

Applicant	Andrew Rogers, JGP Properties Ltd c/o Agent
Agent	Mr Andrew Rogers, Capita Symonds Architecture ICON Business Centre, Lake View Drive, Sherwood Park, Nottingham, NG15 0DT
Proposal	Outline planning permission for residential development and the formation of new vehicular access
Location	Land Off Main Road, Long Bennington
App Type	Major Outline (Residential)
Parish(es)	Long Bennington
Reason for Referral to Committee	Major application and likely to cause wider concern
Recommendation Summary	Residential development of the site is in general accordance with the guidance set out in the National Planning Framework which continues to endorse a plan led system where applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan policies in this instance are policies SP1 and H1 of the adopted Core Strategy. The Site Allocations and Policies DPD allocates the site in policy LSC 1(f) thereby the suitability of the site for development in principal has been accepted. The developments compliance with this emerging policy must be balanced against normal planning considerations. It is accepted that determining the application could prejudice the Examination of the Site Allocations and Policies DPD in relation to determining the scale and location of development in the Local Service Centres it is considered that the development is not of sufficient scale to be considered strategic nor would it affect the spatial strategy of the emerging plan. Additionally, given the uncertainty of the timeframe for the progression and adoption of the Site Allocations DPD, and the Council's current lack of a five year supply of land it is considered that the scheme would provide a valuable contribution to the supply of deliverable housing land supply. Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity, drainage and impact on the setting of the adjacent listed building they are not considered to outweigh compliance with the Core Strategy policies and the general presumption in favour of sustainable and the provision of a 5 year supply of land development endorsed by the National Planning Policy Framework. In reaching the decision the Council has worked with the applicant in a positive and proactive manner developing the proposal through pre-application discussions and seeking solutions noise/residential amenity concerns. As such, it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.

Key Issues

- Highway Safety
- Residential Amenity
- Visual Amenity

- Drainage
- Heritage Impact

Technical Documents Submitted with the Application

- Transport Statement (and Addendum)
- Reptile Survey/Habitat and Protected Species Assessment/Badger and Breeding Bird Survey
- Flood Risk Assessment
- Design and Access Statement
- Landscape and Visual Appraisal
- Heritage Statement
- Noise Assessment

REPORT

Reasons for Referral to Committee

Major application and likely to cause wider concern.

The application was deferred from the meeting held on the 5th March 2013 for the following reasons:

It was proposed and seconded that the application be deferred for the following reasons:-

- To enable the Highway Authority to re-assess their observations in view the issues raised by them and by Members at the meeting;
- For the preparation of an ecological survey with specific reference to bats;
- For a site inspection, involving the whole committee, to assess the impact of the proposal on the listed buildings to the south of the site.

It was further suggested that for a subsequent report of this item detailed information on housing land supply, and on the programme and timetable for completing the SAP should be included. The proposer and seconder agreed to add this to their proposal.

These matters are addressed in the addendum below:

Addendum

Comments of the Local Highway Authority

The local highway authority looked carefully at the proposals for development of this site both pre-application and during the planning process and potential improvements to overcome a number of issues some of which include continuing liaison with the Parish Council.

It should be acknowledged that the current width of the carriageway in this location far exceeds the normal standard for a county class 'c' road. The 'narrowing' will reduce the carriageway width where it fronts the Pavilion and sports ground and southwards to that commensurate with the hierarchy type 3 road.

Essentially, it is envisaged that by introducing the 'narrowing' in such a manner this will discourage HGV parking but retain enough width to safeguard on-street parking used by the bowls club etc.

You will understand that the narrowing of carriageway in itself is considered to be a means of reducing speeds.

My understanding is that the access to the bowls club/sports field is not used by members for the parking of cars of players or their supporters and relatives on any regular or irregular basis although it is noted that car boot sales take place a small number of times per year.

The provision of the footway/cycleway it is hoped will encourage alternative modes of travel.

The mitigating proposals therefore, in conjunction with a 'Gateway' scheme and extension to the speed limit northwards and improved connectivity of cycleways that the Area Highways Manager proposes are considered suitable improvements with added factors of safety for users of the highway at this end of the village.

It is recognised that the imposition of parking restrictions through Traffic Regulation Orders can affect normal accepted use and can have wider implications elsewhere on the network.

The issue of traffic regulation orders to control parking in the locale has therefore I understand been discussed between the Parish Council and the Area Highways Manager, and this will continue to be monitored should the development be permitted.

Officer Comment

The current highway network can safely accommodate the proposed development. The proposed alterations adjacent to the site will not prevent on street parking. There is an ongoing dialogue between the highway authority and the parish council in relation to wider highway improvements for this road and the village as a whole.

Ecological Survey (Bats)

The developer has been approached in relation to additional survey work for the presence of bats. The following response has been received:

“Further to our discussion regarding bats in trees at Main Road, Long Bennington I can confirm that it is highly unlikely that the ash tree to the north of the site which exhibited bat roosting potential will be affected by the proposed development. No works to facilitate the proposed development are to be carried out on the tree which lies approximately 25m away from the site boundary.

The three existing hedgerows on site are to be retained with an additional hedgerow planted along the northern boundary. The new hedgerow will provide additional foraging and commuting habitats for bats which may be present on site and will also help to provide a buffer between the site and adjacent habitats. The retention of the existing hedgerows will ensure that any foraging and commuting habitats already in use by bats will not be lost. Native shrub species such as hawthorn, blackthorn, hazel, dog wood and holly should be used along with tree species such as pedunculate oak, field maple, wild service tree and hornbeam. Flowering climbers such as honeysuckle will attract moths providing additional foraging opportunities for bats.

A number of different bat boxes should be erected on existing trees or buildings to provide additional roosting opportunities for bats within the local area. Ideally, two or three boxes should be clustered, facing in different directions in order to allow bats to select a range of roosting conditions at different times – preferably south, south-east and south-west facing. Due west should be avoided, as this is the prevailing direction of wind and rain.

A detailed lighting strategy should be completed as part of the reserved matters application for the scheme. This should be approved by a licensed bat ecologist to ensure that lighting on the site causes minimal disturbance to bats. To prevent a large amount of light spill across the site (particularly over the hedgerow locations) lights should face away from the boundaries of the site and hoods, cowls or lights with louvers should be implemented, where possible, to enable the light to be directed to where it is required. Lighting columns should also be as short as possible to reduce the level of light spill”.

Officer Comment

Please see below Natural England standing advice in relation to surveys:

“ How up to date does a survey need to be?

8.1 Surveys should not be over 2-3 years old for medium to high impact schemes or multi-plot or phased developments. Where a European Protected Species licence is to be applied for once planning permission has been granted, Natural England now expects applicants to carry out a walk-over of the development site within 3 months of an application being submitted to check that the habitats have not changed significantly since the survey was carried out”

In this instance the surveys were undertaken in August 2011.

As there is no objections raised in relation to the submitted protected species surveys by Natural England or Lincolnshire Wildlife Trust coupled with the standing advice from Natural England that indicates that surveys should not be over 2-3 years old it is considered that further survey work is not required at this time as it is unlikely that the situation has changed.

However, as this is an outline planning permission and it could be a further three years before a detailed reserved matters application is submitted, it is not unreasonable to require further survey work to be undertaken at that time. This can be secured by an appropriately worded condition.

Housing Land Supply and Progress of the Site Allocations DPD

This memo updates the five year land supply situation and is provided in addition to my previous consultation responses about this application dated 11th October 2011, 24th April 2012, and 12th Feb 2013.

In preparing the annual five year land supply paper for the period 2012-2017 an allowance was made for the development of additional housing on a number of sites allocated within the Grantham Area Action plan. The withdrawal of the GAAP means that less certainty can be given to the allocations in that plan coming forward in the five year period – as a result the Council has revisited the five year land supply position. The removal of those allocations in the GAAP which were considered likely to be developed in the five year period 2012-2017 results in a reduction of deliverable supply of 240 homes or 5.2 years supply down to 4.8 years supply.

The site at Empingham Road, Stamford (S12/0864, which was approved by Development Management Committee on Tuesday 5th March 2013) is expected to contribute 180 dwellings within the five year period (assuming a build rate of 45 per annum with construction commencing in 2014). This will increase the five year land supply to 5.1 years (or 4.8 when taken against the requirement plus 5% buffer).

The table below sets out the revised five year land supply for the district when the allocations from the GAAP are discounted, it also shows how development at Stamford will change the five year supply.

It should be noted that in relation to this planning application, the site is allocated in the emerging Site Allocation and Policies DPD. This allocation has been made following a detailed assessment of sites which concluded that this site was suitable for development and would be a sustainable development. As an allocation in the first five year phase of the plan the potential 35 homes proposed on the site are already assumed to contribute towards the district's five year housing supply and are included within the figure of 295 in line I of the table below.

Table showing revised 5 year housing land supply (at March 2013)

		Number of Dwellings
a	Housing Requirement 2006 – 2026 (Core Strategy Policy H1)	13600
b	Completed dwellings 2006-2012	4336
c	Residual requirement 2012-2026 (13600 – 4336)	9264 /14 (years in plan period left) = 662

d	5 year requirement: 2012-2017 (Residual annual average of 662 dwellings x 5 years)	3310	
e	5% buffer required by NPPF	165	
f	Total five year requirement plus 5% buffer (Residual annual average of 695 dwellings x 5 years)	3475	
Supply of sites		Revised supply Feb 2013	With approval of S12/0864 (Stamford)
g	Under construction on sites with planning consent:	1446	1446
h	Dwellings on large sites with planning permission which are considered deliverable and likely to come forward within five years	288	468#
i	Windfall sites (of less than 10 houses) expected to contribute to supply in later years (2014-2017) @ 100 per annum	300	300
j	Remaining 1995 Local Plan allocations (assumed delivery for 2012-2017)	625	625
k	SHLAA sites (large sites) without planning consent within towns and LSCs and assessed as being deliverable within five years	223	223
l	Number of dwellings expected to be delivered in five year period on allocations in emerging Local Plan documents	295*	295*
m	TOTAL	3177	<u>3357</u>
Number of Years supply (total supply divided by residual annual average dwellings 3177/662)		4.8 years (4.5 years when taken against total with 5% buffer)	5.1 years (4.8 years when taken against total with 5% buffer)

(Current Shortfall is 3475 less 3357 = 118).

* excludes all proposed allocations in Grantham except Southern Quadrant

includes 180 homes expected on the Stamford site

The SAP DPD examination has been suspended for a short time whilst additional Sustainability Appraisal work is prepared. A programme of work to review and retest the Sustainability Appraisal has been set out which will result in public consultation on the revised SA and any Main Modifications arising starting mid - late June 2013. This will re-open the Examination stage and the Inspector will determine whether additional hearings will be required before he can write his report. It is expected that the Inspectors report will be received by the Council and the plan adopted by the end of 2013.

Conclusion

The application was deferred for additional information to be provided in respect of the principle of the development, in relation to housing land supply, and technical matters relating to highways and ecology.

The delivery of this site is already included in the district's five year housing land supply. There is a need for the site to come forward in the first five year phase of the plan.

This addendum to the report explains why there is not a sustainable objection to the scheme in terms of either highways matters or ecology.

The impact of the development upon the nearby listed building is addressed in the main report, which concludes that the scheme will not have an adverse impact upon the setting of these buildings.

All Members have also now had the opportunity to visit the site to consider the impact of the development upon the listed buildings.

The recommendation is that permission should be granted subject the S.106 Agreement and Conditions detailed in the main report.

The Proposal

The application was originally submitted in outline form with all matters reserved for subsequent approval except access. However, at the request of the case officer details of layout were requested to be considered at outline stage in order for a reasoned assessment of the development to be undertaken.

Accordingly a plan was submitted to demonstrate how the site could accommodate 35 residential units.

The site would be served off Main Road with the main access road running roughly through the centre of the site terminating with a turning head. The proposed dwellings would either be accessed directly off this road or off shared surface areas.

The scheme has been amended during the life of the application to improve the relationship with a neighbouring property and to incorporate appropriate noise mitigation measures.

The application site and its surroundings

The application site is located on the northern edge of the existing village and is currently an open field. The site is bounded by Main Road to the west, residential properties off Water Lane and Westborough Lane to the south and properties off Riverview to the east. The north of the site is open fields.

There is a listed building, Mount Pleasant adjacent to the site to the south. The planning application has been advertised as affecting the setting of this listed building. Whether or not the development would result in any demonstrable harm to the setting of the listed building will be discussed as part of the officer evaluation.

Relevant Site History

SK.55/1444/89 - A scheme for residential development was submitted and subsequently refused on the grounds that the site was out of character with the rural nature of the village extending the built form into open countryside.

S03/0914 - A near identical proposal to the previous application was submitted earlier in 2003 but was withdrawn by the applicant prior to the proposal being considered by Committee.

S03/1510/55 – An outline planning application for the residential development of the site was submitted in November 2003 but was withdrawn by the applicant prior to the proposal being considered by Committee.

S04/1001 – Full Planning permission for 53 dwellings and garages was refused on 5th October 2004. The reasons for refusal are:

1. Full planning permission is sought for a residential development scheme on land at Town End Field at the northern extreme of the village of Long Bennington. The land is currently undeveloped open agricultural fields and is situated beyond the recognised confines of the settlement. In the opinion of the local planning authority the development forms an unwarranted extension of built development into an area of open countryside to the north of the village contrary to the aims of the Development Plan and contemporary central government planning guidance. The site is not allocated in the South Kesteven Local Plan for residential purposes and is therefore considered to be contrary to the aims and objectives of Policies EN1, H6 and H8 of the adopted Local Plan, Policy 5a of the adopted Lincolnshire Structure Plan and Policy 11 of the deposit draft replacement Structure Plan.
2. This authority is in the process of preparing the Local Development Framework which will emerge to replace the current Local Development Framework Plan. It is considered that the granting of permission for the development of the site with a major residential proposal would be premature and would prejudice the outcome of the Local Development Framework process by pre-determining decisions about the scale and location of new development that are most appropriately determined through the Local Development Framework preparation process, detrimental to the planned growth of the settlement and the district as a whole.

Policy Considerations

National Guidance

NPPF – Section 4 Promoting Sustainable Transport

NPPF – Section 6 – Delivering a wide choice of high quality homes

NPPF – Section 12 – Conserving and Enhancing the Historic Environment

Regional Guidance

Policy 1 – Regional Core Objectives

Policy 13a – Regional Housing Provision

Revocation of East Midlands Regional Spatial Strategy

On the 20th March 2013, the Secretary of State for Communities and Local Government, Eric Pickles, laid in Parliament a statutory instrument to revoke the Regional Strategy for the East Midlands.

The Regional Strategy for the East Midlands region comprised the East Midlands Regional Plan published in March 2009 and the Regional Economic Strategy for the East Midlands 2006-2020.

The Order will come into force on 12 April 2013, after which the Development Plan for the South Kesteven area will comprise the Local Plan (Core Strategy and when adopted the Site Allocation and Policies and Grantham Area Action Plan DPDs), and where they have been prepared, neighbourhood plans.

Local Guidance

Core Strategy

Policy SP1 – Sustainable Communities

Policy H1 – Residential Development

Representations Received

Policy Considerations

This memo updates the five year land supply situation and is provided in addition to my previous consultation responses about this application dated 11th October 2011, 24th April 2012, and 12th Feb 2013.

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It should be noted that in relation to this planning application, the site is allocated in the emerging Site Allocation and Policies DPD. This allocation has been made following a detailed assessment of sites which concluded that this site was suitable for development and would be a sustainable development. As an allocation in the first five year phase of the plan the potential 35 homes proposed on the site are already assumed to contribute towards the district's five year housing supply and are included within the figure of 295 in line I of the table below.

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required before he can write his report. It is expected that the Inspectors report will be received by the Council and the plan adopted by the end of 2013.

Open Space Officer

The calculation for the provision of equipped children's play space is detailed in the attached spreadsheet. Based on the potential number of residents (35 dwellings x 2.36 = 83) in this development the calculation gives a figure of 125 m² (83 x 1.5 m²) to be provided for equipped children's play. 1.5m² of equipped children's playing space per head of population is as per the SKDC commissioned open space study – "A Study of Open Space, Sport and Recreation in South Kesteven District 2009".

Long Bennington Playing Fields are located on the opposite side of the Main Road adjacent to this proposed site. As well as ensuring there is a safe crossing point to these facilities I would request a contribution of £18,750 to these play equipment on these facilities, based on the following calculation.

Calculated equipped play space for proposed development = 125 m²

This is equivalent to 1.25 x LAP provision

Financial contribution for LAP provision = £15,000

1.25 x £15,000 = £18,750

Partnerships Projects Officer (Affordable Housing)

I am happy with the proposed affordable housing units. The proposal is for 12 (35%) affordable housing units on site. Consisting of 3x2 bed bungalows, 6x2 bed houses and 3x3 bed houses which meet some of the affordable housing need identified for Long Bennington. The affordable housing units are well located in the proposed development and meet the requirements to create a mixed sustainable community.

The Housing Needs Parish Survey identified a need for 18 affordable housing units. The greatest need is for two and three bedroom properties.

AFFORDABLE HOUSING NEEDS IN LONG BENNINGTON

A Parish Housing Needs Survey for Long Bennington was carried out and published in October, 2010. The needs survey established that there was a requirement for 19 affordable homes to be developed in the parish of Long Bennington for 19 applicants, all of whom had a direct local connection. Of the 19 identified applicants, 8 were identified from the parish questionnaire and 11 from the affordable housing register. The needs survey took into account the affordable housing stock at that time and the average number of relets per annum.

Since October 2010 there has been no development of affordable housing in Long Bennington, Dry Doddington and Westborough which leaves an outstanding balance requirement for 19 affordable units from that survey. Since that time the Affordable Housing Register has been reviewed and it has shown an increase in the number of applicants, with a direct connection to Long Bennington requiring affordable housing. From October 2010 it had increased from 11 applicants to 15 applicants in July 2012 and at the 4 April, 2013 has increased to 19 applicants an overall increase of 8 applicants.

Therefore the current affordable housing requirement in Long Bennington, Dry Doddington and Westborough is for 27 affordable housing units.

Clearly this is a snapshot, and need can change on a daily basis through affordable housing voids etc. However, based on evidence there has been on average 2 voids per annum within the affordable housing stock since 2010 which will not meet the affordable housing needs of local residents and their families.

AFFORDABLE HOUSING REQUIREMENTS FOR: LAND OFF MAIN ROAD, LONG BENNINGTON

- All developments comprising 5 or more dwellings should make appropriate provision for affordable housing within the development. On small sites of between 5-14 housing units provision may be made on site; off site or as a commuted sum in lieu of provision, depending on the viability of the individual site.
- 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. The affordable element will be expected to include a mix of social rented and intermediate (shared ownership) housing appropriate to the current evidence of local need.
- All units should be of an appropriate size and type to meet the need identified by the current evidence of housing need

With regards to this application the requirement is for the provision of 12 (35%) affordable housing units on site to help meet the housing needs identified above. In this regard the planning application reflects the affordable housing requirements in terms of size and type of unit and location on the site to meet local housing needs and to ensure the creation of a mixed, integrated community. The affordable housing to be made available to one of the Council's preferred registered housing provider (RHP) partners and choice of partner to be agreed in writing with the council. The RHP will be required to enter into nomination agreements with the council which will the requirement that the affordable housing units to be allocated to applicants with a local connection

Police Architectural Liaison Officer

The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime prevention.

Reason: In the interest of security, crime reduction and community safety.

Environmental Protection

No known Contamination Issues

Property and Facilities (Drainage)

Upper Witham will want to comment on any outfall to existing watercourse. So may the EA.

Arboricultural Consultant

If you feel that significant trees, shrubs and hedgerows are growing inside and or just outside the site boundaries then a tree survey will be required to meet with the requirements of Section 197 of the Town and Country Planning Act 1990.

An accurate site survey showing all the existing trees, shrubs and hedges on and adjacent to the site should be submitted to the Local Planning Authority and be approved by it in writing.

