist in section 6 of the Phase 1 habitat survey are carried out as part of the development – this includes siting the turbines greater than 50m from bat features of interest, a post-construction monitoring scheme for bats and reasonable avoidance measures (method statement) for great crested newt. These should all be carried out as part of the development and secured via planning condition if necessary.

We welcome the scheme of farmland bird enhancement (to compliment the HLS scheme) that has been proposed by the applicant. This will ultimately 'offset' the impact of the proposed turbines on farmland birds (such as skylark) by improving habitat away from the turbine site – this should be secured via condition if necessary.

Barn owl – it is clear (from the evidence provided by Mr Worth) that barn owl are breeding successfully in the area. Therefore, as per their legal protection under the Wildlife and Countryside Act 1981, they represent a material consideration in the determination of the application. The impact of the proposed wind turbines needs to be successfully mitigated for and simply making habitat unsuitable for them does not represent satisfactory mitigation. Whilst this will reduce the potential for collision with the turbines (which is welcomed), there is no form of habitat improvement (via land management, barn owl boxes etc) away from the site to offset the loss of this area to the wind turbines. Whilst it should be noted that barn owls won't automatically collide with the turbines (a degree of evasive action can be expected), as with any planning application, a net loss for biodiversity should not result (as per your duties under the NPPF)

On the basis of this, prior to determination and to reflect the success of barn owl breeding in the immediate locality, we request that a definitive scheme of barn owl mitigation is provided in support of the application. The evidence from Mr Worth is clear and the Phase 1 habitat survey should not simply dismiss barn owls as not being in the area.

Point of note – the Phase 1 habitat survey is acceptable, has followed satisfactory methods etc, therefore the barn owl mitigation is the only element NE at this stage would advise your authority to consider prior to determination.

Lincolnshire Wildlife Trust (comments on application as originally submitted): LWT are satisfied that that no specific bat surveys are required as the turbines would be more than 50m from any features which could be used by commuting or foraging bats (hedgerows in this case). LWT are also satisfied, having assessed the ecology report and examined their own records, that there

should not be any significant negative impacts on protected or notable species but suggest a post-construction monitoring condition for bird and bat mortality.

Lincolnshire Wildlife Trust (comments on site specific ecology survey): At the time of writing, no further comments had been received. Any comments will be reported in the late background papers.

RSPB: No comments received

English Heritage: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

National Trust: Following the submission of extra information (Cultural Heritage Impact Assessment), the National Trust have stated that they do not object. They consider that the overall impact on the setting of Belton house and associated park and structures would be "slight" and that the renewable energy benefits outweigh the heritage impact.

CPRE: No objection to this proposal but they wish to ensure that there should not be a future proliferation of turbines in this area and that turbines are removed when their active life is over.

SKDC Principal Conservation Officer: Generally concurs with the submitted Cultural Heritage Impact Assessment and concludes that whilst there will inevitably be some impact on the setting of the heritage assets in the area, that impact will not in his opinion be sufficiently detrimental to the setting and significance of these assets to warrant refusal on the grounds that the historic environment will be unduly compromised by the proposed development. Also suggests a condition for site restoration following decommissioning.

MOD: No objection, subject to the developer notifying them of the height of any construction equipment etc before and after completion so the turbines can be plotted on flying charts and aircraft can avoid the area.

NATS: No objection

SKDC Environmental Protection (comments on application as originally submitted): Although the noise calculations are not measured on site but are based on an average of rural sites, they appear to be comparable with what would be expected in this area. The proposal would comply with the ETSU-R-97 limits, but a condition restricting decibel levels may be prudent.

SKDC Environmental Protection (comments on site specific noise survey): They have commissioned an expert noise consultant who at the time of writing, have verbally confirmed that the BWEA standard is the most appropriate by which to assess the noise of the proposal rather than ETSU-R-97. They have also confirmed that whichever standard is used, whether ETSU or the tighter BWEA standard, using the submitted on background noise figures, the noise from the turbines is likely to be well within the limits of acceptability. They have also been asked to comment on a report by a noise consultant submitted by an objector. At the time of writing no response had been received. Any comments on this as well as written confirmation on the acceptability or otherwise of the turbines in terms of noise will be reported in the late background papers.

Environment Agency: No objection

Carlton Scroop & Normanton Parish Council (Comments Summarised): Object to the application as it has not had a screening opinion; concerns about the quality of the information submitted with the

application; impact on heritage assets, the surrounding landscape, wildlife and biodiversity, noise and disturbance, and a number of other miscellaneous issues.

Hough on the Hill Parish Council (Comments Summarised): Object to the application on the grounds of visual impact particularly on Hough on the Hill including heritage assets within the village; concerns about the quality of the information submitted with the application; impact on wildlife and biodiversity, from noise and disturbance, air safety, cumulative impact, access, and a number of other miscellaneous issues.

Hougham Parish Council: No specific objection raised, but various inaccuracies in the submitted information pointed out.

Ancaster Parish Council (Comments summarised): Object to the application on the grounds of visual impact; concerns about the quality of the information submitted with the application; impact on wildlife and biodiversity, from noise and disturbance, air safety, unproven benefits of wind energy, and a number of other miscellaneous issues.

Caythorpe Parish Council: The proposal does not materially affect the parish, but the parish council wish to be consulted if and when SKDC decides upon a policy on wind turbines.

Honington Parish Council: No observations

Barkston & Syston Parish Council (Comments Summarised): Object on the grounds of visual impact; impact on wildlife and biodiversity, it would set a precedent, and a number of other miscellaneous issues.

Representations as a result of publicity

The application has been advertised in accordance with the statement of community involvement relevant to this type of planning application. At the time of writing, 58 letters of objection had been received including some letters signed by several people. Multiple letters have been received from some objectors which have been counted as a single objection.

Representations have also been received by a local opposition group called "Carlton Scroop & Normanton Action on Wind Turbines". A report prepared by a planning consultant at the request of an objector has been submitted by the above group, the parish council and the objector. The report claims that the application should be refused on the grounds of insufficient information submitted by the applicant.

A summary of the main concerns are listed below and have been grouped under various headings:

Landscape and Visual Impact

- Visual intrusion
- Would spoil the beauty and character of the area
- Inappropriate in an area of outstanding natural beauty
- They would be ugly and would destroy the scenery
- They would be on green belt land
- Cumulative impact
- Impact on golf course
- Turbines should be in industrial/urban areas
- The colour would not blend in
- Good farm land would be wasted
- Would set a precedent allowing the whole area to be covered with turbines

Ecology

- Impact on bats
- Impact on birds
- A full ecological survey is needed

Amenity

- Noise/disturbance
- Shadow flicker
- Strobe effect of lights
- Peace and tranquillity of area would be destroyed
- Interrupted sleep
- Too close to homes
- TV & radio reception will be affected
- Annoyance to walkers
- Health impact

Safety

- Ice throw
- Blade failure
- Distraction to drivers
- Danger to horses and horseriders
- Could collapse in high winds

Heritage

- Impact on Belton House
- Impact on nearby conservation area, churches and listed buildings
- Archaeological survey not done

Applicant's Submission

- Plans and documents inaccurate and misleading
- Photomontages misleading
- Lack of information
- An EIA is necessary

Other

- Contrary to policy
- Concerns over access to site
- Aviation and air safety
- How would power get to applicant
- Will put off tourists
- Will drive residents away
- Not in public interest

Concerns which are not material planning considerations

- Loss of unspoilt view from properties
- Devaluation of property
- Only the applicant will benefit
- There are other sites on applicant's farm that would be better
- Wind power is inefficient
- National Policy should be changed
- The applicant has not consulted residents

- The applicant cannot see turbines from his property
- Greed of applicant
- Applicant should consider other forms of renewable energy

In response to the extra information (noise and ecology surveys, and statement of the positive benefits) submitted since this application was last discussed at committee a further 14 letters of objection have been received. One particular objector has submitted multiple letters of objection including reports from a planning consultant, noise consultant and a barn owl expert. This has been counted as a single letter of objection. Some letters restated the concerns raised in the above list. A summary of the concerns raised specifically in relation to the extra information and any other issues that weren't raised previously are listed below:

- There would no local benefit
- The applicant's statement on the positive benefits is flawed, misleading and inadequate
- The noise survey is inadequate – questions about the methodology.
- ETSU-R-97 is out of date and should not be used.
- The ecology survey is inadequate – questions about the methodology and conclusions.
- A High Court ruling by Justice Lang says local opinion should prevail
- Contrary to LCC position statement on wind turbines

Policy Considerations

Since this application was last discussed at committee, the Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs) previously referred to, have been replaced by The National Planning Policy Framework (NPPF). The NPPF states that in determining planning applications for wind energy developments, planning authorities should follow the approach set out in the National Policy Statements (set out below).

National Policy Statements

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

National Planning Policy Framework

NPPF Section 3 Supporting a prosperous rural economy
NPPF Section 12 Conserving and enhancing the historic environment
NPPF Section 11 Conserving and enhancing the natural environment
NPPF Section 10 Meeting the challenge of climate change and flooding
NPPF Section 7 Requiring good design

East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives
Policy 26: Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27: Regional Priorities for the Historic Environment
Policy 31: Priorities for Management and Enhancement of the Region's Landscape
Policy 40: Regional Priorities for Low Carbon Energy Generation
South Kesteven Core Strategy

Policy SP1: Spatial Strategy

Policy EN1: Protection and Enhancement of the Character of the District

Policy EN3: Renewable Energy

Other Relevant Documents

Belton Setting Study 2010

South Kesteven Landscape Character Assessment (January 2007)

Companion Guide to PPS22 (Planning for Renewable Energy). NB. Although PPS22 itself has been superseded by the NPPF, the companion guide remains in force.

Emerging South Kesteven Supplementary Planning Document (SPD) on Wind Energy

Officer Evaluation

Key Issues

Government planning policy (through the NPPF, read in conjunction with National Policy Statements EN-1 & EN-3) encourages renewable energy development, including wind energy. Paragraph 98 of 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 also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

On that basis, members should be aware that the need for renewable energy should be balanced against the potential environmental impact.

Taking the above into account, the key issues that need to be considered are:

- The Government Position on Renewable Energy
- Landscape and Visual Impact (including cumulative impact)
- Impact on the Setting of Heritage Assets
- Noise, Disturbance and Amenity Issues
- Impact on Wildlife and Biodiversity

It should be noted that since this application was last discussed at committee, the Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs) previously referred to, have been replaced by The National Planning Policy Framework (NPPF).

Quality and Accuracy of Submitted Information

Concern has been raised by a number of objectors including various parish councils about the quality and level of information submitted by the applicant including a number of minor inaccuracies in the supporting documents. Whilst it is acknowledged that there are some contradictory statements and minor inaccuracies in the supporting documents and that the photomontages are not all of the highest quality, it is considered that sufficient information has been submitted to enable officers and consultees to fully assess the impacts of the proposal and reach a reasoned judgement.

Government Position on Renewable Energy

National planning policy given in the National Planning Policy Framework (NPPF) read in conjunction with National Policy Statements EN1 - Overarching National Policy Statement for Energy & EN3 – Renewable Energy Infrastructure promotes the development of renewable energy resources and

stresses the need to reduce carbon dioxide emissions which are considered to be contributing to climate change.

Paragraph 97 of the NPPF states:

To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

Many objectors have raised concerns about what they consider to be the very small capacity of the turbines and the lack of direct benefits to the local community. The applicant (including his farm business) would benefit from reduced energy costs, and any excess would be returned to the national grid. The government's view is that the wider positive benefits of small scale schemes such as this are through a reduction in demand for energy that would otherwise be produced from fossil fuel sources. The government, through the NPPF considers that this represents a benefit to society as a whole and an indirect benefit, (albeit smallscale) to the local community. Although it may be a relatively modest contribution, the NPPF is supportive of small scale schemes stating in paragraph 98 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 also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

The Development Plan i.e. The East Midlands Regional Plan (RSS8) and The South Kesteven Core Strategy sets out policies on wind energy at the regional and local level and is fully in accordance with national policy (NPPF) in its approach to wind energy development. RSS8 states that consideration should be given to the contribution of wind generation projects to regional renewable targets and national and international objectives on climate change. The South Kesteven Core Strategy (policy EN3) is generally supportive of renewable energy schemes as long as they accord with other core strategy policies which in this case will mean policy EN1 relating to the impact on the surrounding environment.

Reaching a Balanced Conclusion

Taking the above into account, it is clear that small scale schemes generating low output have some benefits which should be given due weight and balanced against the environmental impacts.

In assessing whether the environmental impacts are acceptable (or can be made acceptable) a significant degree of judgement is necessary whilst taking into account the local context, statutory designations, any relevant planning policies and technical guidance, statutory consultee comments and other sources of information. Objectors have referred to a recent High Court case involving a windfarm at Hemsby in Norfolk claiming that this means that local opinion should take precedent over the positive benefits. This case appears to have been widely misinterpreted and has not in any way changed the legal framework in which planning decisions must be made or changed planning policy. In this High Court case, the developer had taken the case to court on the basis that the LPA and planning inspector had erred in law by giving greater weight to environmental impact and local plan policies than to the need for renewable energy. Mr Justice Lang merely clarified that LPAs are entitled to balance the need for renewable energy against the environmental impact and to make an informed judgement as to when the impact becomes unacceptable. The case has confirmed the well established legal position that planning decisions including windfarms should be made on the basis of the Development Plan and all relevant material considerations. The weight given to each consideration is a matter for the decision makers i.e. the LPA or the planning inspectorate. In this

case the LPA and subsequently the inspector considered that the environmental impact outweighed the positive benefits and was unacceptably detrimental, the site in question being particularly sensitive and already affected by other nearby windfarms. The significant cumulative impact on a designated Area of Outstanding Natural Beauty was a major factor in this decision.

In general terms, the degree of environmental impact of a wind energy development will correspond to the level of output, for example a large scale windfarm with an output of 5MW will have a far more significant and wide reaching impact than a single turbine of 30KW by virtue of the scale and type of equipment necessary. Wind turbines are generally designed to be the optimum size/height for the job they are required to do and it is unlikely that a wind turbine using current technology could be significantly reduced in size, or fundamentally changed in appearance and still produce the same output. Therefore, the ratio of size to output is unlikely to be a significant factor in determining whether the environmental impact is acceptable.

The next step is to evaluate the scale, design, location etc of the proposal against the impact on the specific characteristics and context of the site i.e. landscape sensitivity, heritage assets, proximity to residential dwellings etc and come to a balanced conclusion as to whether the impact is acceptable or not.

The NPPF states that in determining planning applications for wind energy developments, planning authorities should follow the approach set out in The Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Renewable Energy Infrastructure (EN-3) when assessing the likely impacts. The impacts are assessed in the following sections and weighed against the positive benefits.

Landscape and Visual Impact

The general thrust of policy (including the NPPF, RSS8 and Core Strategy policy SP1) is to restrict development in the open countryside. However there are some exceptions to this general rule including rural diversification projects and development which requires a location away from built up areas. Wind turbines are one type of development that in general requires such a location.

Wind turbines are tall structures which by their nature, stand out to some degree and cannot be easily hidden or disguised in any landscape. The key issue here is not whether they would be visible, but the degree to which the proposed development would have an impact on quality and character of the landscape.

Core Strategy policy EN1 requires development to be assessed against a number of criteria. The South Kesteven Landscape Character Assessment (LCA) has been used to inform this policy and identifies the general characteristics of seven landscape areas, each of which displays distinct characteristics of topography, agricultural usage, field systems and settlement patterns as well as historic building styles. The site lies within "The Trent and Belvoir Vales" character area, although it is on a plateau of approximately 2km x 4km, adjacent to the Vale, rather than on the floor of the Vale itself. The site is also close to the "Southern Lincolnshire Edge" character area to the east and will to some extent have an impact on it. The "Grantham Scarps and Valleys" character area is some 3km to the south and would be affected to a lesser extent.

The landscape around the application site in which the turbines would be visible has its own specific characteristics, as well as features in common with all these character areas, and can be separated into two distinct elements – The immediate landscape and the vales and scarps beyond.

The turbines would be sited on elevated land of approx 75m AOD which takes the form of a plateau which slopes gently down towards the east. This area has more in common with the Southern Lincolnshire Edge character area with long uninterrupted views and wide horizons. The immediate

surroundings consist of open and gently undulating countryside with few landscape features of intrinsic sensitivity and little settlement. Concern has been raised that the turbines would ruin unspoilt countryside, although in this immediate area, it is mostly intensively farmed arable land with large fields, many having had the hedgerow boundaries removed. The land is also scarred from filled in ironstone workings. Within this plateau zone, when viewed from the south and east, the turbines would mostly appear as isolated features within a wide and fairly featureless landscape of arable farmland dotted with trees and small woodlands. When viewed from the west and north however, this landscape is framed by the higher ground of the Lincolnshire Edge and Grantham escarpments and the turbines would be seen against this backdrop.

The wider landscape beyond the plateau top is more complex and has a more dramatic topography with its mixture of scarps and vales. However, it is not a statutorily designated area and therefore not deemed to be of the highest quality or to warrant the same degree of protection. It is also not entirely unspoilt with the Carlton Scroop telecoms transmitter being a well established feature which to some extent dominates the area.

Beyond the immediate plateau, the turbines would be visible only from longer range vantage points, particularly the vales to the east and south forming the "Ancaster Gap" and the scarp of the "cliff" beyond Carlton Scroop and Normanton on Cliff. The varied nature of the landscape means that the visual impact would not be the same from all angles although the distances involved means that the turbines would be relatively low key features in the landscape as a whole.

From certain angles, (as can be seen on the ZVI – the plan which shows the extent of the area within which the turbines would be visible), the turbines would be wholly or partially obscured by woodland or the local topography. This would include part of Carlton Scroop village and the low lying land to the immediate northwest, west and south of the plateau. The turbines would be set well back from the steeper plateau edges. From some vantage points such as the land to the west towards Gelston and Hough on the Hill, and from the top of the "cliff" to the east of Carlton Scroop, they would be seen partially against the backdrop of the higher ground in the distance.

From all other vantage points, they would be visible wholly or partially on the horizon and as with all wind turbines, would have an impact on the landscape to some degree. However, taking into account the relatively small scale of the turbines, the separation distance from these vantage points as well as other landscape features on the horizon (woodlands, trees, buildings etc), it is considered that they would not be unduly prominent and that the immediate and wider landscape would not be unduly harmed.

Cumulative Impact

National Policy Statement EN-3 states that the cumulative impact of wind energy developments in the area should be taken into account. For the avoidance of doubt, this includes all existing turbines, consented turbines or planning applications for turbines currently under consideration. It does not include previous screening or scoping opinions or future schemes for which planning permission has not yet been sought.

In this case the only other relevant wind turbine scheme in the area is at Frinkley Farm. This is a single turbine of hub height 50m, blade diameter 33.4m and total ground to tip height 66.7m, approved by committee in March 2011 (S10/1759). It has been recently erected and is approximately 2.6km to the south west of the site. The much larger Carlton Scroop telecoms transmitter on Heath Lane has also been taken into account. There is a recently approved and installed (S11/2713) single wind turbine at Allington of similar dimensions to the current scheme although this is considered to be sufficiently distant (approximately 8.5km) to have no cumulative impact.

The Frinkley Farm turbine is significantly larger than the two proposed at Carlton Scroop and is not easily visible from within Carlton Scroop village itself and the areas to the north and east of the application site. Where it can be seen from this area, whilst it would be possible in some locations to see it and the proposed turbines in the same view, it has the appearance of a distant and low key feature on the horizon. The cumulative impact from this angle is therefore considered to be low. Views looking northwards from the vale to the south of the site, including from the A607 are those most likely to be affected by the cumulative impact, where all three turbines as well as the Carlton Scroop telecoms transmitter would be partially visible on the horizon. Looking southwards from Caythorpe, the proposed turbines and the telecoms transmitter would also be visible together. However, these features would be well separated and would not clutter the horizon which is already broken by woodlands. Taking into account the relatively small scale of the proposed turbines in relation to the landscape and the other features, as well as the significant separation distance (Frinkley Farm 2.6km and telecoms transmitter 2km), it is not considered that the overall character and appearance of the immediate or wider landscape would be undermined from the cumulative impact, to an unacceptable degree.

Concern has been raised that if this application is approved it will set a precedent and pave the way for the area to be inundated with further wind turbines at some future date. Any future planning applications for wind turbines in this area would be assessed on their own individual merits including the cumulative impact. It is doubtful whether the immediate area could accommodate a large number of wind turbines of any scale without having an unacceptable cumulative impact on the landscape.

Visual Amenity of Nearest Receptors

There is no statutory minimum distance that turbines have to be sited from dwellings so each case has to be assessed according to its individual circumstances. The closest properties to the site are three isolated dwellings - one at Howdale Farm (550m) and two at Bleak Farm (650m), and a small cluster of dwellings beyond the built up area of Carlton Scroop village including Highfield Farm (520m), Stone Horse Farm (580m) and Carlton Scroop Hall (560m). It is clear that the turbines would be apparent in the landscape when viewed from these distances and would impact to some degree on the outlook from some of these dwellings and their domestic curtilages. However, the cluster of dwellings to the east is well screened from the site by a belt of mature trees and none of the dwellings are directly oriented towards the site. It is considered that the relatively small scale of the turbines combined with the separation distances and individual circumstance of each dwelling ensures that they would not result in an unacceptable dominance of outlook or undermine the living conditions to a significant degree of the occupants from visual harm.

The Viking Way restricted byway passes some 340m to the south of the site. Concern has been raised that the turbine would be an unacceptable visual intrusion to recreational users of this route. As with the nearest dwellings, when viewed from the stretch of the Viking Way the turbines would be apparent in the landscape. The Viking Way is a long distance path and there are wide ranging views from it in this area and the sight of the turbines would be only a small part of the overall experience of using the path. It is therefore considered that the turbines would not significantly detrimentally affect or dominate users' experience of the path.

Furthermore, wind turbines, whether large or small scale, are by their nature slimline structures which do not block out the sunlight to any great degree or cast shadows over large areas and apart from the immediate area at the base, and are unlikely to result in a dominant and oppressive environment to recreational users of the countryside. Taking the above into account it is not considered that the turbines would cause unacceptable harm to the visual amenity of the occupiers of the nearest properties or users of The Viking Way.

Impact on the Setting of Heritage Assets

The proposed turbines would be located in an area where a number of heritage assets would be affected, including the nationally important grade I listed Belton House and grade I listed Belton Park and Gardens.

The Belton House and Park Setting Study is an adopted LDF background evidence document which classifies the sensitivity of the setting of Belton House and Park to various types of development including wind turbines, including development within views from various locations including Bellmount Tower and the roof of Belton House. The setting is divided into 5 elements. Element 5 of the setting of Belton House as defined in the study includes “all areas beyond the ridge lines and tree screens that contain the significant views”. This zone is described as being “exceptionally sensitive to tall structures which rise above the ridge or tree line”. Although the study gives 3km and 5km buffer zones, there is no clear cut off point where this zone ends as tall structures beyond these points can still have an impact, but the sensitivity of this zone to wind turbines gradually diminishes with distance from Belton to the point where there is no sensitivity. It would also depend on the scale of the development.

At 6 – 6.5km to the north of Belton, the turbines would be well beyond the zone of highest sensitivity. The wireframe diagrams and photomontages show that the turbines, would be partially visible from the roof of Belton House and from Bellmount Tower, but by virtue of their small scale and the considerable separation distance as well as trees/woodlands on the horizon would largely blend in with the background. The owners of Belton House and Park, The National Trust, consider that the impact on the setting of Belton House and Park would be “slight” and would not outweigh the wider benefits of renewable energy. For the above reasons, the impact on the setting of Belton House and Park, including the cumulative impact (the much larger Frinkley Farm turbine can also be seen from Belton) is not considered to be sufficient to warrant refusal. Some concern has been raised by objectors questioning the accuracy of these photos/diagrams, and in particular the relationship to Barkston church, but officers and consultees are satisfied that they are reasonably accurate. An objector has written to the National Trust, questioning their consultation response in relation to the impact on the setting of Belton House and Park on the grounds that the submitted photomontages and wireframe diagrams are inaccurate. The National Trust have confirmed that the submitted information is sufficiently accurate to assess the likely impact and that their original comments still stand.

There are a number of other heritage assets in the area, the settings of which would be affected by the proposal. These include St Nicholas Church, Normanton (Grade II* listed), St Nicholas Church, Carlton Scroop (Grade I listed), All Saints Church, Hough on the Hill (Grade I listed) as well as Hough on the Hill conservation area. Any other heritage assets within or beyond the nearest villages (including those of high grade such as Belvoir Castle, Marston Hall, Brandon Hall and churches in other villages such as Caythorpe) are considered to be either too small, out of view or too far away to be significantly affected by the proposed turbines.

There is no statutory definition of the extent of a heritage asset’s setting. This will depend on the type and scale of the asset as well as the context. In respect of the listed churches, the setting can be reasonably described as their churchyards and their immediate village context. The turbines would be visible to some extent within the settings of these buildings and from some viewpoints the churches and turbines would be visible together. However, the impact is softened by the mature trees which surround the churchyards of all of these churches and limited by the relatively small scale of the turbines and the separation distances (approximately 1.2 -1.6km). In respect of the setting of Hough on the Hill Conservation area, although there may be some views into and out of the conservation area where the turbines could be seen, again the small scale and separation distance limits the impact. Furthermore the main focus of the conservation area is the historic core of the village, which itself has been largely surrounded by more modern development.

Concern has been raised about the potential impact on archaeology. The Community Archaeologist has been consulted and is satisfied that the proposal would not affect any known sites of archaeological interest and that no archaeological intervention is necessary.

Taking the above into account, it is considered that although the turbines would have a limited degree of impact to the setting of a number of heritage assets, it would not result in substantial harm or be sufficient to resist the development.

Noise, Disturbance and Amenity Issues

The closest properties to the site are at Howdale Farm (550m), Bleak House (650m), Highfield Farm (520m), Stone Horse Farm (580m) and Carlton Scroop Hall (560m). These properties are those most likely to be affected by these issues.

The NPPF read in conjunction with National Policy Statement EN-3 states that noise from wind energy development should be assessed using a 1997 report prepared for The Department of Trade and Industry, "ETSU-R-97: The assessment and rating of noise from windfarms". This position has been consistently backed up in respect of large scale windfarms by appeal decisions including those at Thackson's Well and Palmer's Hollow (Melton Borough).