The survey should be carried out by a competent and suitably qualified arboriculturist and shall show the position, species and crown radius at the four cardinal points, crown height and approximate heights of all the trees, shrubs and hedges and their apparent condition. The trunk diameters at 1.5m from ground level of each tree shall also be submitted. The Tree Survey and plan should be in accordance with BS5837 (2005) Trees in Relation to Construction and will provide details of root protection areas. Details of retention categories according to the guiding principles in Table 1 of BS5837 and proposed works must be provided.

Mitigation of issues relating to the trees and development should where appropriate be provided in the form of an Arboricultural Implication Study. Further details where deemed appropriate; including hard surface construction and on site tree protection should be submitted in the form of a Method Statement and Tree Protection Plan.

Local Highway Authority

Further Comments (1)

Requests that any grant of planning permission includes conditions relating to:

- No works prior to Section 278 Agreement
- Submission of access details
- Vehicle turning spaces on site
- Cycleway/footway as submitted Plan 5
- Provision of surface courses prior to occupation
- Drainage details to be agreed
- Finished surface levels to be agreed

Final Highway Comments (Explanation)

The local highway authority looked carefully at the proposals for development of this site and potential improvements to overcome a number of issues some of which include continuing liaison with the Parish Council.

It should be acknowledged that the current width of the carriageway in this location far exceeds the normal standard for a county class 'c' road. The 'narrowing' will reduce the carriageway width to 7.3m where it fronts the Pavilion, sports ground and southwards to that commensurate with the hierarchy type 3 road.

Essentially, it is envisaged that by introducing the 'narrowing' in such a manner this will discourage HGV parking but retain enough width to safeguard on-street parking used by the bowls club etc.

You will understand that the narrowing of carriageway in itself is considered to be a means of reducing speeds.

My understanding is that the access to the bowls club/sports field is not used by members for the parking of cars of players or their supporters and relatives on any regular or irregular basis although it is noted that car boot sales take place a small number of times per year.

The provision of the footway/cycleway it is hoped will encourage alternative modes of travel.

The mitigating proposals therefore, in conjunction with a 'Gateway' scheme and extension to the speed limit northwards are considered suitable improvements with added factors of safety for users

of the highway at this end of the village.

The issue of traffic regulation orders to control parking in the locale is being discussed with the Parish Council, but it is suggested that this be investigated more once (should the development be permitted) the improvements have been implemented as their imposition can affect normal accepted use and have wider implications elsewhere on the network.

Severn Trent Water

No objection subject to a condition regarding the submission of surface and foul drainage details to the local planning authority for approval.

Anglian Water

Pre Development Report (summary)

Wastewater Treatment

The foul drainage from this development is in the catchment of Long Bennington Sewerage Treatment Works that will have capacity for these flows.

Foul Sewerage

The sewerage system at present has available capacity for gravity flows from the proposed development site. The connection point will be to manhole 5403 on Westborough Lane. If pumping is required Anglian Water will need to reassess the impact on flows on the system and agree a pumping rate

Surface Water

The preferred method of surface water disposal would be to a sustainable drainage system with connection to the sewer seen as the last option. There is a presumption that this will be used in all developments.

However, if this is not feasible the further drainage evidence will need to be submitted before a connection point and flow rate can be agreed

Environment Agency

In summary – no objection subject to conditions. Detailed responses summarised below:

Further Comments (Surface Water)

I refer to our previous letter of 30 November 2011 relating to our objection to the above application as no satisfactory Flood Risk Assessment (FRA) had been submitted.

I can confirm that we have since received an amended FRA submitted to support the application. We consider that the details in the amended FRA have been undertaken in line with the guidance contained in Annex E of Planning Policy Statement 25 'Development and Flood Risk' (PPS25). Accordingly, we are prepared to **withdraw** our objection **on flood risk grounds**, subject to the imposition of the following condition:

Condition

Development shall not begin until a detailed surface water drainage scheme for the site, based on

sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Details of how the scheme shall be maintained and managed after completion;
- Details of how the drainage system on site may be affected by the surcharging of the brook or the River Witham;
- Details of the future maintenance of the brook to ensure that the surface water system for the site has a secure outfall in perpetuity.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

As you are aware the discharge of planning conditions rests with the Local Planning Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of Circular 11/95 'Use of Conditions in Planning Permission'. Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

Please note that our objection in respect of potential pollution and sewer flooding remains valid.

Information for applicant

We would also strongly advise the application to make contact with Lincolnshire County Council with regards to the sustainable drainage elements of the proposed drainage scheme. In the near future the development may require the approval of the SUDS Approval Body (SAB), which will also be the County Council.

Final Comments (Sewerage)

I can confirm that we have since received a 'Pre-development report' prepared by Anglian Water, dated 3 January 2012. This report states that the sewerage treatment works and sewerage network have adequate capacity to accommodate the flows from this development. We therefore **withdraw** our objection subject to mains drainage being secured via condition. The following wording is suggested:

Condition

No building required to be served by water services shall be occupied until the disposal of mains sewage has been provided to serve that building unless otherwise agreed in writing by the local planning authority.

Reason

To prevent flooding, pollution and detriment to public amenity and biodiversity through provision of suitable water infrastructure.

Please note that the condition requested in our previous letter in relation to surface water drainage is still relevant, and we request that it be included as part of any permission granted.

As you are aware the discharge of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of Circular 11/95 'The Use of Conditions in Planning Permissions'. Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

Upper Witham IDB

The applicant states within the Flood Risk Assessment that surface water is being directed to a watercourse. The applicant form suggests that surface water is being directed to a SUDS system or Main Sewer.

The applicant states that the surface water run-off from this proposal is to discharge to a surface water sewer. If the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the Applicant should be requested to re-submit amended proposals showing how it is proposed to drain the Site.

Highways Agency

Offers No objection

Heritage Lincolnshire (Archaeology)

The site officers a potential for archaeological remains to be encountered during the development. It is recommended that an archaeologist is contracted to undertake a staged approach archaeological evaluation as a scheme of works. This is to be undertaken post-determination and by condition on the outline planning permission but prior to the granting of detailed planning permission.

Principal Conservation Officer

I have read the revised Heritage Statement for the proposed development of land to the north of the grade II listed Mount Pleasant Cottages, Water Lane and can advise that I agree with the conclusions of the report that the proposed development will not have a significant impact on the setting of the heritage asset.

I would only suggest that a condition be imposed on any planning permission requiring retention of the mature hedging on the southern boundary of the application site and the northern side of Water Lane, in order to preserve the setting of the listed building and the character of the Lane.

Further comments in relation to the impact on the setting of Mount Pleasant:

I refer to your memorandum dated 7th March 2013 inviting comment on the further comments made by the Agent acting on behalf of the owner of the grade II listed Mount Pleasant, Water Lane.

The Agent raises three points:

- Reiteration of fundamental concerns about an adverse impact on the setting of Mount Pleasant.

I remain of the view that the proposed development will not, subject to appropriate conditions, have an adverse impact on the setting of Mount Pleasant. I suggest the impact will be little different from that of the River View development to the east of the listed building. If that was considered not to have an adverse impact, I cannot see that the development currently proposed will have a more adverse impact than that earlier development.

- Condition requiring hedge to Water Lane should require retention at existing height.

The Agent has a valid point regarding the retention of the hedge at its existing height and I would suggest that the condition be re-worded accordingly.

- Requests that there are no vehicular access or pedestrian access points from the site onto Water Lane.

Although I am not aware that any accesses, either vehicular or pedestrian, are proposed from the site onto Water Lane, this would seem a reasonable request. The Lane is an unclassified road and therefore planning permission would not be required to form new accesses. The formation of accesses would necessitate the creation of gaps in the hedgerow and this would have an adverse effect on the character of the Lane and, consequently, the setting of the listed building.

Lincolnshire Wildlife Trust

We have read the ecological information submitted with the application and are satisfied that provided the recommendations are followed with regards to breeding birds, there should not be any significant negative impacts on protected species as a result of the proposed works.

We support the proposal to retain the boundary hedgerows and to infill with native species of shrub and standard trees. The Trust would strongly recommend that other biodiversity enhancements are incorporated within the development, such as features for roosting bats built into the buildings or fitted externally and nest boxes for declining urban birds such as swallows, swifts and house sparrows (all of which were recorded on site). We would expect there to be a net gain in biodiversity on the site as a result of the proposed development.

Natural England

Based on the information provided, Natural England has **no objection** to the above proposal in relation to species especially protected by law, subject to the following condition:

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

Three species of bird were recorded on site including in boundary vegetation which may be removed in order to facilitate to the development.

We also advise that your authority seeks clarification as to whether Tree 1 (as defined in the ecological surveys) will be affected by the proposal. Should this tree require felling (or any significant alterations to it as part of this proposal) then your authority should not determine this application until a nocturnal survey has been undertaken on the tree which establishes whether or not bats are roosting in this tree. This is in line with the ecologist's recommendations and classification of Tree 1 as having bat roost potential. If this tree is to remain unaffected, then we have no concerns surrounding bats and your authority may determine the application.

Lincolnshire Primary Care Trust

Based on 35 Dwellings a contribution of 35x£904 is requested. Total: £31,640.

Lincolnshire Children's Services

The development would result in a direct impact on local schools. In this case the secondary schools at Grantham that serve Long Bennington are currently full to permanent capacity and projected, notwithstanding the proposed development to remain full in the future. A contribution is required to mitigate against the impact of the development at local level.

The level of contribution sought in this case equates to £98,708.

Environmental Protection (Noise)

Environmental Protection has reviewed the documents submitted with the above planning application and in particular the revised layout and acoustic report.

Environmental Protection are satisfied with the revised layout submitted. The applicant must consider all the recommendations made in the acoustic reports submitted and the comments made by MAS Environmental for the design and layout of the proposed development.

Long Bennington Parish Council

Initial Comments

- The application would appear premature on 2 accounts;
- site allocations plan has not been adopted and is not expected to be until July 2012;
- bringing the site forward due to a shortfall in the five year supply of housing and lack of affordable housing is not adequate justification for granting such consent;
- there are highway issues to be resolved on Main Road. These include heavy use of the Main Road adjacent to the site for sports events and in connection with frequent car boot sales;
- a traffic calming scheme has already been agreed with LCC but as yet not put in place;
- green field land and a further extension to the village envelope resulting in loss of agricultural land;
- there are a considerable number of permissions already granted but are still to be fully implemented. The cumulative effect of these would exceed the housing units required for Long Bennington over the plan period 2011-2026;
- there are concerns over the limited capacity of the mains drains in the village given the recent history of nearby flooding;
- there is already a degree of affordable/social housing in the village which is reportedly difficult to fill;
- this end of the village has limited access to public transport and is over 2/3 mile from the village school which is more than the comfortable walking distance for young children;
- there is no clear demonstration how 35 units can be accommodated on the site;
- the village primary school is already close to capacity and 35 new homes would almost certainly put further pressure on the school;
- anyone without a car would be adversely affected by the lack of public transport in Long Bennington as commuting to work is virtually impossible;
- the replacement of the countryside with the built environment will have a negative visual impact on the village;
- the village local plan 2005-15 suggest that this land is suitable for an additional sports field and no consideration has been paid to this allocation;
- (22 residents attended the meeting, all confirmed they were against the development).

Further Comments from the Parish Council (1)

In relation to the planning application and the non-technical summary of the water cycle study prepared to support the LDF:

-the comments in relation to the sewerage constraints that affect the site state that a minimum of five years may be required to resolve sewerage flooding issues in this location.

The report states:

“Potentially minimum of 5 years required to resolve sewerage constraint. This is not simply a local site specific problem. The whole of Long Bennington is vulnerable to sewer flooding and a strategic solution is required. All parties should be made aware of this situation when considering applications”.

The water cycle study also goes on to state:

“All wastewater treatment works serving the Local Service Centres to accommodate the modest levels of growth planned, except at Harlaxton and Marston. These constraints may affect the ability of these wastewater treatment works to accommodate development in the first phase of the plan period. In Long Bennington flooding in the sewer catchment requires a strategic solution, rather than a local upgrade, development proposals may have to be restricted to a later phase in the plan period to allow the necessary upgrades to take place prior to the development”.

Further Comments from the Parish Council (2)

The parish council confirms that they support the views of local resident in that the proposal will result in a detrimental effect on the environment (in particular the issues with regard to protected species on the site) and parking issues along Main Road especially during football training (at the sports field opposite).

Further Comments from the Parish Council (3)

Concerns have been raised regarding the effect on an important listed building and the proposed nearby development does not reflect the architectural vernacular of the area.

Concerns regarding the protection of the ancient hedgerow in this immediate area have been raised, these should not be removed.

Representations as a Result of Publicity

The application has been advertised in accordance with the adopted statement of community involvement. 67 letters of objection have been received. A summary of their main concerns are listed below:

- Greenfield development, other better sites, especially brownfield sites, should be considered
- Premature ahead of the adoption of the Site Allocations DPD and should be refused as previous application
- Inadequate infrastructure (including sewers, drainage and education) and local facilities to support this proposal and relates poorly to layout of settlement
- Adverse impact upon local infrastructure and facilities
- No local facilities or local jobs to support the development
- Highway safety – exacerbates existing problems in the area and need for traffic calming
- Visual impact – not in keeping with the character and appearance of the area and harm to countryside and setting of the settlement
- Conflicts with Parish Plan

- Impact upon protected species
- No proper need for the development
- Overlooking and loss of privacy
- Loss of hedge on boundary/frontage
- Adverse impact upon adjacent listed building – not fully assessed
- Loss of agricultural land
- Impacts not fully assessed as only an outline application
- Poor location of affordable housing
- Devaluation of property (not a planning matter)

One letter of support has been received. A summary of its content is listed below:

- cars parking on both sides of the road only occurs when the playing field is in use with a car boot sale.
- the road used to be the Great North Road before the village was bypassed, and is very wide compared to normal roads flowing villages.
- the road can accommodate cars being parked on both sides without any disturbance to the ordinary flow of traffic which is largely one way from the A1 into the village.
- a bat survey has already been undertaken which identified a single tree having bat roost potential. This tree is outside the application site and not directly affected by the proposal.
- in relation to the setting of the listed building, there are 50 plus houses to the east. Some of which are three storeys. Compared to the proposed development which has a substantial hedge between the listed building. None of the properties are three storeys high.

Applicants Submission

In addition to the statutory planning application requirements the applicant has undertaken a comprehensive noise assessment to demonstrate that the future occupiers of the proposed development would not experience and significant harm to residential amenity from noise and disturbance from traffic/road noise and nearby commercial uses.

Officer Evaluation

The main issues for consideration in relation to this application are planning policy matters, impact on visual amenity and form and character of the area, residential amenity, drainage and highway safety.

Planning Policy

Has can be seen from the comments of our policy section there was an initial objection to the proposal on policy grounds. Specifically that the proposal would be premature in relation to the allocations process:

The planning policy officer initially states:

“Given the advanced stage of the DPD I consider that this application is premature and that to approve it would prejudice the Public Examination Inspector’s consideration of the scale and location of development across the 16 Local Service Centres in the district and in Long Bennington in particular. By coming forward in advance of the DPD, the application proposal would, prejudice the process of making decisions on the scale, location and phasing of development which will form part of the examination process of the SAP DPD. Having regard

to the guidance in 'The Planning System: General Principles' [paragraph 17] regarding prematurity, I object to this application"

However, further comments were made following the meeting with the Inspector:

"The DPD was submitted to the Secretary of State on 31st January 2012 and is now in the Examination phase. Publication of the NPPF at this stage means that the Council will prepare proposed modifications to the submitted plan and undertake a period of consultation on these changes. In light of this it is unlikely that the hearing sessions of the examination will be held before November 2012. When asked about the determination of applications in the meantime, the Inspector indicated that where they are not strategic decisions which go to the heart of the plan's strategy, applications should continue to be determined".

The conclusions of the policy officer are that the scale of the development is not 'strategic', as such it would not affect the overall spatial strategy or the site allocations policy.

Final comments of the policy officer indicate that there is a delay in the preparation of the Site Allocations and Policies DPD of a 'number of months'.

There are a number of planning applications that have been delayed a considerable period of time whilst the DPD examination process has been ongoing, and with a potential delay of a further number of months it would be unreasonable to continue to delay the consideration of this application further.

In relation to the weight that should be attributed to the various emerging documents, the NPPF attributes weight to plans as they progress towards adoption. In this instance the Site Allocation and Policies DPD has progressed through to the Examination stage so a degree of weight can be attributed to its policies, but not full weight as it has not been formally adopted.

The NPPF introduces a presumption in favour of sustainable development. As Long Bennington is identified as a Local Service Centre this development can be regarded as compliant with the thrust of the NPPF.

Visual Amenity and Form and Character of the Area

The proposed development would be for 35 dwellings served off a central access road. There would be a mix of properties on the site. The submitted Landscape and Visual appraisal states that the properties would be limited to two storeys. The site has substantial landscaping/hedgerows along the frontage of the site and along the southern boundary. This would be reinforced by additional planting to help screen and aid assimilation of the development.

It is accepted that the proposal would result in built form beyond the current confines of the village. However, it is considered that it can be seen as a logical 'rounding off' of the village and would be seen as an infill between Westborough Lane and the Riverview development.

The proposed density and layout are comparable to that of the adjacent Riverview development and is not considered out of character. The proposed layout would provide ample opportunity for a comprehensive landscaping within and reinforcement of the existing boundary screening.

As such it is considered that the proposed development would not result in any significant impact on the visual amenity of the area.

The adjacent property, Mount Pleasant, to the south off Water Lane, is a listed building. A heritage assessment has been undertaken to assess the impact of the development on heritage asset(s). The conclusion of this assessment indicates that the impact on the listed building would not be significant. This conclusion is supported by our conservation officer.

Whilst Mount Pleasant has significant built form to the east (the residential development off Riverview) as the application site is separated from the adjacent listed building via a substantial hedgerow which would be retained as part of the development, coupled with the fact that the properties would be two storey would ensure no significant impact on the setting of the heritage asset cumulative or otherwise.

To further protect the setting of the listed building, the condition would be worded to prevent the formation of pedestrian or vehicular accesses onto Water Lane. This would ensure that there would be no piecemeal erosion of the existing boundary screening.

Residential Amenity

Whilst the planning application is in outline form, layout was requested to form part of the submission to demonstrate how 35 units could be accommodated on the site. The submitted layout plan demonstrates how a mix of detached, semi-detached and terraced properties could be accommodated on the site. The proposed layout would ensure that there would be appropriate separation distances between the proposed dwellings and the existing residential properties to ensure there would not be any significant overlooking/loss of privacy or overshadowing/loss of daylight and/or sunlight.

The exception to this is the relationship of the proposed development with 1, Westborough Lane. It is considered that the proximity of the proposed development to the side facing bedroom window would result in a significant impact on amenity. Additionally it is considered that the proposed dwelling immediately adjacent to 1, Westborough Lane would be likely to be overlooked from this window. Accordingly an amended plan removing this dwelling from the scheme has been requested.

It is accepted that the occupiers of the properties that bound 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.

As such it is considered that there would be no significant loss of amenity to neighbouring occupiers that would justify refusal of planning permission on these grounds.

A noise assessment has been submitted by the applicant in relation to demonstrate that the future occupiers would not experience significant impact on residential amenity from noise and disturbance from the nearby trunk road and commercial uses. The submitted information has been assessed by our noise consultants. The conclusions are:

“The site revisions demonstrate an acceptable layout and design can be achieved.

The additional noise survey better informs on the impact risks and need for mitigation.

There are some differences over the analysis of industrial noise but the resulting risks of adverse impact are considered too small a risk to influence the development.

There are some differences in our advice on acceptable development form and the need to open windows compared to that proposed, but these can be negated and it is considered acceptable noise impact levels can be achieved in the majority of rooms providing occupants with choice as to the individual use of rooms”.