ETSU is generally considered to be applicable to large/medium scale turbines and windfarms. However, government guidance is less clear on small wind turbines. It is now becoming generally accepted that a more appropriate method for establishing acceptable noise limits for small turbines i.e. 50kw or less, is by using the standards set by BWEA (British Wind Energy Association). This is a tighter standard than ETSU. ETSU allows a higher noise level at the nearest receptor as this is considered to be offset by the large output of large wind turbines and windfarms. The BWEA standard recognises that the lower output from small wind turbines cannot justify this more relaxed noise limit and thus sets the acceptable limit at the nearest receptor much lower.

When the application was originally submitted, the Council's Environmental Protection officers were asked to assess the noise level using the relevant guidance. They concluded that although the noise calculations were not measured on site but are based on an average of rural sites, they appear to be comparable with what would be expected in this area. They were satisfied that the noise levels from the turbines specified and in the location provided, and in relation to the nearest residential properties would fall within the limitations required by the ETSU-R-97 guidance and would therefore be within acceptable limits subject to a condition to ensure that the noise is kept within these limits.

Notwithstanding the above, at the 06 March committee, an on site background noise survey was requested for the avoidance of doubt. The applicant was advised to liaise with the SK Environmental Protection team to establish the scope and methodology that should be used for such a survey. Following submission of the survey, the Council's Environmental Protection officers have again been asked to assess the noise level using the relevant guidance. They have in turn commissioned an expert noise consultant who at the time of writing, have verbally confirmed that the BWEA standard is the most appropriate by which to assess the noise of the proposal. They have also confirmed that whichever standard is used, whether ETSU or the tighter BWEA standard, using the submitted on background noise figures, the noise from the turbines is likely to be well within the limits of acceptability.

They have also been asked to comment on a report by a noise consultant submitted by an objector. At the time of writing no response had been received. Any comments on this as well as written confirmation on the acceptability or otherwise of the turbines in terms of noise will be reported in the late background papers.

A lot of objectors have made the point that the turbines would spoil a currently remote, tranquil and peaceful area through noise and disturbance. Carlton Scroop and its immediate environs cannot be reasonably described as wholly tranquil as the busy A607 passes through the village. The application site, in open countryside to the west beyond the village is much quieter although not particularly remote by virtue of the settlement pattern and proximity to roads. The application site is close to a C classified road between Carlton Scroop and Hough on the Hill with the associated intermittent traffic noise. Other sources of background noise include agricultural equipment including tractors and corn dryers. The companion guide to PPS22 states that “the noise level from wind turbines is generally low and under most operating conditions, it is likely that the turbine noise would be completely masked by wind generated background noise”. The overall noise impact on the peace and tranquillity of the area is therefore not considered to be significant and there is no reason to believe that the amenity of members of the public using the Viking Way for recreational purposes would be significantly detrimentally affected through unacceptable noise and disturbance.

Concerns have been raised about shadow flicker on nearby properties. The Companion Guide to PPS22 states that flicker effects have only been proven to occur within 10 rotor diameters of a turbine. In this case, with a rotor diameter of 20m, that would mean there would be no shadow flicker beyond 200m. It also states that shadow flicker only occurs inside buildings through narrow window openings during very limited periods throughout the year. As the nearest residential property is approximately 550m away, there would be no detrimental impact on domestic properties from shadow flicker.

Taking the above into account it is considered that the proposal would not be detrimental to the residential amenities of the occupiers of nearby properties through noise and disturbance.

Impact on Wildlife and Biodiversity

Some concern has been expressed by objectors about the potential impact of the wind turbines on wildlife and biodiversity and in particular on birds and bats. It cannot be guaranteed that no bird or bat would be killed or injured, and to some extent there is a national lack of data in this area. The applicant initially submitted a desktop bird survey indicating that the impact on birds would be minimal. Natural England (NE) and Lincolnshire Wildlife Trust (LWT) initially confirmed that they were satisfied that the proposal would have minimal impact on birds although NE did have some reservations about the methodology and scope of the submitted survey.

Notwithstanding the above, at the 06 March committee, an on site ecological survey was requested for the avoidance of doubt. The applicant was advised to liaise with NE to establish the scope and methodology that should be used for such a survey. Following submission of the survey, NE and LWT trust were consulted. They have also been asked to comment on a report by a barn owl expert submitted by an objector.

NE have stated that they are satisfied with the methodology and scope of the survey and that it generally addresses the concerns previously raised and will not be detrimental to protected species. They acknowledge that barn owls are present (as confirmed in the objector’s report) and have stated specific barn owl mitigation measures will be necessary to make the proposal acceptable and that the other mitigation measures in the report should be followed (if necessary secured by condition). The applicant has confirmed that they will be submitting details of barn owl mitigation measures. These details will be reported in the late background papers as well as any comments thereon from NE and LWT.

Natural England’s standing advice is that wind turbines should be located >50m from hedgerows and other linear features where bats are likely to commute, forage and roost. The turbines are located well beyond this limit from the nearest hedgerows and linear features the 50m and are therefore in accordance with this guidance. Whilst there may be bat populations in nearby churches

and other buildings as well as local trees/hedges, research and guidance from Natural England shows that bats generally do not stray far from such features. NE have stated that “Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of bats and great crested newts”

At the time of writing no comments on the ecology survey had been received from LWT although they have agreed to submit some comments. Any comments received will be reported in the late background papers.

Taking the above into account, it is considered that the proposal would not have an unacceptable detrimental impact the impact on wildlife and biodiversity and that any adverse impact can be adequately addressed by mitigation measures to be secured by condition.

Safety

The companion guide to PPS22 states that “the only source of possible danger to human or animal life from a wind turbine would be the loss of a piece of blade or, in exceptional circumstances, of the whole blade”. There would be no impact on public safety as the turbine would be located approximately 140m from the closest road and 340m from the nearest public right of way (The Viking Way restricted byway) to the south, well beyond the recommended fall over distance of height + 10% and the reach or any ice thrown off. N.B. There is no statutory minimum distance of the siting of a turbine from a public right of way.

Concerns have been raised that horses could be “spooked” by the turbines. There is no firm evidence or official studies that confirms that this is the case but the British Horse Society (BHS) suggests that wind turbines should be located >200m from bridleways and equestrian facilities or 4 x the height of the turbines, whichever is the largest. The guidance gives examples of the type of circumstance that could spook a horse including turbine suddenly coming into view or starting. The companion guide to PPS22 states that “whilst this could be deemed desirable, there is no statutory requirement”. The impact on horses is therefore a matter of fact and degree based on the individual circumstances of each case. It should also be noted that appeal inspectors have taken different views on this issue but have tended to take the view that turbines are no more significant than any other distraction that a horserider is likely to encounter. Of note is a recent appeal decision for a wind farm at Baumber in Lincolnshire of which 5 turbines were closer than the BHS recommended limit. The inspector stated “Wind farms co-exist with rural pursuits and there is no compelling evidence to show inherent incompatibility or the need for prescribed separation between riding routes and wind turbines.” Others have taken the view that the BHS’s recommendation should be given some weight but obviously that position has to be looked at in the light of the specific circumstances of the cases involved. The figure suggested by the BHS appears to be arbitrary and a precautionary measure rather than based on firm evidence so cannot be given as much weight as a figure based on extensive research or compelling evidence. Given that large scale wind turbines are three to four times bigger than the proposed turbines, it is considered that 140m from the road is a reasonable separation distance and the impact would be much less than a large scale turbine at 200m. The relatively small rotor blades in relation to hub height is also a factor. The immediate surroundings of the site are open, meaning that horses being ridden along Hough Lane would be aware of the turbines from much further than 200m and that they would not suddenly come into view after the 200m zone is reached. There are also extremely limited circumstances where the sun would be low enough to cast shadows on the road or cause significant flicker or reflection to road users. Although horse riders may use Hough Lane, there are no equestrian facilities (riding schools, stables, paddocks etc) immediately adjacent to the site.

Health

Some concerns have been raised about potential health implications. It is stated in the Companion Guide to PPS22 that there is no evidence of any damage to public health from wind turbines either from low frequency noise or vibration, and that electromagnetic radiation emissions from wind turbines create no greater risk to human health than most domestic electrical appliances.

Air Traffic and Radar

NATS have raised no safeguarding objection to the proposal. The MOD have raised no objection, subject to the developer notifying them of the height of any construction equipment etc before and after completion so the turbines can be plotted on flying charts and aircraft can avoid the area. The “strobe” impact of aviation lights has been raised. However the MOD have not requested that aviation lighting be installed in this case.

Highway Issues

The County Highways Authority are satisfied that sufficient measures would be taken to ensure highway safety is not compromised during transportation and construction as long as the transport statement is followed. They have also raised no objection in terms of highway safety from the operation of the turbines. The companion guide to PPS22 states that “wind turbines should not be treated any differently to any other distraction a driver might face and should not be considered particularly hazardous.” Taking the above into account, it is considered that the turbines would not be detrimental to highway safety, either during delivery and construction or during normal operation.

Impact on Tourism

Notwithstanding the visual impact and the impact on the setting of various heritage assets, it is not considered to be of such a scale that it would have a direct impact on tourism to Belton House or visitors using the Viking Way and the surrounding countryside and villages for recreational purposes resulting in job losses or endangering the vitality of the local villages.

Other Issues Raised

A number of issues have been raised which are not material planning considerations and have not been taken into account when making this recommendation. These include:

- The loss of unspoilt views from properties and devaluation of property
- The motivation of the applicant, lack of direct consultation with locals and the fact that the turbines would be out of site of his property as well as suggestions of other sites and forms of renewable energy on his farm perceived to be better
- Questions about the fundamental rights and wrongs of wind energy and current policy – inefficiency, public and political opposition, subsidies etc

Lincolnshire County Council has recently issued a Position Statement on wind turbines. It should be noted, for the avoidance of doubt, that this does not form part of planning policy, nor are LCC a statutory consultee for this type of application. Their statement is merely an indication of the position that they will take if they are consulted on wind energy proposals so carries little or no weight in determining planning applications.

South Kesteven District Council is currently in the process of preparing a supplementary planning document (SPD) on wind energy. As the document is in draft form it can only be given very limited weight and in any case would not fundamentally alter the assessment of this proposal.

Conclusion

This application has been assessed across a number of material issues and due regard and weight has been given to all the relevant policies, consultee responses, and relevant comments made by other parties.

It has been recognised in this assessment that this proposal would have a degree of impact on the landscape character of the immediate and wider area as well as the settings of nearby heritage assets. However in this case, on balance the various impacts are not considered to be substantial and therefore do not carry sufficient weight to warrant refusal.

In the circumstances, it is considered that the proposal should be approved in accordance with paragraph 98 of the NPPF.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the proposed wind turbines would provide a source of renewable energy, contributing to a reduction in the use of fossil fuels, in line with national policy. The design, location and relatively small scale are considered to be appropriate. It is considered that the proposal would be sufficiently well separated from the nearest dwellings to ensure residential amenities are protected. Although it is acknowledged that there would be some impact on the landscape character and the setting of heritage assets, on balance, the various impacts are not considered to be substantial and therefore do not outweigh the need for renewable energy as set out in national policy.

For the reasons outlined above, it is considered that the proposal is in accordance with The National Policy Statements - Overarching National Policy Statement for Energy (EN-1) & National Policy Statement for Renewable Energy Infrastructure (EN-3), The National Planning Policy Framework (Section 3 Supporting a prosperous rural economy, Section 12 Conserving and enhancing the historic environment, Section 11 Conserving and enhancing the natural environment, Section 10 Meeting the challenge of climate change and flooding, Section 7 Requiring good design) policies 1, 26, 27, 31 & 40 of The East Midlands Regional Plan and policies SP1, EN1 and EN3 of the South Kesteven Core Strategy and that there are no material considerations that indicate otherwise, although conditions have been attached.

RECOMMENDATION: That the development be Approved subject to condition(s)

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

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

2. The Delivery of components shall be in accordance with the Traffic Management Statement submitted 05 October 2011.

Reason: In the interests of highway safety.

3. The development shall not commence until details of the external finish and colour of the proposed turbines have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and there shall be no subsequent change to the finish or colour of the turbine without the local planning authority's prior approval in writing.

Reason: To minimise the impact on the landscape and the setting of nearby heritage assets in accordance with PPS5 (Historic Environment), policies 26 and 27 of the East Midlands Regional Plan and Policy EN1 of the South Kesteven Core Strategy.

4. In the event that the wind turbines are no longer used for the generation of electricity, they shall be removed as soon as practicably possible, and the land restored to its original condition.

Reason: In the interests of the visual amenities of the area and in accordance with Policy EN1 of the South Kesteven Core Strategy.

5. Before the development is commenced, a monitoring programme for bird collisions at the site shall be submitted to and agreed in writing by the Local Planning Authority. The monitoring programme shall be carried out in accordance with the agreed details. In the event that the monitoring programme indicates a significant detrimental impact on the local or migrating bird populations as a result of the turbines, details of alterations to the operation of the turbines shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the turbines shall be operated in accordance with the approved details.

Reason: In order to ensure that any detrimental impact on birds can be minimised.

6. The noise level from the wind turbines, when measured in accordance with the requirements of ETSU-R-97, shall not exceed an LA90,10min of 35dB(A) up to wind speeds of 10m/s at 10m height, measured at the curtilage of any lawfully existing dwelling. Within 21 days of a request from the local authority, and following the receipt of a complaint, the wind turbine operator, shall at their own expense employ a suitably qualified and competent person to undertake an assessment of noise from the turbines in accordance with the requirements of ETSU-R-97 and supply a copy of the report to the local authority.

Reason: In order to protect the occupiers of nearby dwellings from unacceptable noise and disturbance.