The noise assessment indicates that careful design at reserved matters stage will ensure adequate protection from noise disturbance. This would include acoustic glazing to bedrooms facing the A1 and/or avoid sensitive windows facing the A1.

Noise is a material consideration in this case but can be suitably mitigated. A noise mitigation scheme condition is needed to ensure written prior approval before development begins, fully implemented and maintained in accordance with any limitations on approval of the scheme. This will ensure that at reserved matters stage when the detailed design of the dwellings is to be determined the findings and mitigation measures identified by the noise assessment is incorporated into the development.

Drainage

There have been significant discussions between all parties in relation to providing a satisfactory means of drainage on the site. Whilst initial comments indicated that there was insufficient capacity in the sewerage network to accommodate the development this was found not to be the case.

A Pre- Development report has been prepared by Anglian Water for the proposed development. It states:

“Foul Sewerage Network

The sewerage system at present has available capacity for gravity flows from the proposed development site. The connection point will be to manhole 5403 on Westborough Lane. If pumping is required Anglian Water will need to reassess the impact on flows on the system and agree a pumping rate”.

A further letter from Anglian Water in relation to pumping rates states:

“The topographical information provided does tend to suggest that discharging flows by gravity would pose a problem for you and that pumping appears to be justified.

Should pumping be ultimately required, the pumped rate should not exceed the minimum self cleansing velocity of the required 80 millimetre rising main.

The amount of properties connected to a pumped facility should be kept to a minimum with the maximum number of properties being allowed to gravitate where possible”.

Surface Water Disposal

In relation to surface water disposal Anglian Water states:

“The preferred method of surface water disposal would be to a sustainable drainage system with connection to the sewer seen as the last option. There is a presumption that this will be used in all developments.

However, if this is not feasible the further drainage evidence will need to be submitted before a connection point and flow rate can be agreed”.

The Environment Agency also had initial concerns in relation to both surface and foul water disposal. But have withdrawn their objection subject to appropriate conditions on any grant of planning permission.

Based on the comments of Anglian Water and the Environment Agency it is considered that a means of disposal of both surface and foul water can be achieved and it would be unreasonable to refuse planning permission in relation to this matter.

Highway Safety

A significant number of residents have raised concern in relation to highway matters. The local highway authority has clearly fully assessed the proposed development and is aware of the wider issues in relation to neighbouring uses.

The comments of the highway authority state that the proposed highway improvements would improve highway safety by naturally performing a traffic calming function. The road narrowing would still allow on road parking and that the issue of parking restrictions/traffic regulation order would be a matter to be investigated should this planning permission be approved.

Notwithstanding the comments of local residents it is considered that the proposal would be acceptable from a highway perspective, and it would not be reasonable to refuse the planning application on highway grounds.

Need

5 Year Supply of Land

The National Planning Policy Framework (NPPF) was published in March 2012 and replaces all previous national planning policy provided by PPGs and PPSs. The NPPF seeks to boost the supply of housing, and requires Planning Authorities to demonstrate a five year supply of deliverable housing land. SKDC has prepared a new five year land supply paper (2012-2017) which demonstrates a 5.2 year supply of deliverable sites across the district. This paper also demonstrates how the district has continued to deliver an appropriate amount of housing development over the period since 2006, and how an additional 5% buffer of housing land can be identified to be drawn forward should sites fail to be delivered, in accordance with the Framework requirements.

The preparation of the Site Allocation and Policies DPD and the Grantham Area Action Plan make an important contribution to providing a continuing supply of deliverable housing land, through the allocation and phasing of new sites across the district. The delivery of housing on sites or parts of sites allocated for housing in the first phase of these plans (2011-2016) over the next five year period has therefore been taken into account in preparing the five year supply paper. The contribution that these allocated sites make to the current five year supply is important. Together with the sites committed via planning approvals and other potential supply, they ensure that more than 5 year supply of deliverable housing land is available to meet the Core Strategy requirement across the district. If these allocations fail to be delivered the supply of housing land will be reduced and may fall below the required five years.

The recently withdrawn Grantham Area Action Plan has resulted in a degree of uncertainty in the number of dwellings that are to come forward for the District within the plan period. This is because allowances were made for the allocated sites to come forward within the 5 years. Accordingly, the Council has revisited the 5 year land supply position and concluded that it will no longer has a 5 year supply of deliverable housing.

In conclusion the withdrawn GAAP and delay in the progress of the SAP DPD have a significant impact on the delivery of residential sites:

“It is noted by Planning Policy that the adoption of this document (SAP DPD) is to be delayed and that the Grantham Area Action Plan has been withdrawn. This has had knock on impacts on the ability of the Council to demonstrate a five year land supply as required by National Planning Policy Framework. Furthermore, in the absence of a five year land supply the National Planning Policy Framework establishes a presumption in favour of sustainable development to address identified housing shortfalls.

Therefore, whilst concern has been expressed about whether or not determining the application in advance of the Inspectors report on the DPD would be premature the overriding consideration now is the lack of a five year housing supply in the District. Under such circumstances it is preferable to grant permission for preferred sites within the District as opposed to granting permission for other less appropriate sites, particularly given that the site is deliverable in the short term and would make an important contribution to housing delivery. The identification of the site as a preferred allocation in the Site Allocation and Policies DPD was made following a detailed site assessment process, which included specialist reports on the: impact of development on landscape, flood risk, capacity of water and sewerage infrastructure”.

This approach also supports the advice on decision-taking which is provided in the NPPF (para 14). This states that in these cases planning permission should be granted unless specific policies in the NPPF indicate development should be restricted because, for example, of the impact upon designated wildlife sites, landscape or heritage assets. There would be no such impact in this case.

Affordable Housing

The comments of the affordable housing officer indicate that there is an identified need for affordable housing in the village.

This need has increased from 19 affordable homes identified by the Parish Housing Needs Survey (2010) and the Parish questionnaire, to 27 as of 4th April 2013. There has clearly been an increase in the need for affordable housing since 2010 which is not being met.

This scheme would contribute 12 units towards meeting that need.

Protected Species

The site has been assessed in relation to protected species and the comments from both Natural England and Lincolnshire Wildlife indicate that the assessment is acceptable. Whilst there is a tree identified as having bat roost potential. It is outside of the application site and as such will not be directly affected by the proposed development.

Concerns have also been raised in relation to sightings of protected species within the site not identified in the report. However, there is a distinction between species foraging, feeding, and commuting through a site than actually residing on the site.

The submitted habitat survey suggests a further bat survey if tree T1 is directly affected by the site. This is not the case as the tree is outside the application site.

It also suggests a reptile survey in April to October and any removal of hedgerows, trees or scrub to be undertaken outside of the bird breeding season.

It is considered that these requirements can be successfully secured by an appropriately worded condition.

Following the deferral of the planning application, and members request for a bat survey, from the previous committee further correspondence has been received from the applicant's Ecologist. This states that it is highly unlikely that the Ash tree to the north of the site which exhibited bat roosting potential will be affected by the proposed development. no works to facilitate the proposed development are to be carried out on the tree which lies approximately 25 metres away from the site boundary.

The three existing hedgerows on the site are to be retained with the additional hedgerow planted along the northern boundary. The new hedgerow will provide additional foraging and commuting habitats for bats which may be present on site and will also help to provide a buffer between the site and adjacent habitats. The retention of the existing hedgerows will ensure that any foraging and commuting habitats already in use by bats will not be lost.

Bat box provision should be erected within the site to provide additional roosting opportunities for bats within the local area.

Conclusion

The proposal helps to meet the needs of local housing supply and that subject to a S.106 Agreement and the proposed conditions the development is considered to be acceptable. Any possible harm to residential amenity, highway safety, protected species, the setting of a listed building and various technical matters have all been satisfactorily addressed.

Section 106 Heads of Terms

The following Developer Contributions are sought:

NHS Trust - £31,640 based on 35 x £904

Affordable housing – 35%with a mix of 60% social rent and 40% shared ownership.

Open Space - £18,750 – off site contribution towards play equipment on the land opposite the application site.

Education - £98,708 based on the impact of 35 units.

Crime and Disorder

It is considered that the development would not result in any significant adverse crime and disorder implications.

Human Rights Implications

Article 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 the act will be breached.

Recommendation

That the development be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman for approval subject to the signing of a legal agreement securing developer contributions and subject to the attached conditions. Where the legal agreement has not been concluded prior to the committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman and Vice Chairman of the Development Committee, there are no extenuating circumstances which justify a further extension of time, the planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

SUMMARY OF REASON(S) FOR APPROVAL

Residential development of the site is in general accordance with the guidance set out in the National Planning Framework which continues to endorse a plan led system where applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies in this instance are policies SP1 and H1 of the adopted Core Strategy. The Site Allocations and Policies DPD allocates the site in policy LSC 1(f) thereby the suitability of the site for development in principal has been accepted. The developments compliance with this emerging policy must be balanced against normal planning considerations. It is accepted that determining the application could prejudice the Examination of the Site Allocations and Policies DPD in relation to determining the scale and location of development in the Local Service Centres it is considered that the development is not of sufficient scale to be considered strategic nor would it affect the spatial strategy of the emerging plan. Additionally, given the uncertainty of the timeframe for the progression and adoption of the Site Allocations DPD, and the Council's current lack of a five year supply of land it is considered that the scheme would provide a valuable contribution to the supply of deliverable housing land supply.

Whilst concerns have been raised in relation to highway safety, residential amenity, visual amenity, drainage and impact on the setting of the adjacent listed building they are not considered to outweigh compliance with the Core Strategy policies and the general presumption in favour of sustainable and the provision of a 5 year supply of land development endorsed by the National Planning Policy Framework.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner developing the proposal through pre-application discussions and seeking solutions noise/residential amenity concerns. As such, it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.

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 or two years from the approval of the last of the reserved matters, whichever is the later.

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (a) scale;
- (b) appearance; and
- (c) landscaping.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. No building required to be served by water services shall be occupied until the disposal of mains sewage has been provided to serve that building unless otherwise agreed in writing by the local planning authority.

Reason: To prevent flooding, pollution and detriment to public amenity and biodiversity through provision of suitable water infrastructure.

4. Development shall not begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Details of how the scheme shall be maintained and managed after completion;
- Details of how the drainage system on site may be affected by the surcharging of the brook or the River Witham;
- Details of the future maintenance of the brook to ensure that the surface water system for the site has a secure outfall in perpetuity.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

5. When an application is made for approval of reserved matters details of biodiversity improvements as part of the development shall be submitted to and approved in writing by the local planning authority.
The development shall be undertaken in accordance with any such details that are approved.

Reason: In the interests of promoting biodiversity on the site.

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

Reason: To ensure that breeding birds are not adversely affected by the development.

7. All existing hedgerows along the boundaries of the site shall be retained unless otherwise agreed in writing by the local planning authority.

Reason: To aid assimilation of the development and in the interests of visual amenity.

8. Landscaping details pursuant to condition 2(c) above shall include specific planting details in relation to reinforcing the existing hedgerows along the boundaries of the site. Such details shall include species, numbers and location of additional planting.

The development shall be undertaken in accordance with any such details that are approved.

Reason: To help assimilation of the development with its surroundings.

9. No development shall take place until details of levels, including cross sections of the relative heights of existing and proposed ground levels of the site and adjoining development and roads, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

10. Before development is commenced on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

11. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.
12. Before each dwelling (or other development as specified) is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a *specification to enable them to be adopted as highways maintainable at the public expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

*Note to Applicant: You are advised to contact Lincolnshire County Council, as the local highway authority, for approval of the road construction specification and programme before carrying out any works on site.

Reason: In the interests of highway safety.

13. No development shall be commenced (apart from those works identified on drawing number CS46981/T/001 Rev D and CS46981/T/002 Rev E or as specified) before the works to improve the public highway (by means of a 3.0 metre wide footway/cycleway with all associated) have been certified complete by the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

14. When application is made for approval of the 'reserved matters', that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in forward gear.

Reason: To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

15. No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

16. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason: In the interests of highway safety.

17. When application is made to the District Planning Authority for approval of the 'reserved matters', that application shall be accompanied by a scheme of landscaping and tree planting (indicating inter alia, the number, species, heights on planting and positions of all the trees) in respect of the land to which that application relates; and such scheme shall require the approval of the District Planning Authority before any development is commenced. Such scheme as may be agreed shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

18. When an application is made to the local planning authority for approval of reserved matters that application shall be accompanied by further survey work in accordance with the recommendations of the approved Habitat Survey undertaken by Clear Environmental Consultants.

Any mitigation required as a result of this survey work shall be undertaken prior to the commencement of development on site.

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

19. When an application is made to the local planning authority for the approval of reserved matters the submitted details shall include noise mitigation measures as set out in the NVC Noise Impact Assessment Addendum Report R12.0704/Add1/DRK.

Reason: To protect the residential amenity of future occupiers.

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

Site Location Plan - Drawing No. 07.169/02A
Layout Plan Drawing No. CS507169/03 Rev C

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

21. When an application is made for the approval of reserved matters a scheme shall be submitted to and agreed in writing by the District Planning Authority for the location of bat and bird boxes to encourage wildlife development. The agreed scheme shall be implemented prior to the completion of the development.

Reason: To encourage additional biodiversity within the development.

22. When an application is made for reserved matters, a lighting scheme shall be submitted to and approved in writing by the local planning authority. the scheme shall incorporate the measures identified by Clear Environmental Consultants (letter dated 6th March 2013) to minimise light spill.

The development shall be undertaken in accordance as to any such details that are approved.

Reason: In the interests of minimising any impact on bats.

23. Notwithstanding condition 7 above, the hedgerow along the southern boundary of the site shall be retained to a height of not less than 4 metres. There shall be no vehicular or pedestrian access points formed onto Water lane as this would degrade the integrity of this hedgerow.

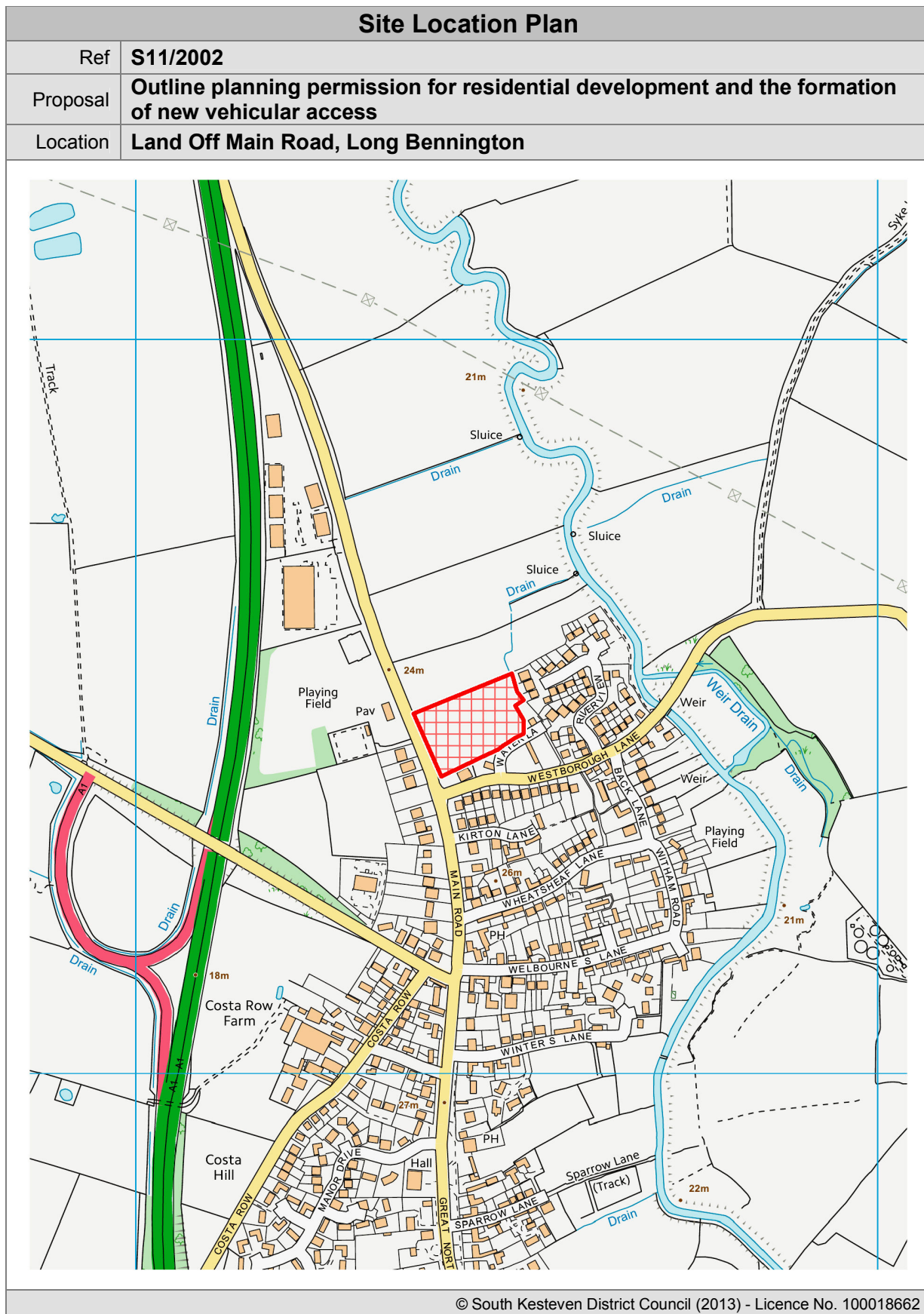
Reason: in the interests of visual amenity and preserving the setting of the adjacent heritage asset.

Note(s) to Applicant

1. In accordance with the comments of Natural England it is recommended that bat roosting features and bird boxes are incorporated into the design of the dwellings. This would enhance the site post development.
2. No works shall commence on site until a Section 278 Agreement Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide a footway/cycle way along Main Road, Long Bennington (Distance as shown on drawing No. CS46981/T/002 Rev E) together with all ancillary works.
3. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.
4. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.

5. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
6. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

* * * * *



Applicant	Stephen Holman, Yelcon Homes Ltd 1, St Mary's Court, Main Street, Hardwick, Cambs, CB23 7QS
Agent	Mr M Mann, Savills (L & P) Unex House, 132-134, Hills Road, Cambridge, CB2 8PA
Proposal	Erection of 55 residential units (including 8 affordable units) Outline
Location	Barrack Gardens/Beacon Lane Allotments, Beacon Lane, Grantham
App Type	Major Outline (Residential)
Parish(es)	Grantham
Reason for Referral to Committee	The proposed development would be the subject of developer contributions and previous applications on the site have been determined by the development control committee.
Recommendation Summary	Grant Planning Permission

Key Issues

- Highway Safety
- Residential Amenity
- Visual Amenity
- Impact on Heritage Assets
- Impact on Protected Species

Technical Documents Submitted with the Application

- Flood Risk Assessment
- Habitat Plan/Report
- Design and Access Statement
- Tree Survey
- Heritage Report

REPORT

Application Category

This application is categorised as a major planning application

Reasons for Referral to Committee

The proposed development would be the subject of developer contributions and previous applications on the site have been determined by the development control committee.

The Proposal

The application is in outline form with all matters reserved for subsequent approval with the exception of access. The scheme proposes 55 dwellings accessed off Beacon Lane.

There would be a mix of house types providing a range of properties from 5 bedroom detached properties to 2 bedroom terraced apartments.

Indicative street scenes have been provided throughout the site. This plan demonstrates how a mix of dwellings could be accommodated on the site including 2.5 storeys with a ridge height of approximately 9.2 metres and reduced ridge height and hipped roof dwellings adjacent to Brisson Close with a height of 7.8 metres.

The main access would be off Beacon Lane which would have a pavement on both sides. It would be designed to avoid the root protection areas of the adjacent protected trees. On entering the site it is proposed there would be a Locally Equipped Area of Play. Access beyond this would be via a shared surface of sufficient width for access by service vehicles.