7. Before the development is commenced, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of the start of construction and the maximum height of any construction equipment to be used. When the development is completed, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of completion, and the exact height and latitude and longitude of the position of the turbines, no more than 14 days after this date. The

development approved by this permission shall be carried out in accordance to these details.

Reason: In order that this information can be plotted on MOD flying charts to ensure that military aircraft avoid the area.

8. The development hereby permitted shall be carried out in accordance with the mitigation measures specified in the Extended Phase 1 Habitat Survey, prepared by Wold Ecology Ltd - May 2112.

Reason: In order to ensure that local biodiversity and ecology is not adversely affected.

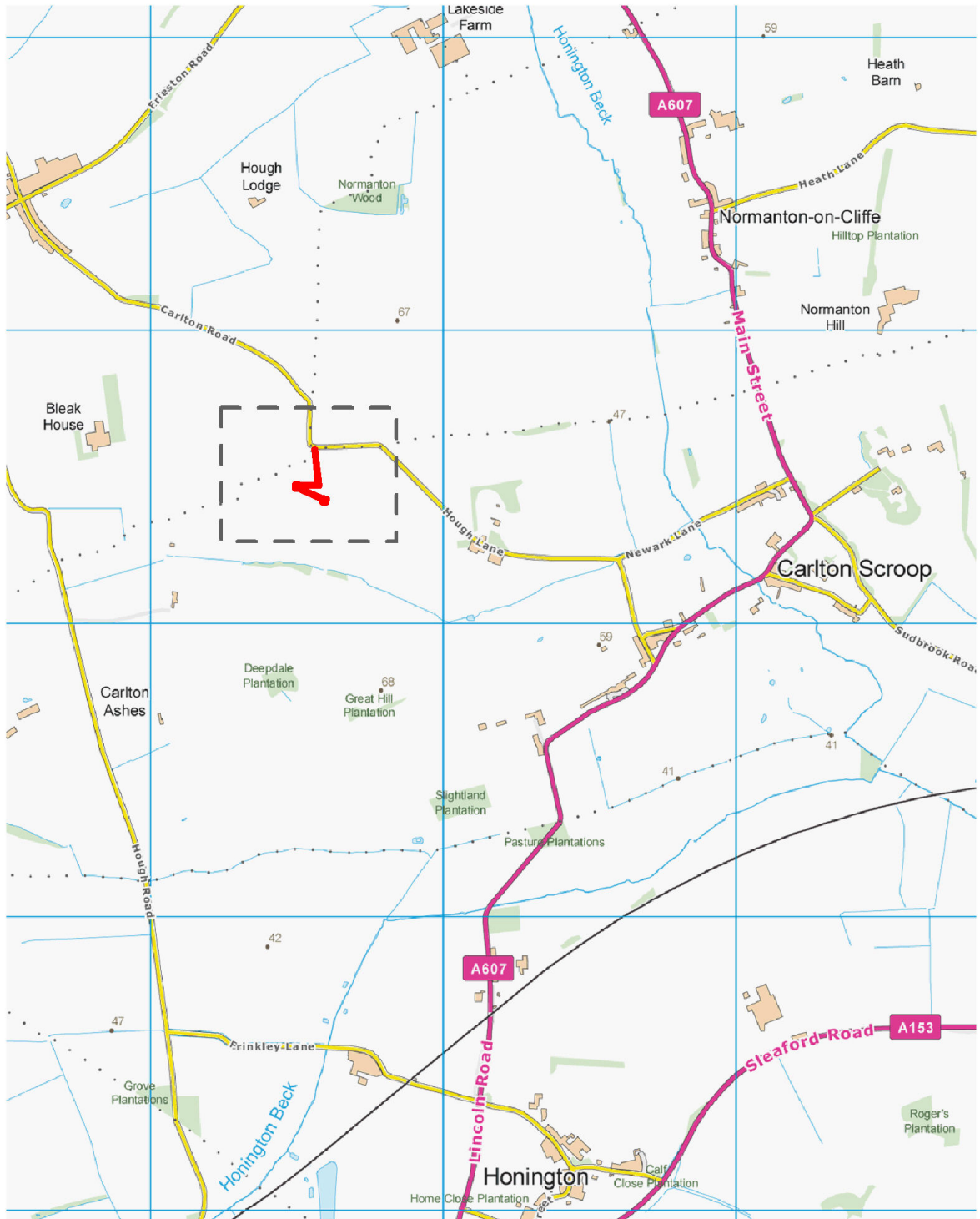
9. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: Drawing 001 (1:2500 Site Location Plan; Drawing 002 (1:500 Block Plan); Overalls/Planning (Elevations) all received 09 September 2011

Reason: To define the permission and for the avoidance of doubt.

* * * * *

Site Location Plan

Ref	S11/1922
Proposal	Two wind turbines (hub height 29.6m, rotor diameter 20m and total ground to tip height 39.6m) and associated works
Location	Lodge Farm, Main Street, Carlton Scroop, Grantham, NG32 3AU



© South Kesteven District Council (2012) - Licence No. 100018662

Applicant	Simon Daws Copley Farm, Doddington Lane, Claypole, Newark, Lincolnshire, NG23 5AT
Agent	Windcrop Limited The Granary, Honingham Thorpe, Colton, Norwich, Norfolk, NR9 5BZ
Proposal	3 x 15 meter high wind turbines
Location	Copley Farm, Doddington Lane, Claypole, Newark, Lincolnshire, NG23 5AT
App Type	Full Planning Permission
Parish(es)	Claypole, Westborough & Dry Doddington
Reason for Referral to Committee	The application has been referred to Committee following request by the Chairman as a proposal generating local interest.
Recommendation Summary	Approval subject to conditions.

Key Issues

- Accordance with policy
- Landscape Impact
- Cumulative Impact
- Visual Amenity
- Heritage Impact.
- Noise and Amenity Issues.
- Wildlife and Biodiversity

Technical Documents Submitted with the Application

- Design and Access Statement
- Flood Risk Assessment
- Planning Distance Calculations
- Magic Check Report
- Magic Map

REPORT

Application Category

The application is categorised as an 'MINOR' type of application

Reason for Referral to Committee

The application has been referred to Committee following request by the Chairman as a proposal generating local interest.

The Proposal

The proposal is to install three 15 metre (hub height) wind turbines which are required to provide Copley Farm with a renewable and efficient energy supply. With a rotor diameter of 5.6 metres, the maximum height would be 20.6 metres.

The application site and its surroundings

Copley Farm is a mixed arable and livestock holding covering some 130 hectares, located between and to the east of the road connecting the settlements of Claypole and Dry Doddington. The first turbine is to be located some 75 metres to the south of the farm yard in a grazing field for cattle, the second turbine will be 20 metres further south, and the third another 20 metres to the south of the second turbine. The turbines will be located in a field some 90 metres to the east of Doddington Lane, with some screening from the road by mature hedging running along its length.

Site History

There is an extensive planning history for Copley Farm. Since 1996 various applications have been submitted for farm buildings, dwellings, stabling industrial, material storage and extensions. There is currently a pending application for a temporary agricultural worker dwelling near the farm yard (S11/3144).

Policy Considerations

National Policy Statements

EN1: Overarching national policy and statement for energy.

EN3: Renewable energy infrastructure.

National Planning Policy Framework

Section 10: Meeting the challenge of climate change, flooding and coastal change.

Section 11: Conserving and enhancing the natural environment.

Section 12: Conserving and enhancing the historic environment.

East Midlands Regional Policy

Policy 1: Regional Core Objectives.

Policy 26: Protecting and enhancing the region's natural and cultural heritage.

Policy 27: Regional priorities for the historic environment.

Policy 31: Priorities for the management and enhancement of the region's landscape.

Policy 40: Regional priorities for low carbon energy generation.

South Kesteven Core Strategy 2010

Policy SP1 - Spatial Strategy.

Policy EN1 - Protection and Enhancement.

Policy EN3 - Renewable Energy Generation.

Other Relevant Documents

South Kesteven Landscape Character Assessment (January 2007)

Companion Guide to PPS22 (Planning for Renewable Energy). NB. Although PPS22 itself has been superseded by the NPPF, the companion guide remains in force.

Emerging South Kesteven Supplementary Planning Document (SPD) on Wind Energy

Representations Received

The National Air Traffic System (NATS) has stated that the proposal does not conflict with its safeguarding criteria and therefore has no objections.

The Ministry of Defence (MOD) has no objections. The principal safeguarding concern of the MOD with respect to the development relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

Lincolnshire Wildlife Trust has no comments.

The Environment Agency has no objection but it advises that any electrical components are above the predicted flood level for resilience.

The District Archaeologist has stated that the application does not affect any known archaeological sites and therefore no archaeological intervention is required.

Natural England's advice is that the proposal is unlikely to affect the population of any European Protected Species and it does not appear to be located within, or within the setting of, any nationally designated landscape.

The Principal Conservation Officer requires the Design and Access Statement to sufficiently address the impact of the proposals on listed buildings or monuments that are included within the settlements of Claypole, Dry Doddington and Stubton. Of particular concern is the impact of the proposals on the Grade 1 St. Peters Church, Claypole, and the Grade 11* Church of St. James in Dry Doddington.

The Parish Council has requested an extension of time to consider the application, and more information on impacts relating to noise, vibration, flicker, environment and precedence.

The Environmental Health Officer requires more information in relation to noise impact.

Anglian Water has no concerns from a groundwater perspective.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. Representations have been received from a resident of Claypole who objects to the proposal on the grounds of cumulative visual impact (reference is made to the 5 turbines proposed near Templemans Barn), and that economic considerations should not influence a decision.

Officer Evaluation

KEY ISSUES

Government planning policy (through the NPPF, read in conjunction with National Policy Statements EN-1 & EN-3) encourages renewable energy development, including wind energy. Paragraph 98 of 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 also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

On that basis, members should be aware that the need for renewable energy should be balanced against the potential environmental impact.

Taking the above into account, the key issues that need to be considered are:

- The Government Position on Renewable Energy
- Landscape and Visual Impact (including cumulative impact)
- Impact on the Setting of Heritage Assets
- Noise, Disturbance and Amenity Issues
- Impact on Wildlife and Biodiversity

GOVERNMENT POSITION ON RENEWABLE ENERGY

National planning policy given in the National Planning Policy Framework (NPPF) read in conjunction with National Policy Statements EN1 - Overarching National Policy Statement for Energy & EN3 – Renewable Energy Infrastructure promotes the development of renewable energy resources and stresses the need to reduce carbon dioxide emissions which are considered to be contributing to climate change.

Paragraph 97 of the NPPF states:

To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

The applicant (including his farm business) would benefit from reduced energy costs, and any excess would be returned to the national grid. The government's view is that the wider positive benefits of small scale schemes such as this are through a reduction in demand for energy that would otherwise be produced from fossil fuel sources. The government, through the NPPF considers that this represents a benefit to society as a whole and an indirect benefit, (albeit smallscale) to the local community. Although it may be a relatively modest contribution, the NPPF is supportive of small scale schemes stating in paragraph 98 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 also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.

The Development Plan i.e. The East Midlands Regional Plan (RSS8) and The South Kesteven Core Strategy sets out policies on wind energy at the regional and local level and is fully in accordance with national policy (NPPF) in its approach to wind energy development. RSS8 states that consideration should be given to the contribution of wind generation projects to regional renewable targets and national and international objectives on climate change. The South Kesteven Core Strategy (policy EN3) is generally supportive of renewable energy schemes as long as they accord with other core strategy policies which in this case will mean policy EN1 relating to the impact on the surrounding environment.

LANDSCAPE IMPACT

The general thrust of policy is to restrict development in the open countryside. However there are some exceptions to this general rule including rural diversification projects and development which requires a location away from built up areas. Wind turbines are one type of development that require such a location.

Wind turbines are tall structures which by their nature, stand out to some degree and cannot be easily hidden or disguised in any landscape. The key issue here is not whether they would be visible, but the degree to which the proposed development would have an impact on quality and character of the landscape.

Core Strategy policy EN1 requires development to be assessed against a number of criteria. The South Kesteven Landscape Character Assessment (LCA) has been used to inform this policy and identifies the general characteristics of seven landscape areas, each of which displays distinct characteristics of topography, agricultural usage, field systems and settlement patterns as well as historic building styles.

Although the LCA not itself a policy is an important tool in describing the character of different landscapes within the district and assessing their sensitivity to different types of development. The LCA divides the district into areas with a distinctive landscape character. The site lies within "The Trent and Belvoir Vales" which is characterised by flat or very gently undulating topography. It can be best described as basin shaped with a flat middle with gently rising ground to its sides where the

settlements are situated. The villages with their church towers and spires are noticeable in the views across the landscape and provide character.

In terms of landscape sensitivity, there are considered to be few landscape features of intrinsic sensitivity in the Trent and Belvoir Vale. However with respect to wind energy proposals whilst there are few features of intrinsic landscape sensitivity, the open visual character of the landscape is acknowledged to ensure extensive visibility. For this reason and to avoid dominance of the landscape through cumulative impact it is considered desirable for wind energy proposals in this area to be located close to existing man-made structures such as modern farm buildings, power lines and the A1.

The immediate landscape around the application site in which the turbines would be visible is relatively flat with long uninterrupted views and wide horizons. The site is located between the settlements of Claypole to its north, and Dry Doddington to the south, there are few landscape features of intrinsic sensitivity. This part of the Vale is therefore considered to be of low sensitivity to the type of development proposed.