The scheme has been amended as a result of issues of viability. Whilst the number of units has not reduced the number of affordable units has been reduced from 15no. to 8no. units. These units would be a mix of 2no. 4 bed two and a half storey houses, 2 no. 3 bed two and a half story houses, 2 no. two bed first floor flats and 2no. two bed specially adapted ground floor flats.

The application site and its surroundings

The application site is located approximately 1km from Grantham town centre, on the former Barrack Garden Allotments. The allotments have remained vacant since the grant of outline planning permission for residential development in 2009 by the planning inspectorate.

The site would be accessed from Beacon Lane via existing allotment access between Beacon lodge and Beacon Hillside. The site is bounded to the west by playing fields along Sandon Road. The north boundary adjoins Sandon School. The eastern boundary adjoins the gardens of properties along Brisson Close and New Beacon Road.

Parking on the site would be via garages, driveways and limited on street parking on garage courts adjacent to the terraced properties.

The overall site area is approximately 2.25 hectares or 5.6 acres. 55 dwellings would result in an overall density of 24.5 dwellings per hectare.

There are listed buildings to the south of the site, Barrack Square/The Old Barracks. The newly designated St Annes Conservation area wraps around the application site to the south and west with the access within the Conservation Area.

Relevant Site History

S08/0013 – Outline Planning permission was refused for the erection of 43 residential units including 12 affordable units on the site the reason for refusal was two fold:

“The proposed development is considered contrary to PPG17 and Policy REC7 of the saved policies of the South Kesteven Local Plan which state that allotments should not be built on unless an assessment has been undertaken which has clearly shown them to be surplus to requirements. The applicant has failed to demonstrate that the site is no longer in use and that there is no demand for the site. Whilst the applicant mentions a possible contribution towards a 'community fund' for allotments via a S106 this is not considered as the equivalent to providing alternative facilities elsewhere.

The applicant has still not overcome some of the concerns raised by the local highway authority in respect of junction capacity issues and assessment of the highway network in accordance with Lincolnshire County Council's Development Guide on Transport and New Development in Lincolnshire.

Due to the absence of a composite report and analysis of traffic data, this authority cannot adequately assess the proposals and as such highway safety and convenience may be compromised.

As such the proposal is considered to be contrary to Policy EN1 (vi) of the Saved Policies of the South Kesteven Local Plan”.

This application was the subject of a planning appeal, and was granted planning permission on 25th August 2009. In granting planning permission the inspector concluded:

“Government advice in PPS3 supports the release of the site for housing and I am satisfied that matters of visual amenity and preventing harm to trees are capable of being satisfied. The proposal would not be contrary to saved LP policy REC7 as it has been demonstrated that there is no further need for the facilities in the locality and provision is made for improving and bringing back into use facilities elsewhere. In addition, the proposal would harm highway safety and the essential requirements are part of a Unilateral Undertaking. For these reasons, and taking into account all other matters, I conclude that the appeal should be allowed”.

S09/1160 – Planning permission was refused on 17th July 2009 for the following reason:

The evidence presented at the Development Control Committee and mainly from Assets and Facilities shows that there is a need at Princess Gardens/Harrowby Lane for allotments. There is a known waiting list and no unused plots.

This allotment site is within 480 metres or 10 minutes walking distance as stated in the recent open space study and so this site must be taken to be in the locality. REC7 says that permission will not normally be granted if there is a need for allotments in the locality of the proposal.

The proposal must be contrary to the Policy REC7 on the basis that there is a known need for plots at Princess Gardens which as stated above is in the locality. The proposed development should be refused for this reason.

(It should be noted that both planning applications were refused before the appeal was decided by the planning inspectorate. The appeal decision is a material consideration in the determination of this planning application).

Policy Considerations

Regional Planning Policy

East Midlands Regional Plan

Policy 1 Regional Core Objectives

Policy 2 Promoting Better Design

Policy 3 Distribution of New Development

Policy 4 Development in the Eastern Sub-area

Policy 57 Core Monitoring Indicators

Revocation of East Midlands Regional Spatial Strategy

On the 20th March 2013, the Secretary of State for Communities and Local Government, Eric Pickles, laid in Parliament a statutory instrument to revoke the Regional Strategy for the East Midlands.

The Regional Strategy for the East Midlands region comprised the East Midlands Regional Plan published in March 2009 and the Regional Economic Strategy for the East Midlands 2006-2020.

The Order will come into force on 12 April 2013, after which the Development Plan for the South Kesteven area will comprise the Local Plan (Core Strategy and when adopted the Site Allocation and Policies and Grantham Area Action Plan DPDs), and where they have been prepared, neighbourhood plans.

South Kesteven Core Strategy (adopted)

Policy EN1 – Protection and Enhancement of the character of the district

Policy EN4 – Sustainable Construction and Design

Policy SP1 – Spatial Strategy

Policy SP4 – Developer Contributions

Policy H1 - Residential Development

Policy H3 – Affordable Housing

Representations Received

Local Highway Authority

Any grant of planning permission should contain conditions in relation to highway improvements to the access on to Beacon Lane, details of parking turning and manoeuvring within the site, and estate road made up to adoptable standard.

Technical Response to the submitted Transport Statement

Introduction

This Technical Response has been prepared following a request from South Kesteven and Sleaford Division to comment on a Transport Statement by Sanderson Associates dated December 2011.

Existing Site and Location

The site lies on the north side of Beacon Lane, approximately 1km to the east of Grantham town centre. Approximately 150m west of the site lies the signal controlled junction of Sandon Road/Beacon Lane/Stonebridge Road.

Proposed Development

The proposed development comprises of 55 residential units. Vehicular access to the development would be gained from Beacon Lane. Pedestrian access to the site is provided via the access road onto Beacon Lane.

A development of 65 houses has been considered in the TS. Whilst this ensures the results are robust and present a worst case scenario it is not clear why this has been done. It would be clearer if the TS and the proposal as set out in the planning application were the same.

Therefore for the sake of this assessment I will use the trip rates presented but calculate them for 55 units as per the planning application.

Traffic generation

Assessment Period	Trip rate per unit		Traffic Generations (65 units)		Traffic Generations (55 units)	
0800 – 0900	0.166	0.426	11	28	9	23
1700 – 1800	0.402	0.238	26	15	22	13
Daily	2.746	2.839	178	185	151	156

It is not considered that the proposed 39 trips in the AM Peak and 41 Trips in the PM Peak as presented in the TA would have an adverse impact on highway capacity. The 55 dwelling sought would generate 32 Trips in the AM Peak and 35 Trips in the PM Peak.

Accidents

There have been a total of 7 accidents in the vicinity of the site. There is no significant trend to these accidents.

Sustainable Travel

The TA states that adequate cycle provision will be provided on site; however details have not been supplied as to how this would be achieved.

Bus stops are located on Sandon Road 400m and 490m from the centre of the site. Grantham Bus station is also located approximately 1km west of the site. The site is located approx 1.5km from Grantham Rail Station.

Conclusion/Recommendation

Given that the proposed application would see only a slight increase in vehicle trips on the previously approved application there would be minimal impact on highway capacity.

Natural England

Based on the information provided, Natural England has no objection to the proposal subject to the inclusion of the following planning condition:

“Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved by the local planning authority to ensure that breeding birds are not adversely affected.

We also welcome the ecologist’s recommendation for the provision of bird nest boxes on site”.

Lincolnshire Wildlife Trust

We have read the protected species report and consider that provided the consultant’s recommendations are followed, there should not be any negative impacts on protected species as a result of this development.

We strongly support the recommendations for the inclusion of enhancements within the development, such as provision of nest boxes for a variety of bird species, planting of native trees and shrubs and sowing of verges with a native wildflower mix.

We are pleased to note and strongly support the recommendations for the inclusions of enhancements within the development for bats. Roosting spaces for bats can easily be built into the design of buildings or alternatively boxes can be fitted externally to buildings or any suitable mature trees around the site.

Environment Agency

Final Comments

I refer to our previous letter of 17 May 2012 our ref: AN/2012/114194/02-L01 where we maintained our objection to the above application in the absence of an adequate flood risk assessment (FRA).

Environment Agency Position

I can confirm that we have received further amended drainage details in support of the application which we received on the 23 May 2012. We consider that the details in the FRA and the additional amended drainage details have been undertaken in line with the technical guidance to the National Planning Policy Framework (NPPF) and these are considered appropriate for the scale and nature of the proposed development. Accordingly, we withdraw our objection and recommend the following condition:

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

Reason To prevent the increased risk of flooding, both on and off site.

Lincolnshire County Council (Children’s Services)

The development would have a direct impact on local schools. In these cases both primary and secondary schools (including sixth form) are projected.

The level of contribution sought in this case equates to £355,287. This equates to the provision of 14 primary, 12 secondary and 2 sixth form places will be required as a direct consequence of this development.

NHS Lincolnshire

The Head of Property Management has confirmed that the scheme would not prompt any significant healthcare changes to the town's needs. As such the Primary Care Trust have decided not to request any developer contributions.

Arboricultural Consultant

To summarise:

Our consultant arboriculturalist has identified that the proposed access would be in close proximity to the protected trees in the garden of Beacon Hillside and recommends a no dig construction.

Additionally, he notes the detached buildings in the rear gardens of a number of the properties on the western edge of the application site would be in close proximity to the trees on the boundary of the site on neighbouring land. Accordingly, a construction method statement is required to ensure protection of the trees.

Environmental Protection

Environmental Protection Services have no comments on this application.

Police Architectural Liaison Officer

Thank you for the opportunity to comment on this application. I have studied the plans and note that a percentage of the development is intended to be allocated to affordable housing. In order to achieve a consistency of physical security thereby reducing the opportunity for criminal activity and removing the potential fear of crime throughout the development all boundary and sub divisional fencing treatment should be of the same standard. Assuming an application for Secured By Design is to be made the requirements for boundary treatments will be:

The perimeter fencing detail of the site and each plot should be of an 1800 mm robust fence or wall without footholds. The rails to any timber fence should face the properties.

Sub divisional boundaries should be secured and at the same time enable interaction between neighbours. A suitable means to achieve this will be for the first sections of the boundary starting from the building provide an 1800 mm timber privacy screen. From the privacy screen to the end of the garden provide a 1200mm timber fence topped with 600 mm of timber trellis.

If only the affordable housing element receives this treatment standard then consistency and integration as stated in paragraph 6.17 of the DAS will not be met.

Historic Environment Officer (Heritage Trust Lincolnshire)

The planning application does not affect any known architectural sites and therefore no architectural intervention is required.

Anglian Water

Foul Sewerage

The sewerage system at present has capacity for these flows.

Surface Water

Request a condition requiring a drainage strategy covering the following issues:

No development shall commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing.

Planning Policy

The revised application seeks consent for 55 residential units, including 8 affordable homes, on the site of the former Beacon Lane allotments in Grantham. Planning permission was granted for 43 residential units on the site on appeal. In reaching this decision the Planning Inspector concluded that the proposal was not contrary to REC7 of the adopted local plan which sought to protect existing allotments, as it had been demonstrated that there was no further need for allotments in this locality, and that highway issues had been overcome by the applicant.

Since that appeal was considered both national and local planning policy has been updated. The South Kesteven Core Strategy was adopted in July 2010. Policies SP1 and H1 of the Core Strategy focus the majority of the districts housing growth in Grantham, particularly on appropriate sustainable sites. Policy H3 seeks to achieve up to 35% of new housing as affordable housing, and policy EN1 identifies a series of landscape, heritage, wildlife and amenity considerations against which all proposals should be assessed. This includes the protection of open space (including allotments).

In March 2012 the National Planning Policy Framework was published which introduces a presumption in favour of sustainable development, and continues the requirement for council's to ensure a continuous five year supply (plus 5% buffer) of deliverable housing land.

The Council is also preparing a Grantham Area Action Plan which will allocate land to meet requirements for housing and employment development in the town. A Preferred Approach version of this plan was published for consultation in March 2011. The plan included a policy (AT1) to protect existing allotment provision in the town as identified on the proposals map unless: it can be demonstrated that the allotments are not needed or that alternative provision is being made to replace them. The map accompanying this policy (Fig 11) does not identify the application site as an existing allotment in recognition of the extant planning permission S08/0013 for the development of the site. The Preferred Approach plan did not allocate the application site for any specific land use or development.

I conclude, therefore, that from a policy perspective the principle of development of this site has been accepted, and it has been established that the site is no longer required for allotment use, as determined by the Planning Inspector in approving S08/0013.

The proposal is for development of a sustainably located site which already makes a contribution to the five year supply of housing land, the proposal is therefore in accordance with the NPPF and Core Strategy policies SP1 and H1. Granting permission for this proposal will ensure that the site continues to count toward the five year housing land supply.

As a scheme of 55 homes it would be expected that 20 affordable homes would be provided to meet the full 35% affordable housing requirement of policy H3, however the applicant has shown that this level of affordable housing is not viable in the current market on this site. If the Council's Projects and Partnership Officer is satisfied that the affordable housing provision included within the application is sufficient and appropriate to meet the needs the application, it

will also meet the requirements of policy H3. Subject to this proviso I have no policy objection to the proposal.

Upper Witham Internal Drainage Board

The Board has suggested a number of conditions to ensure no additional risk of flooding would occur.

(Officer comment: It is considered that this can be addressed by a single condition requiring a surface water drainage scheme based on sustainable drainage principles.)

Affordable Housing Officer

I can confirm that the affordable housing provision on this site for 8 units (2 x 4 bed house, 2 x 3 bed house, 2 x 2 bed ground floor adapted flat) is acceptable. This equates to an affordable housing provision of 15% on site.

I understand that the viability assessment submitted confirms that 15% affordable housing on the site is what can be achieved in order that the site remains a viable proposition.

Principal Conservation Officer

I have viewed the revised details and can advise that I have no comments to make.

I have also read the submitted Heritage Impact Assessment and agree with the conclusion that undesignated heritage assets adjacent to the site will not be adversely affected by the proposed development.

Grantham Civic Society

The additional houses will overload the site access onto Beacon Lane at critical times, particularly at arrival and departure times for many local schools and Grantham College.

We have seen no indication of true vernacular detailing of materials. The illustrative designs shown are of a type which can be seen anywhere around the country.

The entrance to the site is close to some of the best Victorian buildings in this part of the town and is on the very edge of the new conservation area and we feel this should be reflected in the new design detailing and materials used.

We are disappointed to see no proposals or mention of rainwater harvesting and it is hard to see how the houses can make optimal use of solar energy when the orientation of the roofs is principally facing east or west.

Extensive tree planting should be made a condition of any permission granted.

Representations received as a result of Publicity

The application has been advertised in accordance with the statement of community involvement. 22 letters of objection have been received. A summary of the main concerns are listed below:

- Scale, density and design of layout not in keeping with historic character of the area resulting in over-development with inadequate amenity space.
- Layout will create social issues, vandalism and security problems.
- Overlooking and loss of privacy.
- Overbearing with adverse impact of light and noise.
- Disturbance from parking areas close to boundary.

- Highway safety – will exacerbate existing problems – traffic assessment flawed.
- Create drainage problems and associated damage to neighbouring properties.
- No need for the development.
- Adverse impact upon views identified in townscape assessment.
- Loss of fruit trees on the site and impact on trees outside site.
- Further bat survey required in summer months.
- Impact upon protected species – assessments incomplete and flawed.
- Noise, dust and other problems during construction.
- Requests for scale/height of dwellings to be reduced and boundary walls to be erected.
- Requests for construction access, piling of foundations and hours of building works to be controlled.
- Loss of historic connection of site with Barrack Square.
- Affordable housing should be distributed across the site.
- Question whether numbers would increase at Reserved Matters stage.
- Adverse impact upon views from Conservation Area and impact upon heritage assets.
- Disturbance from access road.
- Existing trees of merit should be retained.
- Heritage assessment is inadequate.

Applicants Submission

The applicants have submitted a substantial response to the concerns raised by members of the public. A summary can be found below:

In many respects we consider that the proposed amendments (in relation to the scheme allowed at appeal) will not have any greater impact. In fact it is considered that the scheme would have a number of benefits compared to the existing outline consent.

For example in respect of scale, height parameters were clearly set out in the original application with the submitted drawing showing many of the buildings at 3.5 storeys in height. The current drawings show a maximum height of 2.5 storeys and therefore refusing the development on the grounds of impact on the townscape would be unreasonable.

The submitted heritage assessment indicates that the proposed development would enhance the nearby heritage assets such as Beacon Hillside and Hillside when compared to the existing consent. The assessment confirms that the development will have little impact on the nearby, historical assets.

A number of letters refer to the increase in density of the development and consider that it is too high. Notwithstanding the increase in numbers, the overall density of the development is still considered to be comparatively low at fewer than 25 units per hectare. The Townscape study advises that anything below 29 dwellings per hectare is considered to be low density development.

The area is therefore characterised by what was very low density development which has now been diluted by late 20th century development with much greater footprints which has compromised the setting of the older buildings. The newer buildings are even greater in scale than the original buildings and tend to dominate the character of the area.

Whilst the study acknowledges that this area is predominantly made up of large, single and two storey detached houses it does emphasise that this area is a transition area between the large institutional buildings which characterise area CA4 and the residential suburbs of CA7. It also acknowledges that: Later development is very much reflective of national house types and designs and has no strong architectural theme or use of materials which is distinctive.

The study seems to consider that the later developments such as at Brisson Close and Twyford's Gardens have failed to respect the character of the area and as a result changed the character of the area and introduced 'national house types' into the area.

Members of the public refer to the site providing important views from the historic core of the town to the surrounding open spaces and hills to the east from Areas CA1 and CA4. When looking east from Sandon Road (within Area CA4) across the site, the view is dominated at the moment by the trees alongside the application site and the school playing fields. These are to be retained and the view from this area will remain dominated by the trees, but glimpses of the development will be seen through the gaps in the trees.

Views west are dominated by the Grammar School and trees and hedging alongside Sandon Road. Views to the west do open up once you are past Sandon Close and you can see into the historic core of the town. However, at this point the view east is dominated by St Mary's School.

The suggestion that the designs are 'completely out of character' with the area is not substantiated by an assessment of the local area. There is a mix of styles in the vicinity but the character description for 4a refers to the form/origins being "mid-19th century" (i.e. Victorian). Some of the key buildings helping to form the character of the area are the Victorian or neo-Victorian (1950s) designs. Character Area 15 also refers to some of the surviving late 19th century buildings which it alludes to (and photographs) as being positive features. Therefore, in the interests of bolstering traditions, it is considered appropriate to make reference to these existing buildings of character rather than some of those with less interesting identity. Also, due to the somewhat 'land-locked' nature of the site, there is a need to establish a strong identity in the design of the units to help engender a strong sense of place. The adoption of the Victorian style, used in conjunction with materials which reflect the local context, is therefore considered to be appropriate and will help to ensure that the scheme has distinctiveness rather than a bland character like some of the ages of development referred to. This is one of the intentions of character-forming, and one of the reasons for the production of the Grantham Townscape Assessment.

The access road would not be a narrow, 'dark' or under-used route. It will be constructed to a standard agreed by the Highway Authority and is shown to be 5m wide with 2m footpaths. It will have clear footways and carriageway and it will be lit. It would be used by occupants of the development and will therefore have a degree of passive surveillance by those users.

A number of residents from Brisson Close have expressed concern about the relationship with the proposed dwellings and also in terms of the location of the boundary.

The eastern boundary of the site has been established for many years as detailed in the Design and Access Statement. The OS map of 1886 shows the site sub-divided into allotments on the edge of the town, connected back to Beacon Lane where the major built elements are the barracks, Beaconfield House and Hillside (now Beacon Hillside). The application site is, even at this date, clearly definable from the existing boundaries with the exception of the south-east corner where the eastern edge of the access road is not yet defined by a boundary. The eastern boundary is clearly shown as a field boundary running in a straight line from the north east corner of the site (adjacent to Brisson Close) all the way to Beacon Lane. The topographical survey plans confirm that the line of this boundary remains the same today to the rear of the properties on New Beacon Road and also now, the properties at Brisson Close. In addition the various Land Registry Plans for the properties at Brisson Close and the allotment site all show this to be a straight line.

Since the properties were built in 2009/2010 the occupiers of Nos. 4 & 5 Brisson Close have carried out works on the land beyond their boundary fences including the removal of mature trees and in the case of No. 4 removing the rear boundary fence altogether. Disregarding the issue of who

actually owns this strip of land, the removal of mature trees and hedging as well as a 2m high boundary fence, knowing that development was planned, does not seem to be the best way to safeguard your privacy/outlook if you had real concerns about such matters.

In terms of the distance to the boundary fence, this was actually stated on the drawings (by GS Developments) as 12.35m for No. 5 and 10.0m for No. 4. On site these appear to be some 0.6m less than this dimension. Whether this is due to the buildings being set out wrong or the boundary fence being wrong is debateable. Either way it would appear that the difference is not significant and you will still be looking at over 15m from the rear wall of No. 5 to the side elevation of Plot 40F. This is considered acceptable relationship to a side elevation even with the removal of the tree, which would have helped to mitigate any impact on the outlook from this property. Also it is very unlikely that before purchasing these properties the owners had not known about the proposed development on the allotment site.

Transport

The current outline application relates to the development of 55 residential units and the site has the benefit of planning consent for 43 residential units which was granted at appeal.

The traffic and transportation issues relating to the consented development were supported by a comprehensive Transport Assessment that was based on 51 units and was therefore more robust than necessary, i.e. it was based on more units than actually applied for. At the Inquiry this assessment was found to be acceptable and the Council was found to have acted unreasonably in refusing the scheme on highway grounds and costs were awarded against the Council partly on this basis.

The Transport Assessment submitted in support of the current application considers the effect of 65 dwellings (again more than actually applied for) given the outline nature of the application and to consider a robust case for potential development on the site. This therefore equates to 14 additional dwellings with regard to the original Transport Assessment which considered 51 units or just 4 dwellings more with regard to the 55 dwellings for the current application.

The Highway Authority, Lincolnshire County Council (LCC) were consulted about the proposals prior to submission of the application and they examined the Transport Assessment and concluded that the application would see only a slight increase in vehicular trips over that previously approved and there would be no impact on highway capacity. The LCC consultation response forms part of the application documents.

Therefore in summary it is considered that the original consent in respect of highway matters was thoroughly examined at appeal based on 51 units and again the Highway Authority has examined the current proposals and has raised no objections to them.

The Transport Assessment includes details of a speed survey which was undertaken in the afternoon to ascertain the speed of traffic in free flow conditions in accordance with guidance, rather than peak hours.

Traffic capacity calculations are based on peak hour traffic flows and this aspect was considered in the original planning application and accepted at appeal.

With regard to parking on Beacon Lane (allegedly from the college) some of the letters intimate that this has been investigated by the police following complaints. The Highway Authority does have powers to investigate and impose waiting restrictions having regard to other legislation and this is not a matter with regard to the planning application.

It should be noted that the application proposals provides for adequate off street parking within the site and the proposals would have no effect on this situation.

Conclusion

Many of the other issues raised by local residents echo those raised earlier at the Inquiry into the original application. They were considered by the Inspector not to be significant at the time of the Inquiry and we consider that the proposed changes to the development will not alter this assessment. In respect of some of these issues, for example the impact on townscape and views across, into and out of the site, the reduction in the maximum height of the development will actually result in less impact on the townscape. But residents still argue it will have a greater impact. We do not consider such arguments to be justifiable and unreasonable.

In respect of the impact on the amenities currently enjoyed by those adjacent to the site these are no worse than the existing consented scheme and in some cases the current proposals are actually an improvement.

For example, to the rear of Beacon Hillside and Hillside is proposed an area of landscaped open space. This replaces the side elevations and rear gardens of 2 No. two storey dwellings on the original scheme. The separation distances between the new properties and the old have therefore been increased significantly in this latest scheme.

Elsewhere, for example the rear elevation of the two storey flats to the rear of No 5 has been replaced by the side elevation of a two storey house. This will ensure there are no issues of overlooking/loss of privacy to No.5. Some loss of outlook will occur but this will not be significant even though the tree, which would have mitigated any such impacts, has been removed. Nevertheless additional planting along the boundaries is still proposed in accordance with the recommendations of the ecology reports. To the rear of No. 3 & 4 the back to back relationship is maintained but the actual separation distances are improved. Bearing in mind that the original application for the development of the allotment site was submitted before the application to develop Brisson Close; the occupiers of those properties were likely to have known about the proposed development of the land to the rear of these properties before actually purchasing those properties.

In respect of No. 27 New Beacon Road the proposed dwellings to the rear of this property remain two storeys as before, but the separation distances have been reduced. Nevertheless, this property has quite a deep rear garden so the back to back distances are well in excess of the usual 21m. Again the additional planting that is proposed will ensure that any potential issues of overlooking etc will be mitigated.

Lastly in respect of the introduction of the NPPF since the application was submitted, we do not consider that this will have any significant implications in respect of determining the application. If anything the publication of the NPPF provides more justification for the granting of consent with its focus on the need for Council's to optimise development on sustainable sites such as this one and advising Councils that only in case where transport issues are severe should Councils refuse application on highway grounds.

Officer Evaluation

The main issues for consideration in relation to the proposed development are highway safety, residential amenity, visual amenity, impact on heritage assets and impact on protected species. An important material consideration is also the appeal decision in relation to S08/0013 granting planning permission for 43 residential units on 25 August 2009.

Unless there has been a material change in circumstances since the determination of the appeal the starting point of the assessment must be that the principle of the development is acceptable, and the main issues are whether the changes as a result of the increase in numbers make the development no longer acceptable.

Highway Safety

The proposed development has been assessed by the local highway authority in relation to the wider impact of the development on the surrounding highway network and the internal layout and design of the scheme and access to Beacon Lane.

It is important that members have cognisance of the Inspectors reasoning and decision. It is accepted that the previous proposal was for less dwellings⁴³, compared to 55 units as part of this development. However, the comments of the local highway authority indicate that the increase is not substantial to justify a refusal of planning permission on these grounds.

The inspector concluded as part of the appeal decision that a junction on to Beacon Lane can be safely positioned at the proposed location without prejudicing highway safety. Issues of visibility and the parking of cars on the verges is a matter of highway enforcement. Notwithstanding the concerns of members of the public I have no reason to disagree with the conclusion of the Inspector or the local highway authority.

Residential Amenity

The proposed development is in outline form but is accompanied by a plan indicating how 55 residential units can be accommodated on the site. The layout of the site is designed to minimise any significant impact on the amenity of neighbouring occupiers. It is considered that there is sufficient separation distances between the proposed development and neighbouring occupiers to ensure that there would not be any significant overlooking/loss of privacy, or loss of daylight/sunlight that would justify a refusal of planning permission on these grounds.

Levels of privacy would be further enhanced by significant landscaping along the boundary of the site.

The proposed dwellings would be closest to the properties on Brisson Close. There would be a separation of approximately 17 metres between 5 Brisson Close and plot 40 and over 25 metres between 3, 4 Brisson Close and 27 New Beacon Road and plots 30-38.

It is acknowledged that the outlook from the neighbouring dwellings would change as any views over the site would be removed. I accept that these changes may not be welcomed. But to ensure that the existing occupiers would experience no adverse impact from a new development would be an unreasonable level of test for a proposed development

Visual Amenity

The proposed scheme would include a mix of two and two and a half storey properties. Whilst the proposal would introduce built form into an area that is currently 'undeveloped' it is considered that there would not be any substantial harm to the character and appearance of the area. The site can be regarded as infill and would be substantially screened by existing and proposed landscaping.

Whilst the scheme is an increase in units from that previously approved, 43 to 55, the height of the buildings would be reduced as the extant planning permission includes 3.5 storey properties

compared to 2.5 storey as part of this application. Accordingly it is reasonable to conclude that, notwithstanding the increase in density, visual impact would actually be less.

The Inspector in relation to the previous appeal did not raise any specific concerns regarding impact on the form and character of the area/visual amenity. It is considered that the additional units proposed would not result in any significant impact on the amenity of the area.

In his decision he concludes:

“Bearing in mind that this proposal is in outline, the matters of visual and residential amenity are capable of being resolved. I see no areas of conflict that cannot be resolved at the reserved matters stage”.

(Pins Ref: APP/E2530/A/09/2101377).

I have no reason to come to a differing conclusion than the Inspector. As such it is considered that the visual impact of the development would not be the basis for a refusal of planning permission.

Impact on Heritage Assets

A heritage assessment has been submitted as part of the planning application. This includes an addendum to take account of the Grantham St Anne's Conservation Area which was designated in January 2013. It concludes that:

The heritage value of both Beacon Hillside and Hillside would not be affected by the proposed development.

In accordance with Paragraph 135 of the National Planning Policy Framework the effect of an application on the significance of a non-designated heritage asset should be taken into account on determining an application. In this instance, no demonstrable harm to the low/moderate heritage value of Beacon Hillside and Hillside would be caused by the proposed development. The levels of architectural and historic interest of these buildings possess would not be altered by the proposals, and the location of the proposed development achieves efficient use of this land whilst retaining the assets setting without harm.

The Principal Conservation Officer has assessed the submitted information and agrees with the conclusion. As such it is considered that heritage impact has been adequately investigated and the development would not have any significant impact on any heritage assets.

Concern has been raised in relation to the impact of the proposed development on the Barrack Square Listed building. However, it is considered that there is sufficient separation between the Barrack Square and the site and there are a number of trees in the rear garden of the intervening property which provides a visual screen between the site and the listed heritage asset.

This coupled with the layout of Barrack Square, which is an inward looking, courtyard arrangement, which generally turns its back on the neighbouring land, would ensure that there would be no significant harm to the listed heritage asset.

In relation to the Conservation Area whilst the access road would be within the conservation area there would be limited impact as the access has been designed to minimise any impact on the adjacent protect trees.

The site is not readily visible from public vantage points and is well screened from the adjacent conservation area to the west by the existing trees. These trees are outside the application site and

within the conservation area. Accordingly they are protected and form an important function as the logical boundary to the conservation area.

The proposed layout has taken into account the importance of the western boundary by positioning gardens as opposed to dwellings. This would ensure a soft transition between the conservation area and the built form proposed as part of this scheme.

The scheme proposes a mix of predominantly two and half storey properties with two storey properties adjacent to Brisson Close. The previous scheme included three storey properties. As such it is considered that the overall visual impact of the scheme, notwithstanding the increase in numbers, would be less.

Protected Species

Whilst the site is somewhat overgrown and has remained an inactive allotment for a period of time since the grant of planning permission at appeal on 25th August 2009 (planning ref: S08/0013) it is considered that it is unlikely that additional survey work would be required in relation to protected species.

This is confirmed by the comments of Natural England stating that their standing advice is that surveys should not be over 2-3 years old.

Lincolnshire Wildlife has confirmed that unless there have been changes to the habitats on site in the intervening period or there is more delay in determination of the application it would not expect further updates to be required.

The submitted survey indicates that there would be no detrimental impact on the natural environment. Despite having an allotment use the site is described as 'particularly poor'. No protected species have been found on the site.

In relation to bats the report indicates that the site is generally inaccessible to bats:

"Bats are inquisitive, highly mobile animals, which constantly investigate their surroundings, evaluating good feeding areas and potential roosting opportunities. Where suitable habitats such as woodland, woodland edge or sheltered pasture occurs bats will travel up to several kilometres to take advantage of a resource. To reach favoured sites bats will follow linear landscape features such as hedgerows, streams, lanes etc. The absence of such features can make an otherwise suitable site inaccessible to bats. In addition, new roosts will become established in such areas. For example the rapid colonisation of artificial bat roosts being occupied within year or two of completion of a development.

The evidence from the survey indicates that the site has no potential as a roosting place for bats. However, the boundary trees are likely to be used as a flight corridor and sheltered foraging area with the residential properties to the east and south of the site providing potential roosting place. In addition some species of bats are known to quickly colonise buildings and may do so once the development is completed. The provision of bat boxes may speed up this process.

Due to the removal of existing habitats of some value to nesting birds across the site, it is likely that the development proposals will result in the disturbance and displacement of some bird populations currently using the site".

To promote bat roosts post completion and to mitigate any impact on birds two conditions are requested:

-That site clearance/removal of vegetation on site is not undertaken during the months of March to August except when approved by the local planning authority. This would ensure that breeding birds are not adversely affected.

-That details of bat and bird box provision within the development.

Other Matters

Impact on Trees

There are a number of trees adjacent to the proposed access to the site. However the proposed access has been designed to be further from the trees than the existing access that served the allotments and can be of a no dig construction.

Similarly, the concerns regarding the impact of the outbuildings in the rear gardens of the western most properties can be addressed by specific construction techniques, e.g. block and beam construction as an alternative to more traditional methods.

Section 106 Heads of Terms

The developer has submitted a development appraisal that has been assessed by external consultants. The appraisal demonstrates that the scheme would not be viable if 35% affordable housing is sought in conjunction with the other developer contributions. The scheme would however remain viable with the affordable housing contribution reduced to 8 units (15%).

If the scheme is not viable, the development will not take place and as such the scheme will not contribute towards the 5 year supply of land or affordable housing provision.

In addition to the reduce level of affordable provision (15%) the scheme would provide the following developer contributions:

Education - £355,287. This equates to the provision of 14 primary, 12 secondary and 2 sixth form places will be required as a direct consequence of this development.

Highway Improvements - £85,000 – contribution towards Passenger Transport Provision in accordance with the Transport Strategy for Grantham and for improvements to footway/cycle ways in the locale of the development site.

The Council has adopted a Supplementary Planning Guidance document in relation to Developer Contributions. This document highlights the raft of contributions that should be sought depending on the size and nature of schemes. If additional contributions are sought in accordance with this document the scheme would become unviable.

If the scheme is not viable, the development will not take place and as such the scheme will not contribute towards the 5 year supply of land or affordable housing provision.

As such it is considered appropriate to accept a reduced package of contributions (including the reduced level of affordable housing provision) in an attempt to ensure that the scheme is built out. This accords with the advice from central government that highlights the importance of ensuring Section 106 agreements do not stifle development:

In his letter of 31st march 2011 to all Chief Planning Officers Steve Quartermain, Chief Planner for Communities and Local Government endorses the coalition Governments proposals set out in the

Growth Review. Annex B of that letter notes that “There is a need to ensure that existing planning permissions are built out to help deliver growth and support local economies.....Understanding the impact of planning obligations on the viability of development will be an important consideration when obligations are reviewed, particularly where they are reached in different economic circumstances. An appropriate review of obligations, which takes account of local planning priorities, could allow development to proceed on stalled schemes.”

Crime and Disorder

It is considered that the development would not result in any significant adverse 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 the act will be breached.

SUMMARY OF REASON(S) FOR APPROVAL

This is an outline application for the construction of 55 dwellings and associated garaging. The area of the development is approximately 2.25 hectares and is located within Grantham in reasonable proximity to the town centre.

It is considered that the additional units proposed beyond that considered previously by the planning inspectorate do not raise any new material planning considerations not previously considered.

The proposal is for development of a sustainably located site which already makes a contribution to the five year supply of housing land, the proposal is therefore in accordance with the NPPF and Core Strategy policies SP1 and H1. Granting permission for this proposal will ensure that the site continues to count toward the five year housing land supply.

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 SP1, SP3, and EN1 of the adopted Core Strategy.

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. Details of appearance, landscaping, layout and scale (hereinafter called 'the reserved matters' shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To define the permission.

2. Application for reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To define the permission.

3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: to define the permission.

4. No development shall take place until a method statement regarding construction works has been submitted to and approved in writing by the local planning authority. The statement shall cover the hours of operations and work on the site, the types of machinery and equipment to be used and details how noise, vibration and dust are to be controlled using best practicable means. Development shall be carried out in accordance with the approved method statement.

Reason: In the interests of residential amenity.

5. Before each dwelling is occupied, the roads and/or footways providing access to that dwelling from the public highway shall be constructed less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection of the penultimate dwelling is commenced.

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

6. No dwelling shall be commenced before the first 60 metres of the estate road from its junction with the public highway, including visibility splays, has been completed. The visibility splays shall have an 'x' distance of 4.5 metres and a 'y' distance of 54 metres in an eastward direction and 47 metres in a westward direction.

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

7. No development shall take place until details of levels, including cross sections of the relative heights of existing and proposed ground levels of the site and adjoining development and roads, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

8. A programme of removal of trees and other vegetation on site taking into account the presence of nesting birds. The details shall be submitted to and approved in writing by the local planning authority prior to the submission of reserved matters relating to layout and landscaping. Development shall be carried out in accordance with the approved details.

Reason: In the interests of minimising any significant impact on breeding/nesting birds.

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

Reason: To encourage additional biodiversity within the development.

10. Before the access is brought into use, all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number 204.005C dated 21st February 2013, and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

Reason: In the interests of safety of the users of the public highway and the safety of users of the site.

11. When application is made for approval of the 'reserved matters', that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in forward gear.

Reason: To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

12. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.

13. Retained Trees

a) No retained trees on site shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

(d) A 'no dig' construction method shall be used for all parts of the access road, driveways, footways and parking areas that fall within the root protection areas of retained trees. No development shall take place until details of such a construction method have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

(e) Details of the proposed method construction of the outbuildings/garages along the western boundary of the site shall be submitted to and approved in writing by the local planning authority.

In this condition —retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; or trees that are located on land adjacent to the site and paragraphs (a) and (b) above shall have effect until the expiration

of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

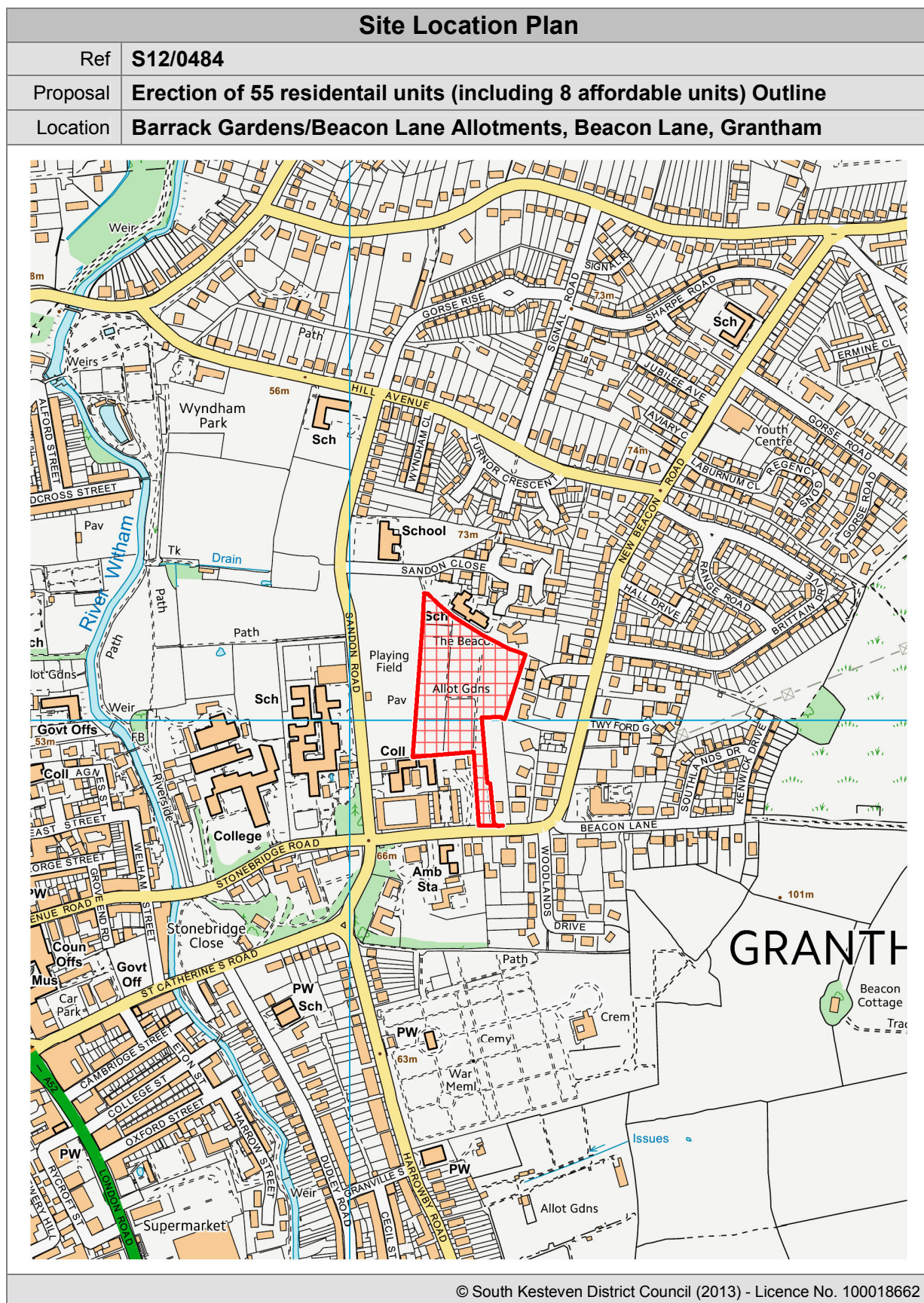
Note(s) to Applicant

1. The proposal to discharge surface water to the 525mm surface water sewer in Beacon Lane at a rate of 5 litres per second is acceptable. However, due to maintenance issues, the use of orifice plates within the onsite system is unlikely to be accepted for adoption by Anglian Water.