When viewed from the road connecting the settlements of Claypole and Dry Doddington the turbines will be screened behind a high hedge. Within the Vale, the turbines would appear as isolated features within a wide and fairly featureless landscape of intensively cultivated arable farmland dotted with trees and farmsteads. When viewed from the north, this landscape is framed by the higher ground of the escarpments surrounding Grantham and the turbines would be seen against this backdrop. The turbine would be visible from the higher ground to the east and south but the distances involved and the relatively small scale of the structures proposed would mean that they would appear as low key features in the landscape.

As with all wind energy proposals, the turbines will have an impact on the landscape to some degree. However, taking into account the modest height of the turbines and expansive nature of the landscape, it is considered that the turbines would not be unduly prominent to such an extent as to dominate the landscape. For this reason it is felt that the immediate and wider landscape would not be unduly harmed.

CUMULATIVE IMPACT

National policy states that the cumulative impact of wind energy developments in the area should be taken into account.

Other turbines in the area include one (50 metre hub height) approved last April at Frinkley Farm (Hougham) S10/1759, another (24.6 metre hub height) at Pasture Farm, Allington (S12/0580) and others installed and under consideration south of Newark. The cumulative impact of the proposal set against these turbines would not be such as to warrant refusal, as it is unlikely the turbines proposed will be set in the same view with existing turbines except perhaps from some extremely long and elevated distance.

VISUAL AMENITY OF NEAREST RECEPTORS

There is no statutory minimum distance that turbines have to be sited from dwellings so each case has to be assessed according to its individual circumstances. The closest property to the site includes the applicant's dwelling at 389m and another dwelling around 660m to the west. The turbines would be apparent in the landscape when viewed from these distances and would impact to some degree on the outlook from some of these dwellings and their domestic curtilages. However, most of these dwellings are separated from the site by modern farm buildings and other structures. It is considered that the relatively small scale of the turbine combined with the separation distances and individual circumstance of each dwelling ensures that they would not

result in an unacceptable dominance of outlook or undermine the living conditions of the occupants from visual harm.

Furthermore, wind turbines, whether large or small scale, are by their nature slender structures which do not block out the sunlight to any great degree or cast shadows over large areas and apart from the immediate area at the base, and are unlikely to result in a dominant and oppressive environment. Taking the above into account it is not considered that the turbines would cause unacceptable harm to the visual amenity of the occupiers of the nearest properties.

HERITAGE IMPACT

The proposed turbines would not be located close to any heritage assets. The main impacts are considered to be on the Church of St. Peter (Grade 1), and St. James Church (Grade II*) in Dry Doddington, both some 1.2 km away.

It is considered that any heritage assets are out of view or too far away to be significantly affected by the turbines and most will not be affected at all. There is no statutory definition of the extent of a heritage asset's setting. This will depend on the type and scale of the asset as well as the context. In respect of the listed buildings within the villages mentioned, the setting can be reasonably described as their immediate village context. The turbine may be visible as very distant features to some extent within the settings of these buildings and from some viewpoints the heritage assets and turbine would be visible together. However, the impact is considered to be minimal. I

It is considered that the turbines would result in some very limited impact on the setting of a number of heritage assets, which is not considered to be sufficient to resist the development.

NOISE & AMENITY ISSUES

The NPPF read in conjunction with National Policy Statement EN-3 is very clear that noise from wind energy development should be assessed using a 1997 report prepared for The Department of Trade and Industry, "ETSU-R-97: The assessment and rating of noise from windfarms". This position has been consistently backed up by appeal decisions including those at Thackson's Well and Palmer's Hollow (Melton Borough).

The Council's Environmental Protection officers have been asked to assess the noise level using the ETSU-R-97 guidance. They have concluded that the noise levels from the turbines specified and in the location provided, and in relation to the nearest residential properties would fall within the limitations required by the ETSU-R-97 guidance and would therefore be within acceptable limits. For the avoidance of doubt, and in accordance with the ETSU-R-97 guidance, it is recommended that a condition be attached to ensure that the noise is kept within these limits.

Shadow flicker effects have only been proven to occur within 10 rotor diameters of a turbine. In this case, with a rotor diameter of 20m, that would mean there would be no shadow flicker beyond 200m. It also states that shadow flicker only occurs inside buildings through narrow window openings during very limited periods throughout the year. As the nearest residential property is approximately 390m away, there would be no detrimental impact on domestic properties from shadow flicker.

Taking the above into account it is considered that the proposal would not be detrimental to the residential amenities of the occupiers of nearby properties through noise and disturbance.

WILDLIFE & BIODIVERSITY

The applicant has submitted a desktop bird survey indicating that the impact on birds would be minimal and that no further survey work is required. The survey is in accordance with Natural England's standing advice and Lincolnshire Wildlife Trust have confirmed that they have no comments.

In respect of bats, the turbines would be located >50m from hedgerows and linear features where bats are likely to commute, forage and roost, in accordance with Natural England's guidance. Whilst there may be bat populations in nearby churches and other buildings as well as local trees/hedges, research and guidance from Natural England shows that bats generally do not stray far from such features.

Taking the above into account, it is considered that the proposal would not have an unacceptable detrimental impact on wildlife and biodiversity.

AIR TRAFFIC & RADAR

NATS and MOD have raised no safeguarding objection to the proposal.

HIGHWAY ISSUES

The County Highways Authority to follow.

OTHER MATTERS

Lincolnshire County Council has recently issued a Position Statement on wind turbines. It should be noted, for the avoidance of doubt, that this does not form part of planning policy, nor are LCC a statutory consultee for this type of application. Their statement is merely an indication of the position that they will take if they are consulted on wind energy proposals so carries little or no weight.

South Kesteven District Council is currently in the process of preparing a supplementary planning document (SPD) on wind energy. As the document is in draft form it can only be given very limited weight and in any case would not fundamentally alter the assessment of this proposal.

Crime and Disorder Implications

The site appears to raise no concerns relating to crime and disorder.

Human Rights Implications

It should be noted that Article 6 (Right to fair decision making) and Article 8 (Right to private family life and home) will be taken into account in determining this application

It is considered that no other relevant Article will be breached.

CONCLUSION

This application has been assessed across a number of material issues and due regard and weight has been given to all the relevant policies, consultee responses, and relevant comments made by other parties.

It has been recognised in this assessment that this proposal would have a degree of impact on the landscape character of the immediate and wider area as well as the settings of nearby heritage assets. However in this case, on balance the various impacts are not considered to be substantial and therefore do not carry sufficient weight to warrant refusal.

In the circumstances, it is considered that the proposal should be approved in accordance with paragraph 98 of the NPPF.

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the proposed wind turbines would provide a source of renewable energy, contributing to a reduction in the use of fossil fuels, in line with national policy. The design, location and relatively small scale are considered to be appropriate. It is considered that the proposal would be sufficiently well separated from the nearest dwellings to ensure residential amenities are protected. Although it is acknowledged that there would be some impact on the landscape character and the setting of heritage assets, on balance, the various impacts are not considered to be substantial and therefore do not outweigh the need for renewable energy as set out in national policy.

For the reasons outlined above, it is considered that the proposal is in accordance with The National Policy Statements - Overarching National Policy Statement for Energy (EN-1) & National Policy Statement for Renewable Energy Infrastructure (EN-3), The National Planning Policy Framework (Section 3 Supporting a prosperous rural economy, Section 12 Conserving and enhancing the historic environment, Section 11 Conserving and enhancing the natural environment, Section 10 Meeting the challenge of climate change and flooding, Section 7 Requiring good design) policies 1, 26, 27, 31 & 40 of The East Midlands Regional Plan and policies SP1, EN1 and EN3 of the South Kesteven Core Strategy and that there are no material considerations that indicate otherwise, although conditions have been attached.

RECOMMENDATION: That the development be Approved subject to condition(s)

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

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

2. The development shall not commence until details of the method and route of delivery of components (including a risk assessment and method statement) have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

3. The development shall not commence until details of the external finish and colour of the proposed turbine have been submitted to, and approved in writing by, the local planning

authority. The development shall be carried out in accordance with the approved details, and there shall be no subsequent change to the finish or colour of the turbine without the local planning authority's prior approval in writing.

Reason: To minimise the impact on the landscape in accordance with the National Policy Framework and Policy EN1 of the South Kesteven Core Strategy.

4. In the event that the wind turbine is no longer used for the generation of electricity, it shall be removed as soon as practicably possible, and the land restored to its original condition.

Reason: In the interests of the visual amenities of the area and in accordance with Policy EN1 of the South Kesteven Core Strategy.

5. The noise level from the wind turbines, when measured in accordance with the requirements of ETSU-R-97, shall not exceed an LA90, 10min of 35dB(A) up to wind speeds of 10m/s at 10m height, measured at the curtilage of any lawfully existing dwelling. Within 21 days of a request from the local authority, and following the receipt of a complaint, the wind turbine operator, shall at their own expense employ a suitably qualified and competent person to undertake an assessment of noise from the turbines in accordance with the requirements of ETSU-R-97 and supply a copy of the report to the local authority.

Reason: In order to protect the occupiers of nearby dwellings from unacceptable noise and disturbance.

6. Before the development is commenced, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of the start of construction and the maximum height of any construction equipment to be used. When the development is completed, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of completion, and the exact height and latitude and longitude of the position of the turbines, no more than 14 days after this date. The development approved by this permission shall be carried out in accordance with these details.

Reason: In order that this information can be plotted on MOD flying charts to ensure that military aircraft avoid the area.

7. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

1. 1:10000 Area Plan.
2. Drawing ATC10070-1000*
3. 1:2500 Site Location Plan.
4. Distance calculations for Planning Applications.
5. Biodiversity Checklist.
6. Flood Risk Assessment Report.
7. 1:500 Block Plan.
8. Design and Access Statement.

All received on 10 August 2012

Reason: To define the permission and for the avoidance of doubt.

* * * * *

Site Location Plan

Ref	S12/2016
Proposal	3 x 15 meter high wind turbines
Location	Copley Farm, Doddington Lane, Claypole, Newark, Lincolnshire, NG23 5AT



© South Kesteven District Council (2012) - Licence No. 100018662

Applicant	Mr N Wilkins Bellway Homes & Nowich Hub Ltd &, The Buckminster Trust Estate 3, Romulus Court, Meridian East, Meridian Business Park, Leicester, LE19 1YG
Agent	
Proposal	Approval of reserved matters for residential development of 105 dwellings and associated garaging and infrastructure pursuant to outline Planning Permission S08/1231
Location	Poplar Farm, Barrowby Road, Grantham, NG31 8AF
App Type	Major RM (Residential)
Parish(es)	Grantham
Reason for Referral to Committee	Likely to cause wider concern
Recommendation Summary	<p>This is a reserved matters application for the construction of 105 dwellings, garaging and associated infrastructure pursuant to outline planning permission S08/1231. The area of the development is approximately 3.2 hectares and is located within Parcel H (phase 1) as set out by the approved phasing plan that forms part of the outline planning permission.</p> <p>The development site is located within the Northwest Quadrant Urban Extension site and would provide a further section of the Pennine Way Link Road.</p> <p>As such the proposal is considered to accord with national guidance contained in the National Planning Policy Framework Section 6 Delivering a wide choice of quality homes, Section 7 Requiring good design and Section 11 Conserving and enhancing the natural environment. Policy H2A, H3, SP1, SP3, and EN1 of the adopted Core Strategy and draft Grantham Area Action Plan (GAAP) policy NWQ1.</p> <p>Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity and drainage they are not considered to outweigh the policies referred to above.</p>

Key Issues

- Compliance with Outline Planning Permission S08/1231
- Compliance with Policy
- Highway Safety
- Residential Amenity
- Visual Amenity
- Drainage

Technical Documents Submitted with the Application

- Design and Access Statement
- Water Vole Mitigation Strategy
- Reptile Survey Report

- Great Crested Newt Survey
- Badger Survey Report

REPORT

Application Category

This application is categorised as a major application.

Reasons for Referral to Committee

Likely to cause wider concern.

Introduction

Members may recall that the above planning application was deferred from the Development Control Committee on 18 September for further information regarding adoption of all roads and adequacy of parking arrangements and the developer to consider increasing the distance from edge of Balmoral Drive to the front of the houses to allow additional parking.

Information has been requested from the applicant in relation to the above matters and will be reported in the late items paper.

The Proposal

The application is the submission of reserved matters pursuant to the grant of outline planning permission (Planning Ref: S08/1231).

The outline planning permission granted a mixed use urban extension comprising up to 1800 dwellings, community facilities, associated open space, new road and associated bridge over the railway.

This application provides the detail of 105 dwellings and a further part of the road which will form, when completed, the Pennine Way Link.

Of the 105 residential units which are proposed, 15 would be affordable shared ownership units.

In accordance with the design code element of the master plan approved as part of the outline planning permission the scheme proposes a mix of 2, 3 and 4 bed houses all of which would be two storey.

The application site and its surroundings

The application site forms part of the larger 68 hectares site which extends from the roundabout adjacent to Asda to the field immediately to the west of the Muddle Go Nowhere public house.

The area of the development is approximately 3.2 hectares and is located within Parcel H (phase 1) as set out by the approved phasing plan that forms part of the outline planning permission. The overall density for the development would be 32 dwellings per hectare.

The site would be bounded by Balmoral Drive and the existing residential development to the south. To the north would be the landscape corridor incorporating sustainable urban drainage. The subject of a separate planning application S12/1502).