The applicant is advised to discuss the specific design of the system with our Developer Services when the submission is made under Section 104 of the Water Industry Act 1991.

2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *



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Applicant	Mr G Bremner Manor Farm, Wilsthorpe Road, Braceborough, Stamford, PE9 4NX
Agent	
Proposal	Use of land as grass airstrip and erection of building for storage of aircraft and agricultural machinery
Location	Manor Farm, Wilsthorpe Road, Braceborough, Stamford, PE9 4NX
App Type	Full Planning Permission
Parish(es)	Braceborough & Wilsthorpe
Reason for Referral to Committee	The application has been referred to the Development Control Committee at the request of the local ward councillor. The application is also contrary to the policies of the Development Plan.
Recommendation Summary	The proposed airstrip and aircraft storage uses do not fall within one of the categories of development outlined in Policy SP1 of the South Kesteven Core Strategy in relation to which proposals will be considered acceptable in the countryside and as such the development would represent a departure from the policies of the Development Plan. However, on the basis that such a use(s) would be unlikely to be reasonably accommodated within an urban environment and that any approval for the grassed air strip use could in principle be restricted to the level of private use envisaged by the application submission, it is considered that the development proposed in this countryside location would not in principle be unacceptable. It is also considered that the proposed use would not have a sufficiently detrimental impact upon residential amenities and equine activities/pursuits in relation to noise and disturbance to warrant a refusal of planning permission. The proposed store structure would not have any significant physical impact on any residential amenities. As such the scheme would be compliant with Policy EN1 of the South Kesteven Core Strategy. It is also considered that the proposed storage building and grassed airstrip facility would not be significantly detrimental to the visual amenities of the locality and the development would not be detrimental to highway safety. It is therefore considered that the proposal would not give rise to any demonstrable harm having regard to national planning guidance in National Planning Policy Framework and the Policies of the South Kesteven Core Strategy and that there are no material considerations which indicate otherwise although conditions have been attached.

Key Issues

- Planning Policy Implications
- Highway Safety Implications
- Air safety implications
- Impact on visual amenities
- Impact on residential amenities/Impact upon Equine activities/pursuits

Technical Documents

- Application Forms
- Site Location Plan
- Site Layout Plans
- Elevational and floor plan drawings of proposed store building
- Design and Access Statement
- Noise reports and associated submissions on behalf the applicants and interested parties
- Reports of Environmental Consultancy
- Report of Equine Behaviour Specialist

REPORT

Application Category

This application is categorised as an 'Other' type of application.

Reason for Referral to Committee

The application has been referred to the Development Control Committee at the request of the local ward councillor. The application is also contrary to the policies of the Development Plan.

The Proposal

This application in respect of the proposed change of use of part of the lands at Manor Farm, Braceborough for use as an air strip along with the erection of a building for aircraft/agricultural storage was originally included on the Development Control Committee agenda of 3 April 2012. A decision on the application was deferred because;

- a neighbour (at Spa House) stated that he was not notified of the receipt of additional information;
- the need for an Environmental Impact Assessment must be reviewed;
- the noise data which has been submitted needs to be reviewed and more survey information may be required; and,
- the need to take account of the National Planning Policy Framework in respect of this type of development.

Further to this deferral the necessary further public consultation has been undertaken (with the outcomes set out later in this report) and the advice contained in the National Planning Policy Framework considered relevant to this application is reviewed in the Assessment section of this report. The publication of the National Planning Policy Framework revoked the previous central government advice set out in PPS7: Sustainable Development in Rural Areas, PPG13: Transport and PPG24: Planning and Noise.

In relation to noise data, additional survey work was undertaken at Spa House; further to protocol and site meetings attended by the Council's appointed environmental consultants (MAS - hereafter in this report referred to by name) along with representatives of the applicants and the owners of Spa House. After this additional noise survey work, MAS produced a further report (of October 2012) which has been the subject of further re-consultation with the parish council and interested parties. The resultant consultation responses received are again summarised later in this report and the conclusions of the further MAS report (of October 2012) are considered in the Assessment section. A specialist in Equine Behaviour was also commissioned by the Council to review the conclusions of MAS - in the light of the submissions of interested parties - and again the findings/conclusions of the Equine Behaviour Specialist are considered in the Assessment section.

With regard to the matter of as to whether the scheme represented Environmental Impact Assessment development, officers initially sought Counsel's advice which indicated that an Environmental Statement was required. The matter was then, however, the subject of a screening direction from the Secretary of State under Section 8(b) of Part 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 whereupon the Secretary of State concluded the scheme "is not 'EIA Development' within the meaning of the 2011 Regulations. The Secretary of State issued the decision having regard to the application documentation, Counsel's

opinion to the Local Planning Authority and the submissions made by and on behalf of the occupants of Spa House.

The application has been advertised on the site and in the local press as a departure from the Development Plan.

With regard to the application proposals themselves, the submitted details show that the proposed grassed air strip would be located to the north of the main farm complex at Manor Farm and would extend to some 650 metres in length and be some 24 metres in width. The submissions indicate that the remaining area of the field would remain in use for agricultural purposes.

The proposed storage building is to be situated immediately to the north of the existing complex of buildings at the farm. The building, which has an overall height of 4.8 metres, is to be constructed of dark green coated box profile steel.

The original application was accompanied by a design and access statement and a noise assessment report. In response to requests from the Council's Environmental Protection, the applicants also provided (in November 2011) the following additional information:-

- The number of take-offs and landings would be approximately two a week with less opportunity to fly in the winter months.
- The airstrip could be used on any day but is very dependent on the weather which will need to be dry and calm. In no instances will there be any flying in the dark or dusk.
- There will only ever be three different aircraft using the strip, two of which are vintage aircraft and can only be flown in very calm weather. Each of these aircraft has a maximum of two seats and will only be used for private flying for pleasure as the pilot does not hold a commercial pilot's license. None of these planes are aerobatic aircraft.
- The three aircraft are privately owned by one individual who is a long standing friend of the applicant and who is leaving his current farm at Ingthorpe upon which he presently has an airstrip and storage building. The aircraft will only be used one at a time.

Subsequently, the applicants submitted a letter from the owner of a farm at Haddon (Near Peterborough) whom advises that he has a runway with a paddock at the end of it within which two ponies are kept and they do not take notice of the flying activity. The letter also points out that Sibson Airfield, near Peterborough has many horses in paddocks alongside, including thoroughbred racehorses.

Letters were also forwarded by the pilot/light aircraft owner, who would be using the airstrip, indicating that he would give an undertaking not fly over Spa House should planning permission be granted and stating that in the 22 years he has been flying from Ingthorpe Farm that he has not had any complaint even though horses are closer than would be the case at Manor Farm. It is also pointed out (in response to the representations submitted to the Council) that the only flights that have taken place to date from the Manor Farm were 'test flights'; one for the noise measuring exercise and one to test the suitability of the airstrip for a vintage aircraft.

Immediately prior to the preparation of the report to the Development Control Committee of 3 April 2012 the applicants also supplied supplementary noise data; these being noise readings taken by the applicants consultant in the proximity of Spa House.

The application site and its surroundings

Manor Farm is located within an area of relatively flat and open agricultural lands to the north-east of Braceborough and to the north-west of Wilsthorpe. The farmhouse and its associated agricultural buildings are served by a vehicular access off Wilsthorpe Lane and this will be used to access the proposed development. The dwelling at Spa House is situated approximately 500 metres to the north-west of the proposed airstrip. The owners of Spa House have horse training facilities at the site including a large indoor riding school, a mechanical horse walker, a sand paddock and a large outdoor ménage. Wilsthorpe Waterworks and the residential properties at Waterworks Cottage, Fallowfields and Waterworks Farm lie to the north-east. Coombe Farm is situated to the east.

Site History

No relevant planning history

Policy Considerations

National Planning Policy Framework
South Kesteven Core Strategy Policy SP1
South Kesteven Core Strategy Policy EN1

Representations Received

The following responses were received in relation to the application as it was previously reported to the Committee:-

Braceborough and Wilsthorpe Parish Council commented that the councillors do not propose to enter any representation with regard to the application

The Council's Environmental Protection indicated that if the application was to be successful that:-

- A maximum number of take-off/landing cycles should be specified based on the applicants submissions; either on an annual, monthly or weekly basis.
- The hours of use are conditioned to daytime only, for example between the hours of 8am to 8pm.
- There is a condition which restricts use to prevent any future commercial use of the airstrip.

Further to the applicant's proposals and representations received from interested parties in relation to the original application submissions (summarised below), officers commissioned the assessment from MAS (provided in February 2012). As noted elsewhere in this report further commissions from MAS have followed and the conclusions of the MAS reports are considered in the 'Assessment' section of this report; along with those of the Equine Behaviour Specialist.

County Highway Authority raised no objections on highway safety grounds subject to the proposals remaining private to the applicant.

Civil Aviation Authority advised that it has no issues associated with the use of local airspace.

Ministry of Defence advised it had no safeguarding objection.

Following the completion of the additional noise survey at Spa House and the publication of the necessary associated report by MAS (of February 2012), Braceborough and Wilsthorpe Parish Council were re-consulted. The Parish Council advised that the parish councillors do not wish to make any representation to the application.

Representations received as a result of publicity

In respect of the application as originally submitted, representations were received from, or on behalf of, six parties raising objections/concerns on the following grounds summarised below :-

- Planes taking off and landing at the proposed airstrip would lead to excessive noise to the detriment of local residents and domestic pets.
- The increased aircraft activity at low levels close to nearby residents would increase exposure to damage in the event of an air accident.
- There would be increased vehicular traffic on the surrounding very narrow and winding local roads giving rise to conflicts with other road users.
- There would be negative environmental/pollution effects on residents in the locality.
- The application would have a negative impact on property values
- The development would be out of keeping with the character of this rural/agricultural locality
- The proposed general purpose building would be visually intrusive and would result in a destruction of views.
- The use has already commenced prior to the application being determined.
- Horse riders using the tracks and fields below or close to the flight paths of the aircraft using the airstrip would be at risk of injury, or even, fatality, as a consequence of the noise that would be generated by aircraft.
- The properties at Spa Farm and Willow Farm (in Wilsthorpe) are used in relation to specialised equine hobby activities; with riders competing up to national/international level in dressage and show jumping respectively. The noise generated by the proposed aircraft flying would be disruptive to riders practice and could result in injuries or fatalities to riders/horses. Statistics from the British Horse Society indicate that since 2000 there have been 76 serious injuries to riders associated with low-flying incidents, including two fatalities.
- The generation of aircraft noise could give rise to the unnerving/'spooking' of horses so as they would no longer be fit for competition. In addition to the possibility of injuries being caused, this could have substantial financial implications for the horse owners.
- It is considered that the noise assessment report submitted to accompany the application is inadequate because of the failure to undertake noise readings at Spa Farm, the lack of clarity in relation to collection and verification of results and the failure to take into account different aircraft types, varying flight paths and types of aircraft manoeuvres (e.g. banking).

Any such noise readings taken at Spa House would be higher than those provided by the applicants given that the readings would be taken closer to the proposed airstrip.

- The proposed development would cause demonstrable harm to the human rights of residents in the locality given the incompatibility of the proposal with existing uses and activities.
- The lifestyle and existing activities of the occupants at Spa House is fundamental to the consideration of the impact of the development; this being a factor which is well-recognised under planning legislation.

Two letters of representation were received in support of the scheme; one from a local resident, and one from the occupants of Ingthorpe House, Great Casterton who indicate that for the past 18 years they have lived next door to the facility which this present application seeks to replace. The occupants of Ingthorpe House state inter alia that “never, in all those years have they, or their horses, whom they regularly ride along the bridleway beside the runway, been caused any inconvenience by the comings and goings of the planes.”

Following the receipt of the MAS report (of February 2012) and the applicant's additional submissions in relation to the proposed operation of aircraft from the airstrip, local residents were re-consulted on the scheme. One further letter of representation was received from an agent acting on behalf of the occupants of Spa House stating that the additional submissions affirm the unsuitability of the proposed flying activity in close proximity to a site with a large number of highly trained horses given that there are no planning controls that could be used to restrict the overflying of Spa House; that it would be unreasonable to restrict the use of the airstrip to one named person; that it would be inappropriate to confine consideration to an individual user and individual aircraft or the preferences of an individual user; and that the suggestion that horses and aircraft can happily co-exist is unsupported by the data of the British Horse Society. It is also pointed out that the previously identified failings of the noise data in relation to the impact of the use on Spa House have not been addressed. It is also stated that it is certainly the case that the owners of Spa House will be seeking damages on an indemnity basis for any injuries to horses and humans, which in reality could amount to anything between £300,000 - £500,000.

After the preparation of the officer report to the Development Control Committee of 3 April 2012 - and subsequent to the submission by the applicants of the additional noise data taken near Spa House by the applicants consultant - a substantive letter of representation was received from the owner of Spa House raising objections in relation to the following key points :-

- The Council had failed to adhere to regulations in not requiring an Environmental Impact Assessment from the applicant in respect of the proposed airstrip and by not consulting the occupants of Spa House on the noise assessment produced by MAS in February 2012.
- It was considered inappropriate for an officer recommendation to be made in a report to the committee before a consultation period with a third party had ended.
- The findings of the MAS report were disputed.
- The site at Manor Farm is already being used for the landing of light aircraft prior to the determination of the application.
- There is no consistency in the making of planning decisions by the Council having regard to the fact that an application for the use of land for the landing of aircraft at Marston Hall (ref: S06/0095) was refused planning permission. The Council should provide a relative comparison of the proposals.

Officers provided a written response to the issues raised as matters stood at that time in relation to progressing further noise readings and the implications in terms of the Environmental Impact Assessment Regulations. Officers also set out to the party concerned the background to the officer recommendation to the Committee and as to how given that the determination of the application had been deferred that it was considered there was no prejudice to the objector in relation to the application process. It was also pointed out that it was not considered appropriate to undertake a detailed analysis of the relative differences between the case at Marston Hall and that at Manor Farm, Braceborough because each case is to be considered on its own merits in relation to the impacts of the individual development concerned.

Officers have subsequently responded in writing to further correspondence from the occupants of Spa House in relation to further queries in relation to the matters listed above and other issues in respect of the processing of the application. The additional issues raised by the occupants of Spa House included:-

- The view that the need for a screening opinion report under the EIA was supported by legal case law and as such should the development progress without such a screening process a Judicial Review process will be pursued.
- The findings of MAS were disputed in the light of reports commissioned by the objector from a noise consultancy - Acoustic Associates (hereafter referred to this report as AA) - and an experienced veterinary surgeon. It was contended that the MAS report was reliant upon the applicants submissions, relied on personal opinion on equine activities outside the area of expertise of the report writer, that the noise readings should be taken in the presence of the Council and should cover the full range of manoeuvres in terms of take offs/landings at the airstrip. It was considered that a new report was required and the owner of Spa House indicated he was willing to allow additional noise data measurements to be taken on his property.
- That prior to a protocol meeting - in relation to undertaking the additional noise readings at Spa House - it was necessary for the Council to provide an interpretation of Policy EN1 of the Core Strategy as it related to the 'noise and tranquillity' and 'noise and light pollution' at Spa House; to set out the noise measurement guidelines it was to rely upon, to agree to the use of the LA (max) reading in taking the additional noise measurements; and for the Authority to set out its position on the environment impact of the proposed development on horses at Spa House in the light of the conclusions of the veterinary surgeon's report commission by the objector.
- That it was considered that MAS had 'made their mind up' on the development and therefore the Council should engage another independent consultancy and that there were concerns that officers were appearing to display a bias.

In the written responses to the matters raised by the party concerned officers pointed out inter alia that:

- Policy EN1 of the Core Strategy was not prescriptive; it is based upon a judgement of the proposal and that the issue of noise and impacts on residential amenities and animals, which is the fundamental point here, will be informed by the final conclusions of the MAS report in the light of the objectors and the applicant's submissions and the additional noise tests.

- That PPG 24 had been replaced by the National Planning Policy Framework (NPPF) and that the implications of the new guidance will be considered as part of the application process.
- The Council agreed to the methodology suggested by the occupant of Spa House in relation to noise data collection.
- In relation to the issue of the impact on equine uses, it was pointed out that the Council would be seeking this advice via MAS and this will inform the final report to the Committee. Officers also subsequently commissioned the report from the Equine Behaviour Specialist to inform the final Committee report.

The issue of the alleged officer bias was addressed in the letter from the Head of Community and Growth to the owner of Spa House which stated that “in respect to alleged bias, I have looked at the Council’s correspondence to all parties and believe it is formal in its approach without any evidence of any deliberate bias towards any party. If there is a specific issue you are concerned about I would be happy to review it.” Members are advised that no subsequent specific issue was raised in response to the correspondence of the Head of Community and Growth.

The party concerned at Spa House - along with the applicants - was also advised of the Secretary of State’s determination that the scheme “is not ‘EIA Development.’”

Following the completion of the noise survey undertaken at Spa House and the publication of the necessary associated report by MAS (in October 2012), the owner of Spa House was provided with the MAS noise data readings (as were the applicants) and was again formally consulted on the submissions. The owner of Spa House has submitted a further letter of representation, along with three supporting letters/reports prepared by a veterinary surgeon and a further report from the noise consultants (AA). The correspondence emphasises that the main issues are considered to be the assessment of nuisance, being noise impact, visual impact, and the impact on existing activities at Spa House and makes the following key objections summarised below as follows :-

- To judge whether a source of noise from a fixed installation like a factory may represent a nuisance, use is made of the guidance given in British Standard BS4142 : 1997, ‘Method for rating industrial noise affecting mixed residential and industrial areas’. There is no equivalent standard to judge moving noise sources, but using the principles of BS4142 the measurements made at Spa House by AA and MAS indicated that the background noise level is exceeded by 30dB(A) and as such this should be judged as a nuisance.
- MAS have not dealt in their report with the increased noise of aircraft at Manor Farm in relationship to the background noise having regard to the principles of BS4142: 1997 even though it is pointed out that it was addressed by MAS in relation to other developments (a cited example being a report prepared by MAS for the National Trust in relation to an appeal by BAA plc).
- Although PPG24 is no longer in force, Authorities can still and should adhere to the principles set in PPG24 until the Council sets new principles. It is pointed out that MAS addressed the issues of tranquillity and the general guidance on airport developments in the cited National Trust Report. In that cited report the MAS representative stated in relation to measurements of tranquillity “that I am not aware of a nationally recognised definition of Tranquillity that is applicable for the purposes of acoustics but some assistance is provided in the WHO Community Guidelines on Noise 1999. This document identifies that the disruption of tranquillity relates to the ratio of the unnatural sounds / noise to the natural background i.e. that generated by wildlife, wind and natural sources such as foliage noise and streams.” Although the conditions at Spa House are almost identical there are no

mentioning of these facts in the MAS Report which should have addressed the impact on the tranquillity at Spa House due to the new proposed development.

- Planning Policy Guidance Note 24 (PPG24) forms the Government's main policy on noise in relation to airport development and in respect of its general principles indicates that noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities; that the impact of noise can be a material consideration in the determination of planning applications; that where it is not possible to achieve such separation of land uses, local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or that it may also be appropriate for local planning authorities to adopt policies to avoid potentially noisy developments in areas which have remained relatively undisturbed by noise nuisance and are prized for their recreational and amenity value for this reason. There is no mentioning of these facts in the MAS Report.
- The competent Authority (such as the Planning Authority or CAA) has no powers to lay down any planning conditions with a view to limiting the noise impact from an aircraft. Due to the proximity of the airstrip to Spa House the pilot is within his rights to fly at levels below 500 ft above Spa House, which was clearly demonstrated during the testing taken, and in further flights post the testing in which the pilot has passed over Spa House at well below the 500 ft level. It is quite clear from the data collated and the AA report supported by MAS conclusions regarding what amounts to nuisance as expressed in numerous reports produced (in relation to developments elsewhere) that the introduction of the proposed airstrip will create nuisance and should be refused.
- Although MAS were asked to provide an assessment with regards to noise nuisance, the majority of the report addresses the impact on dressage horses despite the fact that the report writer "is an uneducated, unprofessional and inexperienced layman when it comes to Equine Science and Equine Psychology." The Veterinary Surgeon points out that MAS quoted literature in which it was noted that all the horses in the studies 'exhibited strong fright responses' furthermore it noted that 'trauma due to panic can occur after an overflight in naïve horses' and 'Young horses seemed to be most susceptible...' It is pointed out that this finding alone, and in combination with the points raised by earlier reports submitted to the Local Planning Authority by the objector should raise significant concerns regarding the health and safety of the horses and riders at Spa House if the airstrip were to be installed. The veterinary surgeon's conclusion of the impact of the noise and visual stimulus on the equine activities at Spa House is that "in my professional opinion installation of an airstrip at Manor Farm Braceborough would significantly adversely affect the Equestrian activities at Spa House, Braceborough. It is also my opinion that if this development proceeded then it would have a serious negative impact on the safety of both horses and riders at Spa House" The Council are advised to ignore a 'laymans' conclusions and rely on an expert's conclusions in this instance.
- The law of nuisance is concerned with balancing the conflicting interests of adjoining owners and having regard to legal case law a landowner must show the same consideration for his neighbour as he would expect his neighbour to show for him. In this case based on the findings of the veterinary surgeon and the AA report the negative impacts of the noise that would be generated by the proposed airstrip along with health and safety implications for both horse and rider means that the activity clearly contradicts the rule of "live and let live" as this development will have significant impacts on the current use of the equestrian activities at Spa House.
- There is no local need for the airstrip as the pilot is not the land owner and is not resident at the property. The pilot has numerous alternatives to pursue his hobby by utilising the many

airstrips available in the area (which he is currently using) without negatively affecting the enjoyment of existing land owners. In fact the purchasers of the property where the pilot used to reside (who do engage with equestrian activities) have purchased the property on the condition that the airstrip activities will cease, as they regarded the use of the airstrip as a major interference with the equestrian activities pursued by the new owners.

The submission also points out that in the event that the Authority were to approve the application “ignoring the clear conclusions of the reports” (of the veterinary surgeon and AA) provided by the objector then Judicial Review proceedings will be instigated against the Council with that process also highlighting the points the Council has refused to address prior to the Judicial Review stage.

The correspondence also requested details of the cost of the third party advice to the Council on this application and an explanation as to why such expenditure is not being paid by the applicant. Members are advised that the authority’s financial cost details were provided along with the reasoning for commissioning advice from third parties; namely, that MAS were commissioned by the Authority to assess the differing conclusions of the applicants and the objectors in respect of the impact of the development on the locality.

In addition to the points set out above it was requested by the objector that the letter together with the associated reports was sent to all other interested parties whom have made representations on the application to date, along with the Parish Council, and be added to the list of documents available on the Council web site in relation to the application. Members are advised that the submissions have been posted on the Authority’s website and the Parish Council and interested parties concerned were notified by letter/email of the posting accordingly; this being the standard procedure undertaken in relation to neighbour/statutory body consultations undertaken by the Authority.

In response to the website posting of the objectors submissions the owners of Ingthorpe House have responded to provide “a correction” to the statement made by the objector that they purchased the property on the condition that the airstrip activities would cease. The owner of Ingthorpe House specifically states that “I purchased the farmyard and buildings (which are next to my main residence) in order to expand my equestrian activities, which had already existed alongside the airstrip without incident for the previous eighteen years. The rest of the horses came at the end of April (2012) and the pilot continued to use the hanger and airstrip until the end of July (2012) during which time none of the ‘new’ horses was ‘spooked.’ I asked the pilot to move the planes because I required the hanger, not because I wished him to stop flying. I did not purchase the airstrip and would have been happy for its continued use.”

All other parties consulted upon the original application or who made representations previously in relation to the application, were also re-consulted upon the most recent MAS report. Two letters of representation were received; one in support of the application and the other letter commenting that the act of owners of Manor Farm letting the pilot use the area of land and building at the site for free appears to be an act of rare generosity and points out whilst such hobby flying is generally quieter than military flying that on occasions livestock can react to the sight/sound of aircraft (for example in citing a pet dog that was terrified of the appearance and movement of hot air balloons). The letter also points that as alternatives to the application proposal there are ‘common sense’ solutions; namely either using the land at Manor Farm for flying on the 28 days in any calendar year permitted by planning legislation or by the pilot using the facilities at Sibson instead of Manor Farm.

It is also pointed out that in the period between the preparation of the officer report for the Committee of 3 April 2012 and the provision of the report by MAS of October 2012, that two other letters of representation were received in relation to the application. One letter raised objections on the basis that this is a rural locality which is not appropriate for the purpose proposed and therefore

people in Braceborough will not appreciate the noise and intrusive on their lives which may mean they will be looking for a reduction in their council tax payments.

The other letter of representation set out support for the scheme for in commenting that:-

- Braceborough is a small village and they have heard nothing but support for the small air strip.
- The horses at School House View have not been troubled in the past by the Harrier flights into RAF Wittering nor been perturbed by Chinooks (helicopters) using the nearby Rutland air base.
- Having regard to a legal case it is pointed out that keepers of highly breed horses bought, kept and owned them with the full knowledge of their potential unpredictability in certain situations and therefore the public, military, leisure or business at large could not be stifled, held up or dismissed because of the entirely voluntary purchase of an animal by another.

Further to the receipt of the report of the Equine Behaviour Specialist the relevant report - and associated commissioning documentation - have been posted on the Council's website and the owner of Spa House - along with the applicants - have been made aware by telephone or by email of this posting. Also having regard to correspondence with the occupants of Spa House, on points of planning law, the applications have been advertised on the site and in the local press as a departure from the Development Plan.

Key Issues

Planning Policy Implications

Highway Safety Implications

Air safety implications

Impact on visual amenities

Impact on residential amenities/Impact upon Equine activities/pursuits

Officer Evaluation

Planning Policy Implications

The application site is located in the open countryside whereby Policy SP1 of the adopted South Kesteven Core Strategy restricts development to certain defined categories. These categories include agricultural development and, therefore, the construction of a building for the storage of agricultural machinery would in principle in policy terms, constitute appropriate development.

With the regard to the proposed airstrip and aircraft storage use(s), however, these uses do not fall within one of the categories of development outlined in Policy SP1 of the South Kesteven Core Strategy in relation to which proposals will be considered acceptable in the countryside and as such the development would represent a departure from the policies of the Development Plan. However, on the basis that such a use(s) would be unlikely to be reasonably accommodated within an urban environment and that any approval for the grassed air strip use could in principle be restricted to the level of private use envisaged by the application submission, it is considered that the development proposed in this countryside location would not in principle be unacceptable. Indeed, in respect of such a 'private use' restriction it is considered that in this instance any grant of a personal permission in relation of the proposed user of the air strip could, in principle, be justified. In this respect, due regard has been given to government advice contained in Circular 11/95: Use

of Conditions in Planning Permissions which suggests that a personal permission should not normally be given whereby a scheme involves permanent built development. Nevertheless, given that in this case the storage building could be reasonably put to solely agricultural use upon any cessation of the use of any air strip there would be no conflict with the aims of the advice. A grassed airstrip could be readily returned to agricultural use upon the cessation of any flying activities from the site.

Policy EN1 of the adopted Core Strategy (2010) deals with the issue of the protection and enhancement of the character of the District and in overall terms indicates that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. Policy EN1 sets out criterion in relation to which all development proposals and site allocations will be assessed in relation to and of these remoteness and tranquillity, visual intrusion and noise and light pollution are considered of particular relevance to this application.

These issues are similarly addressed in the national planning guidance set out in the National Planning Policy Framework, which was published in March 2012, and which amongst other things revoked the advice previously set out in PPS7: Sustainable Development in Rural Areas, PPG13: Transport and PPG24: Planning and Noise. One of the core principles of planning set out in paragraph 17 of the National Planning Policy Framework indicates inter alia that there is a need to secure a good standard of amenity for all existing and future occupants of land and buildings. With specific reference to noise the National Planning Policy Framework (at paragraph 123) sets out that planning policies and decisions should aim to:

- (a) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- (b) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- (c) recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- (d) identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

The National Planning Policy Framework (at paragraphs 122, 124 and 125) also indicates that pollution impacts are material to planning decision making and that by encouraging good design, planning policies and decisions should limit the impact of light pollution.

The criterion/advice set out in Policy EN1 of the Core Strategy and the National Planning Policy Framework, in respect of the environment impacts on the locality are given due regard below in the consideration of the issues of the impacts on visual amenities; and, the effect on residential amenities/equine activities and pursuits.

Highway Safety Impacts

Concerns have been raised that there would be increased vehicular traffic on surrounding roads to Manor Farm giving rise to conflicts with other road users. The County Highway Authority, however, raises no objections on highway safety grounds subject to the proposals remaining private to the applicant. As indicated above, it is considered that such 'private' use could in this instance be controlled by a grant of a personal permission insofar as the use of the air strip is concerned.

Air Safety implications

The Ministry of Defence and the Civil Aviation Authority raise no objections on aviation safety grounds.

Impact on Visual Amenities

With regard to visual amenities, it is considered that the siting of the proposed building immediately to the north of the existing buildings at Manor Farm would ensure that the structure would appear visually integral to the farm complex. As such it is considered that the proposed structure would not detract from the character of this rural locality. Furthermore, the grass landing strip, by its nature, would not detract significant from the visual amenities of the locality given the absence of any hardsurfacing. The visual impact will be further mitigated by the fact that the surrounding lands will remain in agricultural use.

Impact on Residential Amenities/Impact upon Equine Activities and Pursuits

As set out in this report objections to the proposed air strip use have been raised both in terms of its likely negative impact on residential amenities and a detrimental effect on existing equine pursuits/activities; in particular in relation to the dressage related activities being undertaken at Spa House to the north of the proposed air strip. Submissions made on behalf of the applicants and other representations have, however, expressed a contrary view by suggesting that there can be compatibility in terms of the relationship between such airstrips and nearby residential and equine uses. Given these clear differing standpoints, officers commissioned independent environmental consultants (MAS) to review both the applicant's submissions and those of interested parties. As noted elsewhere in this report MAS produced a further report (in October 2012) - subsequent to additional noise survey data collection at Spa House - in which MAS concluded that in relation to the proposed development of an airstrip at Manor Farm they "can find no reasons to recommend refusal of this application on noise or cumulative impact grounds."

In arriving at this position, MAS drew the following conclusions:-

- In context military flying, shooting noise, gas guns used for bird scaring, helicopter over-flights, motor sport noise permitted up to 28 days a year, the potential for clay target, game shooting or vermin shooting should all be considered equally if not more likely to cause adverse impact than the light aircraft activity at the airstrip. They are likely to cause greater intrusion than this unusual event of flying over the dwelling (at Spa House).
- Typical flight activity, as expected to arise will cause less impact than originally indicated and is significantly quieter in terms of the maximum noise than the direct flight over the dwelling (at Spa House).
- Military training flights can be expected to generate substantially more noise than the worst case noise events from take-off events at the airstrip.
- At the distances concerned in this case, shooting events should also be expected to generate similar maximum noise levels and equally certain motor sport activity would generate similar maximum values but occurring more frequently. All are likely to produce a rise in decibel level at a faster rate than the light aircraft and so be more likely to cause a startle reaction. If any neighbour operated a helicopter for social, domestic or pleasure use then significantly greater intrusion would again arise.
- The duration of the take-off noise impact that can arise during a day is restricted to four movements (two take-offs and two landings) and is unlikely to exceed 4 minutes duration in

a day with a total period (including landings) of intrusive noise not exceeding 7 minutes a day. This is only likely to arise for about a quarter of take-offs due to the likely wind direction on most days. Whenever there is a southerly wind component there is reasonable surety all take-off events will be towards the south.

- The overall noise impact is low and insignificant compared to that which could arise from military training flights, domestic helicopter flights or a range of other permitted activities.
- Rarely the decibel level could reach a maximum of 82dB(A) for a brief moment in time and only exceed 76dB LAmax (the previous value used for straight flights) for periods of 5-9 seconds. This only arises if the aircraft banked towards the dwelling (at Spa House) and thus theoretically this maximum level could occur twice a day but is not expected. It would not be a sudden noise rising steeply from inaudibility but one where there was a gradual rise and fall in the decibel levels.
- Circumstances where this would frighten horses at a domestic location would appear rare and represent a case of hyper-sensitivity to stimuli. It may be the case that there is an element of hyper-sensitive domestic based equine activity at this dwelling (Spa House) but I am unaware of any precedent that such circumstances should be given special protection, especially when there are other activities that do not require planning permission and which could equally cause adverse impact on that use. If a domestic use of this type warranted or was given special protection it could have national consequences for development principles generally.
- The test flight exercise has been useful in demonstrating the level of impact from the proposed use which is considered acceptable, especially in view of the small number of events, their low overall decibel levels, limited duration and slow increase in noise levels.
- The combined visual and noise impact is not disproportionate to many situations in rural locations.

In response to the MAS report (of October 2012) and as outlined in the 'representations received as a result of publicity' section above the owner of Spa House has submitted a further letter of representation, along with three supporting letters/reports prepared by a veterinary surgeon and a report from the noise consultant (AA) in which it is outlined that the proposed development should be judged as a nuisance which would negatively impact on the tranquillity at Spa House and contradicts the rule of "live and let live" in terms of conflicting uses and stating that if this development proceeded then it would have a serious negative impact on the safety of both horses and riders at Spa House. MAS were given the opportunity to review these submissions and have re-affirmed their conclusions that they can find no reasons to recommend refusal of this application.

Furthermore, and as outlined earlier in this report, a specialist in Equine Behaviour was also commissioned by the officers of the Council to review the reports of MAS and the submissions of interested parties and to advise as to whether it was reasonable for MAS to come to the conclusion in their report of October 2012 that they "can find no reasons to recommend refusal of this application on noise or cumulative impact grounds." The Equine Behaviour Specialist commented as follows:-

"Horse ownership is associated with an intrinsic risk as a result of their size and behavioural tendencies. In addition, to the risk to themselves, owners/keepers are often liable for any harm that their horse may cause to others under the Animals Act 1971, regardless of the external agents instigating the event that resulted in harm. It is reasonable for owners to seek to minimise the risks posed by their horses. Many factors can increase this risk and stimuli that startle the horse are a well recognised risk factor.

Dressage involves the precise co-ordination of horse and rider, and the animals used in the higher levels of this discipline are often quite sensitive and tense, but at the same time, should be responsive to the handler, since the art of dressage is the art of communication between rider and horse, which has its origins in the discipline required of the military horse.

The flight response in the horse may arise in many different ways. In relation to the current context I outline and comment on two of relevance which are raised as concerns by the residents of Spa House.

Flight may arise from the cumulative presence of an aversive stimulus, such as the approach and fly past of the aircraft leaving Manor Farm. In this case the horse will signal its initial low level aversion and I would expect a good rider to be able to take the necessary action to minimise the risks involved. In the case of mild recurrent aversive stimuli, so long as they do not escalate, then horses will typically habituate to their presence. In the current case, in my opinion, the conditions proposed by SKDC should the application be approved, mean that the increased risk posed by the airfield in this regard is not of great significance, given the altitude, size and noise of the planes described. The risk is further mitigated by the proposed normal route.

Although it may be argued that the presence of the planes will detract from the performance of the horses, it might equally be argued that ensuring that their training is such that they are able to work in the face of such low level distractions may actually improve their performance in the competition setting. If the owners of Spa House do not wish to take advantage of this opportunity, then the introduction of an early warning system, such as a flag or internet based announcement, as proposed, would mitigate against this risk

The sudden appearance of a stimulus might cause a startle response and subsequent flight. In this regard the noise of the proposed aircraft is of most relevance. We have recently completed some research on the startle response in horses, which is currently being written up for publication. In this work, we needed to generate a tone which would cause a mild startle response (head raised, but not flight), and based on sound recordings from around a yard, we used a 1KHz tone at a volume of 80-85dB. This volume of sound was not atypical on the yard, and is in line with the volumes recorded from the passage of the proposed aircraft. In our work, this stimulus was combined with the same tone played at 60-65dB which did not cause any form of startle response. Indeed the presence of the quieter tone, typically ameliorated the startle response in healthy horses. Given the sound levels noted in the documentation provided, it is my opinion that the noise from the planes is not sufficient to warrant significant concern. Nor, in my opinion, is it likely that planes will suddenly appear and spook the horses.

I note the points outlined in the veterinary Report S11/2619, in which it is stated that horses are more difficult to handle when stressed, and that repeated low level interruptions will have a significant impact on the training of the horses. I also note, in another report, S11/2619, that mention is made of the significance of absolute dB levels being breached, However, for reasons outlined above, I believe both the stress and interruptions can be managed effectively at Spa House. Accordingly I do not agree with the conclusion that the development will necessarily have a "serious negative impact on the safety of both horses and riders at Spa House".

I do not wish to appear to belittle the danger posed by low flying aircraft, which are a serious cause for concern, but I believe it is important to identify the salient factors which lead to this risk. It is my opinion, that they do not apply in this case, given the documentation provided."

In conclusion, therefore, the Equine Behaviour Specialist states that "it is my opinion that it is reasonable for MAS to come to the conclusion in their report of October 2012 that they "can find no

reasons to recommend refusal of this application on noise or cumulative impact grounds.” Further, it is my opinion, that any increased risk, can be managed effectively.”

Notwithstanding the overall conclusions of MAS and the Equine Behaviour Specialist that in principle the scheme would not be sufficiently detrimental to residential/equine amenities to warrant refusal, as also outlined in this report both parties suggested potential control measures and practices. The suggestions are considered in turn as follows :-

- Restrictions of up to 20 movements per week from the air strip, where one movement either comprises a take-off or landing, with no more than 4 movements within one day (i.e. two take-offs and two landings).
- That at least one weekend per month be maintained for local residents when there would be no movements from the proposed airstrip.
- The use of controls to prevent the use of the airfield for pilot training, aerobatics, parachute schools/activity and circuit work.
- The flying of a flag at a location visible to nearby residences to increase awareness of flying activities.
- Once the airstrip is in use an initial period could be set whereby local residents are informed of the date and timings of aircraft movements/the use of internet based announcements.