It is proposed that the 105 dwellings would be delivered in three phases. The first phase would be the properties taking direct access onto Balmoral Drive. With a second access serving the remainder of the development (two phases) via a new off-site urban boulevard and main street along the western and northern boundaries of the site.

Relevant Site History

SK35/0253/88: Outline – residential development, neighbourhood centre, health and education facilities, public open space, roads and other facilities. Approved 12/3/1990.

SK35/0777/88: Outline – residential. Approved 12/3/1990.

SK0986/90: Reserved Matters – residential. Approved 20/11/1990

SK94/0347: Outline – development without complying with Condition 1 of SK35/0777/88. Approved 10/5/1994.

S99/1248: Outline – Residential development. Withdrawn 26/6/2003.

S02/0154: Outline – Residential, Local centre, School, POS, Roads and Bridge. Withdrawn 15/10/2007.

S08/1231 – Outline Planning Permission was granted for the A mixed use urban extension comprising up to 1800 dwellings, community facilities, (including a primary school, community centre, retail use classes A1, A2, A3 & A5, doctor's surgery and elderly person's accommodation) and associated open space (including new playing fields, facilities and changing rooms, children's play areas, informal networks of open space and allotments) and a new road and a new road bridge to complete the Pennine Way Link on 23 June 2011.

This application before you is a submission of reserved matters pursuant to the outline planning permission.

S11/1667 - Approval of details required by Conditions 3 (master plan/design code), 4 (school, community facilities'), 5 (phasing plan) & 10 (landscaping) of S08/1231 – was granted approval on 18th November 2011.

S12/1468 – Reserved matters application for the construction of 99 dwellings (including 15 no. affordable dwellings and associated garaging) – current application.

S12/1502 – Approval of details required by conditions 11-landscaping, 17-Strategic Surface Water Regulation System and 33-Overland Flows of planning permission S08/1231 – current application.

S12/1503 – Approval of details reserved by conditions 6 & 13 (Programme of Development), 20 (Protected Species Activity) & 35 (Archaeological Statement) of S08/1231 – current application.

Policy Considerations

National Planning Policy Framework

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 11 – Conserving and Enhancing the natural environment

South Kesteven Core Strategy

Policy SP1 – Sustainable Communities

Policy H2A – North West Quadrant

Policy EN1 – Protection and Enhancement of the Character of the District
Policy EN4 – Sustainable Construction and Design

Draft Grantham Area Action Plan

Policy NWQ1 – North West Quadrant

Regional Spatial Strategy

Policy 2: Promoting better Design
Policy 13: Regional Housing Provision
Policy 14: Regional Priorities for Affordable Housing
Policy 29: Priorities for Enhancing the Region's Biodiversity
Policy 42: A Regional Approach to Water Resources and Water Quality
Policy 35: A Regional Approach to managing Flood Risk
Policy 37: Regional Priorities for Waste Management
Policy 38: Regional priorities for Energy Reduction and Efficiency
Policy 44: A regional Approach to Traffic Growth Reduction
Policy 45: A Regional Approach to Behavioural Change
Policy 47: Regional Car Parking Standards

Representations Received

Lincolnshire County Council Footpaths Officer

It is expected that the definitive line and customary width of the path will not be affected by any proposed development.

Planning Policy

The application site is located within the Northwest Quadrant Urban Extension site which is designated under Core Strategy Policy H2A.

Under Policy H2A development of the site is (amongst other things) required to complete the road link between Pennine Way and Barrowby Gate. Provision for a further section of the Pennine Way Link Road to be delivered appears to be made through the information submitted.

Policy H2A states that the detailed site boundaries and broad distribution of land uses are to be defined through the Grantham Area Action Plan (GAAP). The information submitted for pre-application advice is broadly in compliance with the information contained in the Submission Draft GAAP Policy NWQ1 and is therefore compliant with this policy area.

Overall the information submitted is broadly compliant with policy.

Highways Agency

As the application is for reserved matters, the principle of the development and its impact has already been agreed. We therefore have no comments to make.

Local Highway Authority

Initial Comments

Thank you for your letter dated 11 June 2012 in respect of the above enquiry. I have the following comments and/or observations:

In respect of the layout for the site, being Parcel H of the Poplar Farm development, access, principles of road alignment and hard standings for the parking of vehicles these are acceptable in purely highway terms in accordance with Conditions 2 and 7 of the outline permission.

In respect of Conditions 6 & 13, the extent of adoptable highway shall be clearly defined by appropriate means when the roads and footways are constructed.

In accordance with Condition 20, the Applicants have submitted a survey of protected species activity within this phase.

Their protection and any mitigating measures will be the subject of ongoing technical appraisal and any agreed measures shall need to be implemented in accordance with timescales set by the local planning authority in writing.

It is known that badgers are present in the locale and the roads infrastructure should not be compromised by the species undermining the lower layer of construction.

A permission does not convey any approval that may be required under the Flood and Water Management Act 2010 and you are advised that further details relating to be submitted on request for approval of the Lead Local Floods Authority and any amendments to an approved scheme shall subsequently be implemented before occupation of the first unit of the phase to which this permission relates.

The foul and surface water drainage is proposed to be agreed and adopted under Section 104 of the Water Industry Act 1991. Under these circumstances, and again purely in highway terms it is considered that Condition 17 may only be discharged once Anglian Water in consideration of the requirements of the Environment Agency, Upper Witham Internal Drainage Board and Lead Local Floods Authority have been satisfied.

This applies also to Conditions 22 and 23 as the various phases come forward on an individual basis.

As you have indicated that these Conditions can be discharged sequentially and thus the relevant organisations can be satisfied that their individual proposals will not compromise those phases previously 'approved', the principle may be deemed acceptable.

Final Comments

The Application is for reserved matters, and the principle of development has previously been agreed following assessments and consideration of capacity in respect of the highway network.

I would draw your attention to Condition 28 of the Outline Permission.

In conjunction with the reserved matters application, the local highway authority is involved in the technical detailing of the proposals for the roads and associated infrastructure including street lighting and for entering into of the appropriate Agreements. In this respect this submission is in compliance with the outline planning

Partnership and Projects Officer (Affordable Housing)

Initial Comments

I would respond to the affordable housing requirements as follows:-

The S.106 requires that from the first 246 residential units on the site 54 (22%) affordable units will be provided. The above proposal seeks permission to develop 105 residential units of which 15 (14.3%) are proposed as affordable housing units. The remainder of the affordable housing units (39 – 27.6%) are expected to be delivered as part of the next 141 units.

The 15 affordable units are proposed to all be shared ownership. The S.106 requires that as a minimum 60% of the affordable housing units will be rented and no more than 40% will be shared ownership. This will mean that on the next development which will provide the remaining 39 affordable units, 32 (82%) of these units will need to be provided as rented units. Any shared ownership units developed will be restricted for sale to local applicants in need of affordable housing and in the current financial market it may prove difficult to sell the shared ownership units to local people in housing need and they may therefore stand empty for some time.

The affordable housing units must form part of a sustainable integrated community and we must be mindful that on the first phase there will be no affordable rented units, whereas on the second phase the majority of the affordable units will be rented and care will need to be taken to ensure that the affordable rented units are not located all together and will need to be pepper potted around the site.

The location, size and type of affordable housing proposed on this site is acceptable in that it will provide affordable housing in two locations on the site, providing 9 x two bedroom houses and 6 x three bedroom houses.

The developer will also need to have regard and liaise with the Council and Registered Provider (housing association) on the following:-

- The proposed tenure of the affordable housing to be agreed in writing between the council and the registered housing provider (RP).
- The affordable housing to be made available to one of the Council's preferred registered housing provider (RP) partners and choice of partner to be agreed in writing with the council. The RP will be required to enter into nomination agreements with the council for both the social rented and shared ownership accommodation.
- The design requirements should ensure the creation of mixed, integrated communities and particularly that the affordable housing should not be distinguishable from the market housing on the site in terms of build quality, materials, details, level of amenity space and privacy
- All social rented and shared ownership housing must be built to meet relevant Home and Communities Agency (HCA) standards and to meet the appropriate level of Code for Sustainable Homes pertaining at the commencement of the development.
- The consideration of the affordable housing units to be offered for sale to a RP shall be market value of the affordable housing units to be transferred but making due allowance for its restricted use for the provision of affordable housing units. (Please note as this is a planning gain site there will be no HCA grant funding for the affordable housing units).

Further Comments

Affordable housing provision should comply with Policy H3 Affordable Housing in the South Kesteven Adopted Core Strategy in that,

'Where affordable housing is to be provided on site, a target of up to 35% of the total capacity of a scheme should be affordable. In the case of Poplar Farm the S.106 was agreed at a lower percentage of 22% for the first phases of development. The S.106 requires that from the first 246

residential units on the site 54 (22%) affordable units will be provided. The above proposal seeks permission to develop 105 residential units of which 15 (14.3%) are proposed as affordable housing units. The remainder of the affordable housing units (39 – 27.6%) are expected to be delivered as part of the next 141 units.

A further planning application has been received from Wilsons to construct another 99 housing units on a site adjacent to the above site with a proposal that 15 units are affordable units (15%). This would leave a requirement for 24 affordable housing units to be provided from the remaining 42 units (57% affordable). This would not be conducive to providing mixed sustainable developments with the potential of the final phase providing 57% social rented housing.

Policy H3 continues – ‘The affordable element will be expected to include a mix of socially rented and intermediate housing appropriate to the current evidence of local need. Both applications Bellways and Wilsons suggest the tenure of the affordable housing units as all shared ownership (30 units) which will not meet identified local needs and affordability levels.

Below is the current housing register numbers for applicants who wish to live in affordable housing in Grantham and who are aged under 60 years of age:

SIZE OF HOUSE	NUMBER OF APPLICANTS IN TOTAL REGISTERED FOR AFFORDABLE HOUSING IN GRANTHAM	NUMBER OF APPLICANT IN MEDIUM/HIGH HOUSING NEED (OVER 150 HOUSING POINTS AWARDED)
2 BED HOUSE	1180	146
3 BED HOUSE	346	49
4 BED HOUSE	129	25

(Housing Register 4 September 2012)

A recent enquiry with East Midlands Homebuy has confirmed that they only have 12 applicants looking for shared ownership accommodation in South Kesteven but they were unable to narrow this down to Grantham only.

All units should be of an appropriate size and type to meet the need identified by the current evidence of housing need for that ward. I can confirm that the size, type and location of the affordable housing units on this site do meet identified local needs.

Final Comments

With reference to the above, I can confirm that the proposed changes of tenure as outlined are acceptable for the first stages of development on the Poplar Farm site. The Council has been co-operating with the developers and have been flexible in agreeing this level of affordable housing and tenure in order to assist with the commencement of the first phases of this development. The proposals are as follows:-

Bellway Homes 13 affordable housing units of which 10 will be shared ownership and 3 x 3 bedroom properties for rent.

David Wilson Homes 13 affordable housing units of which 9 will be shared ownership and 4 properties for rent.

This will provide 26 of the 54 affordable housing units required by the S106 before the completion of 246 open market units on the Poplar Farm development. This will leave a balance of 28 affordable housing units to be provided from the development of the next 96 units.

Police Architectural Liaison Officer

Thank you for your recent correspondence and the opportunity to comment on the proposed development. I have studied the said plans and would request that due regard be given to the following points in the interest of crime reduction and community safety.

Perimeter and dwelling boundaries it is recommended that the boundary treatment for the perimeter of the site and the individual plots be a robust fence or wall constructed without footholds to a minimum height of 1800 mm the rails to any timber fencing should face the garden.

All rear pedestrian gates should be fitted with anti lift hinges and be fitted with a locking device. These measures will reduce the opportunities of crime and reduce the fear of crime for the occupiers.

Landscaping

All landscaping, including that within the Public Open Space, should be kept to a maximum growth height of 1 metre. Whilst any trees should be pruned up to a maximum height of 2 metres, thereby maintaining a clear field of vision through the development. Trees when fully grown should not mask any lighting columns or become climbing aids.

Road and parking court lighting

Before the development is brought into use the roads, private driveways, parking areas and footpaths should be provided with lighting in accordance with details to be submitted to and approved in writing by the local planning authority.

Natural England

Protected species

It is noted that a survey for European Protected Species (great crested newts) has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect a European Protected Species.

We also note that surveys have been undertaken for badger, water vole and reptiles; all have been recorded on site. Provided that the mitigation measures proposed by FPCR in each of the separate survey reports are carried out, Natural England is satisfied that there will be no adverse impact upon these species as a result of the development.

However, one point of clarification that we wish your authority to consider is the retention of condition 20 with the overall outline planning permission (S08/1231). This current application is seeking to approve reserved matters on parcel H of the granted outline site as well as discharge a number of planning conditions (including condition 20). Should your authority discharge condition 20 as part of this application, we would be concerned about the driver for ensuring that protected species surveys are undertaken prior to the development of each land parcel. For example, badgers have already expanded their range across the site since 2008 – this illustrates the need for up to date survey work to inform up to date mitigation (which could include EPS licenses) on each land parcel.

We therefore advise that outside of our wider non-objection to the development within parcel H, your authority does not discharge condition 20 until the final land parcel has been developed (which could be a number of years away).

We also note that parcels D and K are to be developed as part of Phase 1 – we request that Natural England are consulted on reserved matters applications in either of these parcels when they come forward.

Upper Witham Drainage Board

The site is one that the Board has had a great deal of involvement in the past. The works that affect drainage must be completed in accordance with the agreed Flood Risk Assessment.

As the discharge from the proposed development is to an existing controlled system it should be shown, to the satisfaction of the Local Authority and Internal Drainage Board, that the system can accept the additional discharge without increasing the resulting discharge rate to the receiving watercourse.

Should this not be possible, or the proposed discharge becomes directed to a watercourse or another sewer system and then into a watercourse, then the applicant must provide detailed information to show that the proposed discharge regime will not increase flood risk elsewhere.

Reason: To prevent the increased risk of flooding.

Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, in any ditch, dyke or other such watercourse will require consent from the Board.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as “ridge and furrow” and “overland flows”. The affect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Reason: To prevent an increase in the risk of flooding and/or waterlogging on adjacent property.

The Board undertook work to assist in the regulation of the surface water flow from the development area some time ago and at that time the landowners and the council accepted that the Board should be recompensed for the preliminary works undertaken. The ability to utilise the surface water discharge watercourses may require use of the system previously constructed by the Board and therefore in addition to any other agreements that may be necessary the Board's Consent may be required to allow discharge into the watercourses that outfalls through this regulation system.

The Board's comments have been made following receipt of information through the planning process. The Board would wish to be re-consulted should the details of the application change, more details become available and/or when future applications are submitted for this site.

Senior Historic Environment Officer (Archaeology)

This application does not affect the area of archaeology interest.

Network Rail

In relation to the above application I can confirm that Network Rail have no further comments to make on the additional information supplied for the above application other than those returned in response to the original application as detailed in the attachment which still apply. We would reiterate the requirement in relation to the bridge for the applicant to obtain an easement and detailed design agreement from Network Rail.

Lincolnshire Wildlife Trust

We have read the protected species survey reports submitted with the application and are satisfied that providing the recommendations are followed, there should not be any significant negative impacts on protected species as a result of the proposed works.

We strongly support the proposed habitat enhancements within the wider development site, through creation of the central landscape strip to provide foraging habitat for badgers, waterbodies which should benefit reptiles and amphibians, and enhancement of the Running Furrows drain for water voles. We have looked at the soft landscaping plan and would recommend that a greater proportion of native species, preferably of local provenance, of trees and shrubs are used. These will have greater benefits for biodiversity, have lower maintenance requirements and will help the development to blend in better with the wider countryside.

We would also recommend that consideration is given to the provision of bat roosting and bird nesting features within the development. Where possible these should include permanent bat roost units or access tiles built into suitable buildings or swift boxes built under the eaves. Nesting features could also be included for other declining birds such as swallow and house sparrow. Recommended levels of roost and nest provision can be found in 'Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build', Dr Carol Williams, 2010, RIBA Publishing.

Environmental Protection

No Comments.

Gonerby Parish Council

No objection to the development

Barrowby Parish Council

There was strong concern expressed regarding the increase of traffic flow on Barrowby Road. In order to alleviate this it was felt that roundabouts should be considered on both A1 slip roads off the A52.

Representations as a result of Publicity

The application has been advertised in accordance with the adopted statement of community involvement. 13 letters of objection have been received. A summary of their main concerns are listed below:

- Grantham roads are already congested
- the proposed access route from A52 to Great Gonerby needs to be implemented prior to any further building works

- any accident on the A1 results in Grantham being in gridlock
- grass snakes have been sighted in the fields behind 86-96 Barrowby Road
- object to the development due to the failure of the Council to solve the east west bypass.
- A52 is at gridlock at peak times. A further 105 dwellings will only make the Asda roundabout worse
- the development would appear entirely of residential properties with no service amenities
- the house built opposite our home as clearly not of a similar size, value or standard
- 21 are being put in a space that on our side is only 11 houses and a green
- lower the value of the bigger houses on Balmoral Drive (not a planning matter)
- the access road is insufficient. All 105 dwellings would be forced to use the single access road from Barrowby Road – this will cause congestion
- there is no indication as to how parcel H will connect to future developments
- how will pedestrian cycle routes connect to the allotments and the development as a whole. Establishing this is a priority
- as Balmoral Drive would be a main feeder road for the Poplar Farm development it is undesirable to have any parking on it. The properties that front Balmoral Drive should have two off road parking spaces (not including garages. It is unrealistic to assume that garages will be used for parking as the general practice is for householders to fill garages with other miscellaneous equipment not a car.
- the town cannot cope with a further 105 houses
- allowing any building without the Grantham bypass is totally irresponsible
- why is the road and bridge over the railway not constructed before any dwellings
- the properties proposed opposite Lindisfarne Way as there have already been three crashes there
- loss of privacy
- visual intrusion
- loss of light
- loss of view (not a material planning consideration)
- the site floods on a regular basis
- proposal could flood Moy Park Factory resulting to people being out of work
- homes are not needed in Grantham. There are no homeless people who are crying out for 4 bedroom executive homes
- there is no housing shortage. There are numerous houses for sale on the Barrowby Lodge Estate
- the land is a public right of way and has been for over 20 years
- there are no residents on my estate that are in favour of the development
- the plans should be delayed until an alternative transport route is secured
- no objection to the new homes, but object to the traffic problems
- impact the development will have on house prices coupled with the drop in prices as a result of the recession (not a material planning consideration)
- traffic impact, increased noise, smell and pollution
- increased traffic would be detrimental to highway safety
- housing design are not in keeping. Would dilute the mix and quality of the existing housing in the area
- wildlife would be destroyed
- Grantham does not have the economic base to support the proposal. Future residents will need to commute thereby not supporting businesses already struggling in Grantham
- there are alternative brown field sites in Grantham that could be developed that would be more beneficial to the town both economically and attractively
- building more homes without infrastructure would repeat the mistakes previously made.
- The Cabe report in response to the Poplar Farm development was scathing, in that no development should be undertaken until highway improvements have been made
- object to building unnecessary house on the only remaining green sites in Grantham
- is there any need for more housing in an already stagnant market
- existing infrastructure is already at breaking point
- area is used for dog walking/walking by many in the area. Never a period when it is not in use
- no play areas in walking distance

- application is unnecessary as these properties will never be sold. They will have waterlogged rear gardens and sinking foundations
- the existing housing estate needs flood plains and drainage. This addition will result in overflowing of drainage and sewage onto the estate
- concerns that wildlife is being ignored. Construction will damage the habitats of many species
- the only people to gain from this application will be the builders not the existing residents
- have the appropriate protected species surveys been undertaken

Applicants Submission

Developer Submission

We write following your meeting with Mandy Gee, Ancer Spa and Barratt Homes on 5th September where the provision of affordable homes on the first two phases of development at Poplar Farm by Bellway Homes (Plot H) and David Wilson Homes (Plot D) was discussed.

You have requested to set out:

1. How the proposals for affordable homes fits with the requirements of the Section 106 agreement.
2. The rational for the current proposals. Fit with the Section 106 agreement.

The overall Section 106 package was concluded after a long negotiation between the landowners, SKDC officers and SKDC's consultants CGMS and NBS. With regard to affordable homes on the site the following was agreed as the basis for the Section 106 agreement (extract from agreed heads of terms):

Affordable Housing:	
Affordable housing to be provided	54 for the first 300 units.
Affordable housing to be provided	60 for 301-600 units.
Affordable housing to be provided	288 for 601-1,800 units.

i.e. a total of 402 units phased throughout the development at an average rate of 22.33% but stepping up over the over the course of the development.

The agreed heads of terms were then reported to planning committee as part of the officer's report on the 15th September 2009. With regard to affordable homes the report stated that:

- The planning gain package addresses the Social Infrastructure associated with the development. A firm of Chartered Surveyors with reference to the economic climate, policy constraints and recent appeal decisions has negotiated the value of the package. Your officers required that the package be set out in full rather than being subject to negotiation at set periods; in this respect a long life permission is recommended (see Conditions where the permission is recommended to allow 15 years for the submission of Reserved Matters).
- 402 units (a 60% increase) at an overall ratio of 22.33%. (Increase was compared to the previous consent on the site)
- Members will have noted that the percentage of affordable housing does not accord with the target of 31 %. Members will be aware that this percentage is not in the saved Local Plan Policies but that advocated to meet need recorded in the 2006 Housing Survey. This reduction has been undertaken with the knowledge of the SKDC Housing Solutions Officer so that cash contributions to

other aspects can be made.

Following the resolution to grant consent the Section 106 agreement was drafted and signed. With regard to affordable housing the relevant clauses are:

10. The Owners shall not permit the Certification of:
 - 10.1. More than 246 (two hundred and forty six) Dwellings before EITHER the transfer to a Registered Social Landlord agreed by the Council or to the Council of Affordable Housing Land for the provision of 54 (Fifty Four) Affordable Housing Units OR entering into a Contract with the Council or a Registered Social Landlord agreed by the Council for the construction of 54 Affordable Housing Units on the Affordable Housing Land PROVIDED THAT if at any time after the Certification of 235 Dwellings the Owners having used reasonable endeavours to find a Registered Social Landlord willing to accept an offer in accordance with paragraph I of Part I of this Schedule for transfer of 54 Affordable Housing Units or Affordable Housing Land therefore, have found no Registered Social Landlord so willing for all or part thereof the Owners shall offer in writing to transfer to the Council in accordance with sub paragraphs 1.2 and 1.3 of this part of this Schedule the Affordable Housing Units or the Affordable Housing Land for which no Registered Social Landlord so willing has been found and, if the offer has not been accepted in writing by the Council within two calendar months of the offer the Owners' obligation in this paragraph shall be deemed to have been fully discharged.

It would have been clearer if the Section 106 stated that 'The owner shall not permit the Certification more than 246 market dwellings before either the transfer of 54 affordable housing units. Nevertheless it is clear that the intention of both parties was that of the first 300 units 54 (18%) should be affordable split 60/40 rented I shared ownership, (32 and 22).

The Section 106 requires in the Third schedule, Part 1, clause 3 that: "The Affordable Housing Scheme is to be agreed in writing with the Council in terms of the location, tenure, size, type and mix to meet local housing need and neither party is to withhold consent unreasonably"

Accordingly, we can confirm that both housebuilder's have written to the council proposing the following:

- Bellway Homes total 105 units of which 10 shared ownership and 3 rented. All 3 rented will be 3 bedroom properties.
- David Wilson Homes 99 units of which 9 are shared ownership and 4 rented.

The proposal for the first 204 units is therefore a total of 26 affordable leaving 28 to be delivered within the next phase at Poplar Farm of 96 units. This ratio of 28 units within the next 96 will result in a good mix of private and social housing. The current affordable housing proposals are therefore fully compliant with the letter of the Section 106 agreement as the trigger levels are all met.

The Rational for the Current Proposals

The whole subject of central government encouraging employment and economic growth through new house building is very topical at the moment. Government's announcements this week encourage and require local authorities to work with landowners and developers to ensure that schemes are viable and that new housing can commence as soon as possible. It is not the landowners' intention to seek to renegotiate the Section 106 package and as stated above the

current proposals are compliant with the signed Section 106 agreement. However some cooperation and flexibility is sought from the council in order to get these first phases of development at Poplar Farm quickly away because:

- Like any large new housing scheme the current housing and mortgage market difficulties are not conducive to investing in the new housing projects. Low house prices and low rates of sale mean starting large new developments is difficult. Nevertheless these first two phases of development at Poplar Farm will be the first major new housing schemes to start in Grantham for 4 years.

Like any large new housing scheme the costs of opening up the site for development are significant: high upfront costs of providing utilities and drainage for the first phases, the extension of the Pennine Way to serve the Bellway site, over 11 hectares of open space to be provided, etc. These costs amount to some £3.5m. The infrastructure provided will also serve later phases of development making the next phases easier to bring forward.

- Plot H has its own special difficulties of steep gradients requiring expensive building solutions in terms of retaining walls and foundations which has knock on effect of the funds available to provide the infrastructure itemised above.

To conclude:

- The current affordable housing proposals are compliant with the Section 106 agreement.
- Subject to SKDC consent this scheme will deliver Grantham's first new major housing scheme for 4 years and deliver some 204 new homes including 26 affordable units of which 7 will be for rent. New jobs will be created by the construction works and a New Homes Bonus of several hundred thousand pounds will be received by SKDC.
- The project will respond to central government's recently announced major housing and planning package requiring local authorities and developers to work together to get new housing started.

Officer Evaluation

The main issues for consideration in relation to this application are compliance with the outline planning permission, compliance with policy, highway safety, residential amenity, visual amenity and drainage.

Compliance with Outline Planning Permission (S08/1231)

The principle of development of the site is established by the grant of outline planning permission S08/1231. This submission of reserved matters has been assessed and is considered to accord with the outline planning permission, design and access statement and the associated approved design code.

The scheme would adopt the principle of connected grid of streets and blocks to promote pedestrian permeability. There would be feature squares to provide landmark buildings and a sense of place.

Compliance with Policy

The initial comments of the Partnership and Projects Officer indicate that the tenure of the affordable units proposed does not meet the identified local need. It is proposed that 15 shared

ownership units are provided as part of the scheme. No rented properties would be provided. The rented properties would be delivered as part of the next phases/schemes.

The Section 106 legal agreement that accompanies the outline planning permission requires 54 affordable housing units to be provided before the completion of 246 units. The agreement also requires the location, tenure, size, type and mix to meet local housing need.

The affordable housing need for the district as a whole, not just the Grantham area, shows a clear bias towards rented accommodation with a waiting list of only 12 applicants for shared ownership properties. Not all of these applicants would wish to live in Grantham. Clearly the provision of 15 shared ownership units would be an over provision leading to the units not being occupied.

The situation would be compounded by the fact that a further reserved matters application is currently lodged with the authority (S12/1468). This proposes 99 units of which 15 would be shared ownership. This would give 30 shared ownership units in total. This would be a significant oversupply based on the current identified need.

(For Members information planning application S12/1468 has been amended to provide 13 affordable units of which 4 would be social rented the remaining 9 would be shared ownership).

It is accepted that that the remaining schemes could provide the balance of the affordable units required by the S106 agreement.

Revised Affordable Housing Provision

As a result of negotiations in relation to affordable housing provision on the site, the developers have indicated that in the current economic climate viability issues have restricted their ability to deliver affordable housing. However, notwithstanding this they have amended the affordable housing provision as part of this application to provide 13 units of which 10 would be shared ownership and 3 rented. The Partnership and Projects Officer has confirmed that this reflects the identified local need.

Current Government Advice

Developer contributions, in particular affordable housing, are a very topical area. A recent Ministerial Statement, on 3rd July announced additional measures to support the delivery of sustainable development. The measures include the ability to renegotiate non-viable S106 agreements.

Of relevance to the determination of this reserved matters application is the commentary of Rt Hon Eric Pickles MP in relation to "Reducing the cumulative burden of red tape".

He states:

"It is vital that the affordable housing element of Section 106 agreements is negotiated during different economic conditions is not allowed to undermine the viability of sites and prevent the construction of new housing. This results in no development, no regeneration and no community benefits at all when agreements are no longer economically viable.

The Government estimates that up to 75,000 new homes are currently stalled due to site viability. S106 is an important tool to provide affordable housing and we welcome the flexible approach that many councils have taken to renegotiating these agreements where necessary".

Whilst the level of affordable housing provision proposed does not comply with the requirements of the S106 pro rata. It must be remembered that this is only part of the initial phase. The requirements of the S106 agreement can still be fulfilled by the later reserved matters submissions.

In relation to affordable housing the S106 requires:

54 affordable units shall be provided before completion of 246 units.

This scheme provides 13 affordable units of the 105 dwellings proposed.

Taking into consideration the current economic climate, the comments from the developer, the comments of the partnership and projects officer, the commentary from Rt Hon Eric Pickles and the fact that the future phases of the development will permit the remaining balance of affordable units to be provided it is considered that the affordable housing provision is acceptable.

Highway Safety

The difference in levels on the site has resulted in the proposed properties that would front onto Balmoral Drive would be served off Balmoral Drive. The remainder of the site would be served via the new highway works to the west and north of the site. This would provide a further part of the Pennine Link Road.

It is accepted that there are surrounding road network capacity issues. However, this matter was considered as part of the grant of outline planning permission. It was accepted that in order for the development as a whole to function there is a need for a highway link over the railway. This scheme would deliver a further part of the link road. The overall delivery of the link road is controlled via the Section 106 agreement associated with outline planning permission S08/1231, and a planning condition of that permission requires the railway bridge to be completed before 751 dwellings are certified complete.

Whilst the development would clearly generate additional trips which will feed into the existing network, it is considered that any burden that the proposed development would place on the existing network would not be so severe as to present any specific issues in relation to highway safety and is acceptable until such time as the link road is completed.

Residential Amenity

The nearest existing properties to the proposed development are those immediately adjacent to Balmoral Drive. They would be separated from the application site by Balmoral Drive. It is considered that there would be sufficient separation distances between the existing properties and the proposed development to ensure that there would not be any significant loss of amenity via overlooking/loss of privacy or overshadowing. The separation distance between the boundary of the proposed development and the existing properties is approximately 15 metres at the closest point.

It is accepted that the occupiers of the properties adjacent to the site currently experience unrestricted views over open countryside and the proposed development would change this. This may not be welcomed by local residents. However, to ensure that local residents would experience no change as a result of a development is an unrealistic test for a planning application.

Visual Amenity

An assessment of the visual impact of this development (which is part of the wider site encompassed by outline planning permission S08/1231) was considered at the outline stage. This included both impact on the landscape and surrounding area and heritage assets.

In relation to this specific reserved matters application, the overall layout of the site is very much dictated by the level changes on the site. There is a 10 metre fall in levels on the site from Balmoral Drive, to the northern boundary of the site. Accordingly the layout has been designed to accommodate this level difference by serving the highest part of the site from Balmoral Drive. The remainder of the site would be served by a newly constructed road from the north of the site.

The layout of the site is driven by the need to promote free movement around the site and between the development blocks within the site. Each block would be surrounded by a circulation road/private drive allowing movement to the next. There would be a mix of house types including landmark buildings around the feature squares.

It is considered that the layout and design of the development would be in keeping with the character and appearance of the area and can be seen as a logical extension to the existing residential development.

Drainage

The strategic drainage for the site and the wider area would be provided via a series of balancing lagoons within the adjacent landscape corridor which runs adjacent to the site to the north and beyond to serve the future phases.

The drainage scheme is the subject of a separate planning application (S12/1502).

Whilst it is noted that the requests for additional drainage conditions have been made, it is unreasonable to attach further drainage conditions as part of this reserved matters application as drainage matters are already controlled by the requirements of the outline permission. It is however considered appropriate to attach advisory notes to applicant in relation to the comments of the Upper Witham Drainage Board.

Section 106 Heads of Terms

The application is a submission of reserved matters pursuant to outline planning permission S08/1231. There is a legal agreement that accompanies the outline planning permission which secures a comprehensive package of developer contributions which include open space, education, primary care, sports pitches, highway improvements, allotments and affordable housing.

Further developer contributions cannot be sought at reserved matters stage.

Crime and Disorder Implications

The development raises no significant crime and disorder implications

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

SUMMARY OF REASON(S) FOR APPROVAL

This is a reserved matters application for the construction of 105 dwellings, garaging and associated infrastructure pursuant to outline planning permission S08/1231. The area of the development is approximately 3.2 hectares and is located within Parcel H (phase 1) as set out by the approved phasing plan that forms part of the outline planning permission.

The development site is located within the Northwest Quadrant Urban Extension site and would provide a further section of the Pennine Way Link Road.

As such the proposal is considered to accord with national guidance contained in the National Planning Policy Framework Section 6 Delivering a wide choice of quality homes, Section 7 Requiring good design and Section 11 Conserving and enhancing the natural environment. Policy H2A, H3, SP1, SP3, and EN1 of the adopted Core Strategy and draft Grantham Area Action Plan (GAAP) policy NWQ1.

Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity and drainage they are not considered to outweigh the policies referred to above.

RECOMMENDATION: That the development be Approved subject to condition(s)

1. The development hereby permitted shall be undertaken in accordance with the approved materials schedule PC0279/MS received by the local planning authority on 28th May 2012.

Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

2. All hard and soft landscaping works shall be carried out in accordance with the approved details Drawing No. Bir.3996_01A.and PC0279/100/01 Rev C.

Reason: In the interests of highway safety and to ensure as satisfactory form of development.

3. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

PC0279-100-01-Site Planning Layout, PC0279-100-03-Phasing Plan, Bir 3996_01A -Soft Landscaping Proposals, 300-01-Boundary Treatment Details, 300-02 Boundary Treatment Details, 300-03-Garages, 300-04-Garages, 300-05-Foxton, 300-06 Tilton, 300-07-Somerby End, 300-08- Somerby End, 300-09-Somerby Mid, 300-10-Ashby, 300-11-Burton, 300-12-Burton, 300-13-Willesley, 300-14-Willesley, 300-15-Belfry, 300-16-Walton, 300-17-Walton, 300-18-Orton, 300-19-Orton, 300-20-Gleneagles, 300-21-Gleneagles, 300-22-Kibworth, 300-23-Kibworth, 300-24-Spinney, 300-25-Spinney, 300-26-Ashby plot 68, 300-27-Walton Sp, 300-28-Walton Sp, 300-29 Willesley Sp, 300-30-Lichfield, GEMMA BDS 3477-EL-90 Engineering Layout, 3477-EL-91-FW Drainage Sections, 3477-EL-92-SW Drainage Sections, JMP-NEA3027-BHM-100-Rev B-Pennine Way Extension Layout, BHM-101-Pennine Way, Balmoral Drive Planning Drawing, BHM-102 Rev A Pennine Way and Main Street Drawing, BHM-103-Rev A Main Street/Bellway Access Planning Drawing, and following supporting information PC0279-DAS-01-Design and Access Statement, PC0279-100-04-Proposed Street Scenes and Sections and 300-31-External Details.

Reason: To define the permission and for the avoidance of doubt.

4. The finished floor levels and finished grounds levels of the development hereby permitted shall be in accordance with the approved engineering layout Drawing No. E/3477/EL/90.

Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

5. Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the District Planning Authority for the location of bird and bat boxes to encourage wildlife to the development. The agreed scheme shall be implemented prior to the completion of the development.

Reason: To encourage additional biodiversity within the development.

Note(s) to Applicant

1. As the discharge from the proposed development is to an existing controlled system it should be shown, to the satisfaction of the Local Authority and Internal Drainage Board, that the system can accept the additional discharge without increasing the resulting discharge rate to the receiving watercourse.

Should this not be possible, or the proposed discharge becomes directed to a watercourse or another sewer system and then into a watercourse, then the applicant must provide detailed information to show that the proposed discharge regime will not increase flood risk elsewhere.

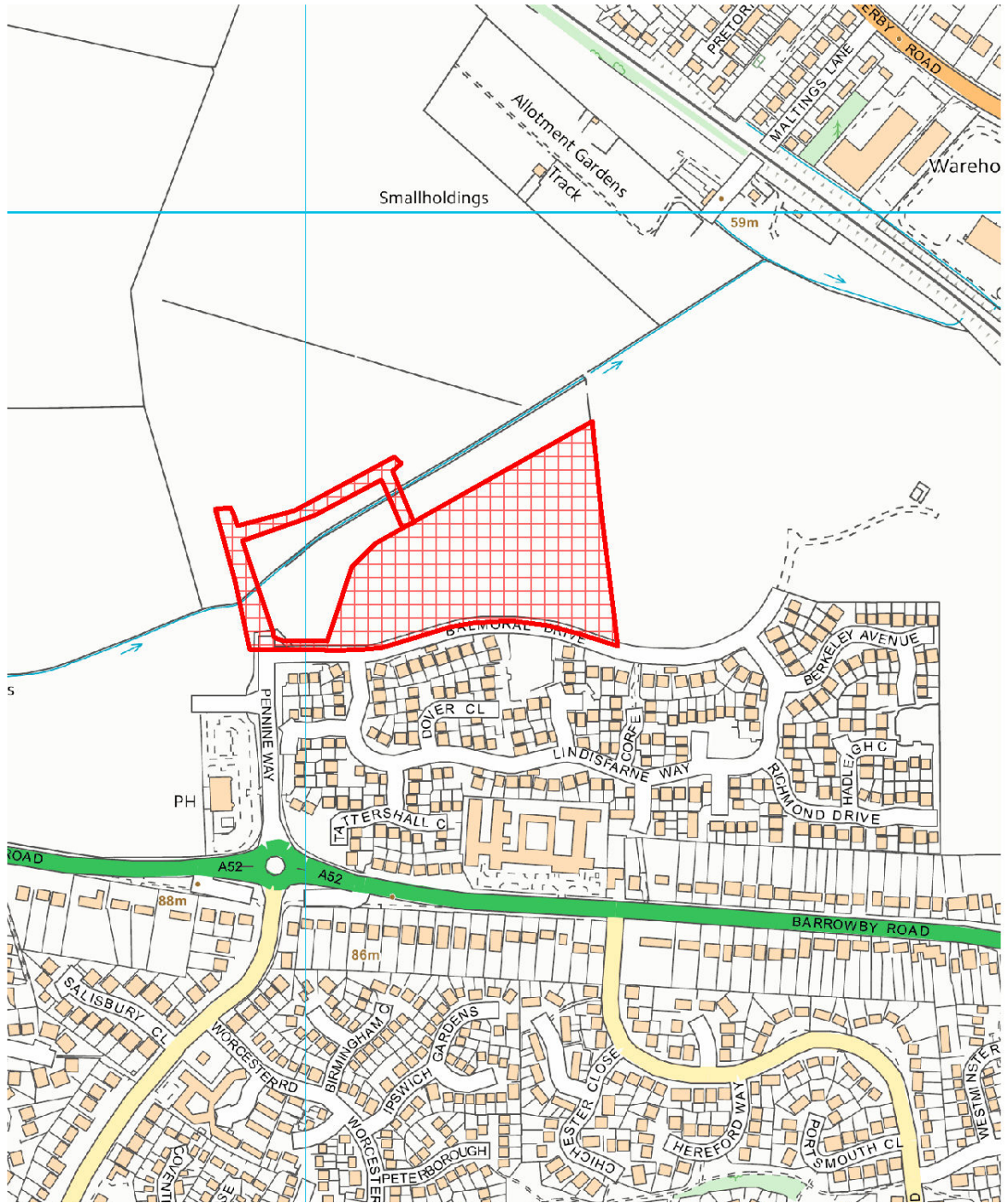
2. Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, in any ditch, dyke or other such watercourse will require consent from the Board.
3. All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The affect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

* * * * *

Site Location Plan

Ref	S12/1331
Proposal	Approval of reserved matters for residential development of 105 dwellings and associated garaging and infrastructure pursuant to outline Planning Permission S08/1231
Location	Poplar Farm, Barrowby Road, Grantham, NG31 8AF



© South Kesteven District Council (2012) - Licence No. 100018662