Having regard to these above suggested controls, it is considered reasonable to restrict by condition the aircraft movements as per those recommended by MAS; albeit with the additional restriction that there be a maximum number of 100 movements a year to reflect the overall flying activity levels envisaged by the proposed user of the air strip. Monitoring of movements by means of requiring the applicant/pilot to keep a log could also be secured by condition. It is also at this stage considered appropriate to control by condition the use of the airstrip to the specific aircraft upon which the applicant’s submissions are based, albeit providing the potential opportunity to allow the use of other aircraft by the pilot in the future with the written agreement of the Local Planning Authority.

In terms of hours of operation it is agreed with the Council’s Environmental Protection Division that a restriction on the use of the air strip between 8am to 8pm on any day would be reasonable, albeit subject to the consultants suggested additional constraint that at least one weekend in every four be kept free from flying activities. In terms of the types of flying activities being undertaken from the air strip, it considered that conditions should be attached preventing any commercial use of the site or training as well as other activities such as circuit flying, touch and go flying, aerobatics or parachute activity. It is noted that the pilot/light aircraft owner, who would be using the airstrip, has also indicated that he would give an undertaking not to fly over Spa House should planning permission be granted. Having regard to the government advice set out in Circular 11/95: Use of Conditions in Planning Permissions, however, it would not be possible to restrict flight paths as this is matter for other legislation.

Consideration has also been given to use of a condition(s) to control noise levels. However, a review of former decisions and the advice in Circular 11/95 indicates that in cases such as this noise is generally controlled by restricting the aircraft type and size, the total number of movements, defined as either a take-off or landing, and the hours of activity. Whilst it is feasible to control activity by the level of noise it produces, Circular 11/95 identifies a potential conflict this may create with regard to aircraft in flight and in the absence of national planning policy supporting this approach it is not, on balance, considered a viable means of control that would not be overturned on appeal. Furthermore, the control over the number of movements, the aircraft that can use the

aerodrome and the decibel levels would in effect be a duplication of controls. As such it is considered that the suggested conditions being proposed to be put in place in relation to aircraft movements, the specific aircraft restrictions and operational times would provide satisfactorily mitigation in terms of noise and disturbance. Any emergency landing would be a de-minimus use.

With regard to other practices, it is agreed with the environmental consultants that the flying of a flag(s)/windsocks at the site on the days of operation would be beneficial in increasing public awareness of the activity and this again can be secured by condition. Insofar as other means of making interested parties aware of any proposed flying activities from the site it is also recommended that a condition be attached to require the publicising of the activities ahead of their occurrence by the use of electronic media.

Given the level of flying activity that will be associated with the proposal, it is also considered that there would not be a significant increase in environmental pollution in the locality as a result of the proposed development. It is also considered that any potential light pollution impacts would be mitigated by the suggested condition restricting the hours of operation of the air strip to between 8am to 8pm on any day

Other Matters

Concerns have been raised in relation to the scheme being likely to have a negative impact on property values and having an adverse effect on views. These matters are, however, not relevant considerations in the determination of a planning application.

Concerns have also been raised that the use of the site as an air strip had commenced before the application has been determined. Notwithstanding the pilot's explanation that the flights undertaken were 'test flights' in terms of noise data collection and testing the adequacy of the airstrip itself, it is pointed that the Town and Country Planning (General Permitted Development) Order permits the temporary use of open land, such as that at Manor Farm, for up to 28 days in any calendar year. As such no breach of planning legislation has occurred.

It is also noted that there is a contention that there is no consistency in the making of planning decisions by the District Council having regard to the fact that an application for the use of land for the landing of aircraft at Marston Hall (ref: S06/0095) was refused planning permission. The overall principal issues in the Marston Hall application - visual impact and noise impacts - are similarly important issues in the consideration of the application at Manor Farm as set out in this report. Nevertheless it is also a fundamental tenet that each application is considered on its own individual merits and thus in relation to the impacts on its own locality. Similarly the fact the pilot, who will be flying the planes, is not a resident of the property at Manor Farm and the position that there may be alternative airstrips available in the area, does not mitigate the requirement of the Local Planning Authority to determine the application on its own merits.

It is also noted that the owner of Spa House has indicated that in the event the Authority is to approve the application "ignoring the clear conclusions" of the reports of the Acoustic Consultants (AA) and the Veterinary Surgeon provided by the objector then Judicial Review proceedings will be instigated against the Council with that process also highlighting the points the Council has refused to address prior to the Judicial Review stage. Having regard to the (favourable) recommendation being made to this Committee members are advised that it is considered by officers that this report - informed as it is by the reports of MAS and the Equine Behaviour Specialist - along with the written correspondence of officers to the owner of Spa House have sought to address the substantive matters raised by the objector and that whilst the parties come to different conclusions on the overall impacts of the proposed development it is the case that members are being given the opportunity to make an informed decision on the planning merits of the individual case. As such,

and for reasoning set out in this report, it is considered that the proposed use would not in principle have a sufficiently detrimental impact upon residential amenities and equine activities/pursuits in the locality in relation to noise and disturbance to warrant a refusal of planning permission. Furthermore, and notwithstanding the scheme represents a departure from the policies of the Development Plan, it is considered for the reasons set out herein that the scheme would not cause demonstrable harm in relation to any other relevant planning considerations. It thus also follows that the application is recommended for approval subject to conditions.

Crime and Disorder Implications

It is considered that the application does give rise to any concerns relating to crime and disorder.

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

The proposed airstrip and aircraft storage uses do not fall within one of the categories of development outlined in Policy SP1 of the South Kesteven Core Strategy in relation to which proposals will be considered acceptable in the countryside and as such the development would represent a departure from the policies of the Development Plan. However, on the basis that such a use(s) would be unlikely to be reasonably accommodated within an urban environment and that any approval for the grassed air strip use could in principle be restricted to the level of private use envisaged by the application submission, it is considered that the development proposed in this countryside location would not in principle be unacceptable.

It is also considered that the proposed use would not have a sufficiently detrimental impact upon residential amenities and equine activities/pursuits in relation to noise and disturbance to warrant a refusal of planning permission. The proposed store structure would not have any significant physical impact on any residential amenities. As such the scheme would be compliant with Policy EN1 of the South Kesteven Core Strategy. It is also considered that the proposed storage building and grassed airstrip facility would not be significantly detrimental to the visual amenities of the locality and the development would not be detrimental to highway safety.

It is therefore considered that the proposal would not give rise to any demonstrable harm having regard to national planning guidance in National Planning Policy Framework and the Policies of the South Kesteven Core Strategy and that there are no material considerations which indicate otherwise although conditions have been attached.

In reaching this decision the Local Planning Authority has worked with the applicant and other interested parties in a positive and proactive manner in facilitating a fully informed approach to determining the impacts of the scheme upon residential amenities and equine activities and pursuits as part of the formal application process. As such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

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. Unless otherwise required by another condition(s) of this permission the development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Site Plan (Scale 1:1250) received on 25 October 2011

Proposed Building Drawing (Scale: 1:100) received on 31 October 2011

Site Plan of Proposed Air Strip and Building (Scale 1: 2500) received on 15 November 2011

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

3. This permission insofar as it relates to the use of part of the agricultural lands at Manor Farm as an air strip shall operate solely for the benefit of Mr Philip Shotbolt (Pilot licence No. UK/PP/253327H/A) as the sole pilot of the light aircraft and shall not run with the land comprising the application site. Upon the cessation of the airstrip use by Mr Philip Shotbolt (Pilot licence No. UK/PP/253327H/A), the land shall be returned to agricultural use and the storage building hereby permitted shall thereafter solely be used for agricultural storage purposes in association with Manor Farm.

Reason: Because an unrestricted use of the land for the purposes of an airstrip use would have to be considered on its own merits in terms of its impacts on residential amenities and on equine activities/pursuits in the locality; in the interests of highway safety.

4. Except in an emergency, and unless otherwise agreed in writing by the local planning authority, the air strip hereby permitted shall only be used for the taking off/landing of the following specific light aircraft:-

Tiger Moth ref: DH82A

Auster ref: J1N

Vans ref: RV6

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits.

5. The air strip hereby permitted shall be used for the taking off and landing of light aircraft purposes only and no business or commercial uses or training activities shall be carried out from the airstrip.

Reason: In the interests of the residential amenities of the locality; in the interests of highway safety.

6. The air strip hereby permitted shall not be used by light aircraft for the purposes of aerobatics or parachute activity.

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits.

7. There shall be no circuit flying or touch and go flying at any time and there shall be no light aircraft testing or taxiing on the airstrip at any time unless it is in association with take off or landing movements.

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits.

8. The use of the airstrip for the taking off and landing of light aircraft shall be in accordance with the following requirements :-

(a) There shall be a maximum total of one hundred (100) take-offs and one hundred (100) landings on the airstrip in any calendar year, of which no more than a maximum total of ten (10) take-offs and ten (10) landings on the airstrip shall be undertaken within a single week period.

(b) There shall be no take-offs and landings on the airstrip on at least one weekend in every period of four weekends.

(c) There shall be a maximum total of two (2) take-offs and two (2) landings on the airstrip on any day

For the purposes of this condition the 'calendar year' (referred to at paragraph (a)) shall run from 1 January - 31 December, a 'single week period' (referred to at paragraph (a)) shall run from Monday to Sunday, a 'weekend' (referred to at paragraph (b)) shall comprise Saturday and Sunday only and the first 'period of four weekends' (referred to at paragraph (c)) shall commence on the first Saturday following the first bringing into use of the airstrip.

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits; for the avoidance of doubt.

9. All light aircraft movements from the air strip shall be kept in a 'movement log' which shall be made available for inspection by the Local Planning Authority within 14 days of a written request by the Authority.

Reason: In the interests of the residential amenities of the locality.

10. There shall be no take-offs and landings on the airstrip outside the hours of 08:00 to 20:00 on any day except in an emergency.

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits.

11. Auxiliary power units shall not be used at the site at any time.

Reason: In the interests of the residential amenities of the locality; in the interests of equine activities/pursuits.

12. The proposed storage building shall have a dark green finish to its external elevations as per the details set out on the submitted application forms.

Reason: In the interests of the visual amenities of the locality.

13. Posts with warning flags/windsocks shall be provided within the lands at Manor Farm to the north and south of the proposed air strip in accordance with a scheme that has been first

submitted to, and approved in writing by, the Local Planning Authority before the airstrip hereby permitted is first brought into use. The scheme shall be implemented in strict accordance with the agreed details and the posts retained available for use at all times. The approved warning flags/windsocks shall be flown from the posts continuously on all days of operation from before the first aircraft movement to/from the airstrip until the completion of the final aircraft movement to/from the airstrip.

Reason: In the interests of the residential amenities of the locality; in the interests of equine pursuits.

14. There shall be no storage of aircraft or associated equipment outside the storage building hereby permitted at any time.

Reason: In the interests of the visual amenities of the locality.

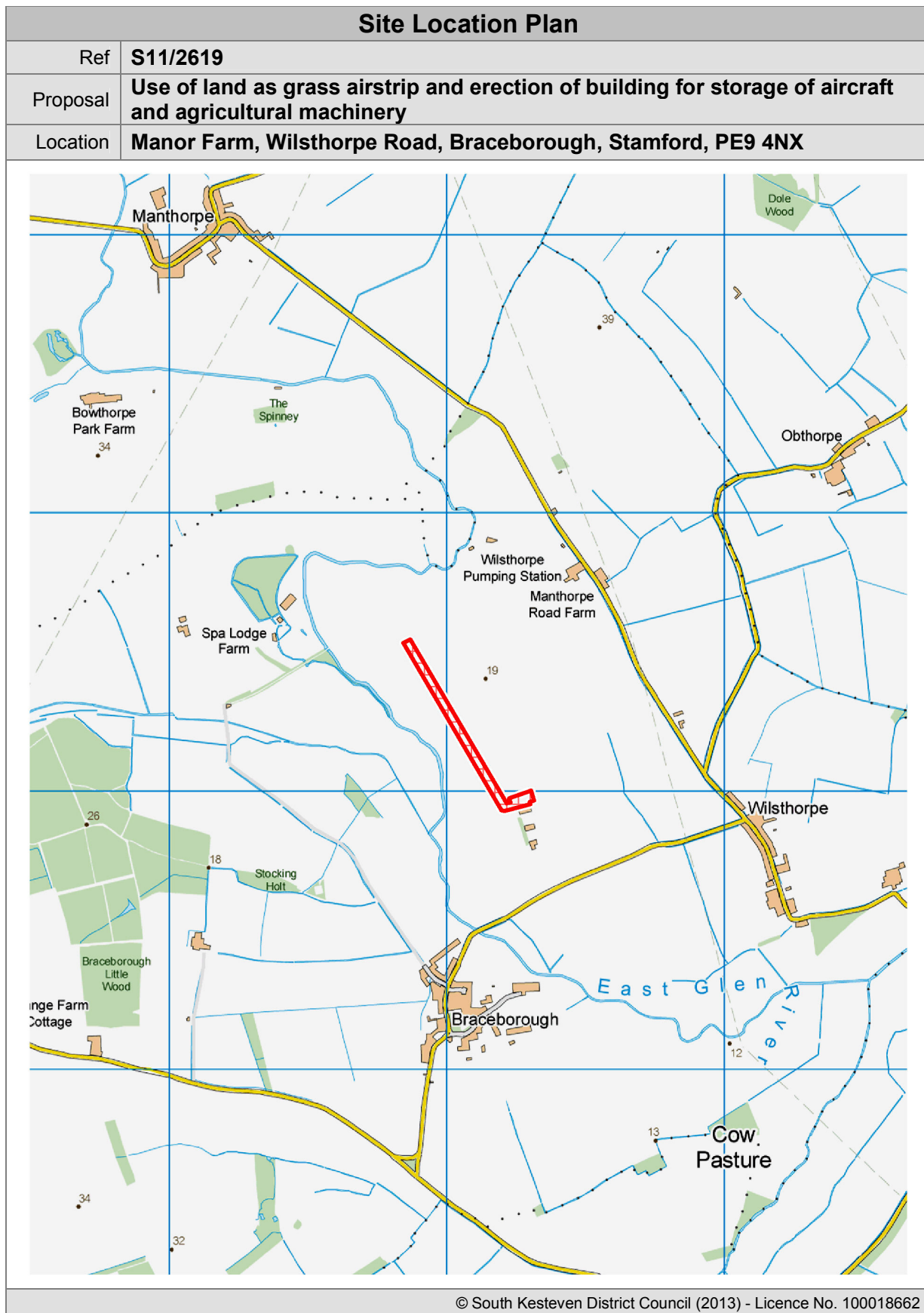
15. No flying activities shall commence to/from the air strip hereby approved by this permission until details of a scheme(s) for the publicising by electronic media of the use of the air strip on any day prior to any flying activities taking place to/from the airstrip have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details.

Reason: In the interests of the residential amenities of the locality; in the interests of equine pursuits.

Note(s) to Applicant

1. Your attention is drawn to the attached comments of the Civil Aviation Authority and the Ministry of Defence.

* * * * *



Applicant	Mrs Keightley C/o Agent
Agent	Richard Willows, Plan It Building Design LLP 27, Roseland Business Park, Long Bennington, Newark, NG235FF
Proposal	Erection of one dwelling - outline application with details of layout provided
Location	Rear of Holmleigh, Honington Road, Barkston, Grantham, NG32 2NG
App Type	Outline Planning Consent
Parish(es)	Barkston
Reason for Referral to Committee	A previous application was referred to Committee at the request of Councilor Trevor Scott.
Recommendation Summary	Approval subject to conditions.

Key Issues

- Accordance with national and local policy.
- Impact on amenities of occupiers of neighboring dwellings.

Technical Documents Submitted with the Application

- Design and Access Statement

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 as the previous application (S11/2864) had been considered by members at the request of Councillor Trevor Scott.

The Proposal

The proposal is for outline planning permission to build one, one and a half storey, dwelling with attached garage and car parking on land to the rear of Holmleigh, Honington Road, Barkston. This application has been amended to site the driveway away from the southern boundary, and change the position of dormer windows on the eastern wing to its northern roof slope.

The application site and its surroundings

The application site is an area of garden land measuring some 35 metres in depth by 25 metres in width, located to the rear (west) of a large detached dwelling (Holmleigh) facing the A607. The site is bounded to the west by bungalows which front onto and accessed from The Lees, to the south by three recently constructed dwellings granted consent in 2010 and to the north by the rear garden of a large detached dwelling, Greenacres. The site boundaries are marked by mature hedging to the north and west, with sparser and lower hedging along the boundary with the newer dwellings to the south.

Representations Received

Following receipt of an amended scheme neighbours and consultees have been re-notified, and any additional representations will be reported at the Committee.

Barkston and Syston Parish Council has objected to the application on grounds of backland development, loss of privacy, highway safety and separation distances to the bungalows located on The Lees.

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

The Environment Agency has no comments to make.

The Highway Authority has recommended conditions relating to details of access, turning area and surface water.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. Representations were received from the occupiers of 25 The Leas, and 2 and 3 Thistle Court. The objections can be summarised as follows:

- Garden infilling/backland development should not be permitted and will compound earlier errors in allowing backland development in the area.
- Loss of privacy.
- Overlooking
- Dominance, oppression and intrusion.
- Highway safety.
- Improvements to local services and infrastructure should be carried out before allowing further development.
- Properties will be difficult to sell and values affected.
- Noise and disturbance.
- Inadequate separation distances.
- Surface water drainage problems.

Site History

Planning history of the surrounding area of relevance to the proposal is summarised below.

Outline planning permission was granted for a bungalow to the rear of Turners Crest, a dwelling located some 65 metres to the north of Holmleigh in 2007 (S07/0713/05). This dwelling has subsequently been completed (Rosewood).

Following outline permission for four two storey dwellings granted under S0/0799, full permission was granted for three two storey dwellings under reference S10/0477 on land adjacent and to the south of the application site, these have since been completed.

Outline planning permission for two one and a half storey dwellings (S11/2864/OUT) was refused by members at the Committee meeting held on 6 March 2012 against Officer advice. The subsequent appeal was dismissed by the Inspector on 27 November 2012. Both decisions (Committee and Inspectorate) are discussed below.

Policy Considerations

National Planning Policy Framework

Section 7: Requiring Good Design

East Midlands Regional Policy

Policy 1: Regional Core Objectives.

Policy 13a: Regional Housing Provision.

On the 20th March 2013, the Secretary of State for Communities and Local Government, Eric Pickles, laid in Parliament a statutory instrument to revoke the Regional Strategy for the East Midlands.

The Regional Strategy for the East Midlands region comprised the East Midlands Regional Plan published in March 2009 and the Regional Economic Strategy for the East Midlands 2006-2020.

The Order will come into force on 12 April 2013, after which the Development Plan for the South Kesteven area will comprise the Local Plan (Core Strategy and when adopted the Site Allocation and Policies and Grantham Area Action Plan DPDs), and where they have been prepared, neighbourhood plans.

Local Policy

Policy SP1 (Spatial Strategy) of the South Kesteven Core Strategy (2010).

Policy SP2 (Sustainable Communities) of the South Kesteven Core Strategy (2010).

Policy SP3 (Sustainable Integrated Transport) of the South Kesteven Core Strategy (2010).

Policy EN1 (Protection and Enhancement) of the South Kesteven Core Strategy (2010).

Policy EN4 (Sustainable Construction and Design) of the South Kesteven Core Strategy (2010).

Policy H1 (Residential Development) of the South Kesteven Core Strategy (2010).

Key Issues

The main issues that need to be taken into account in considering this application are:

1. The Principle.

Barkston and Syston are identified as a Local Service Centre under policy SP2 of the Core Strategy where the principle of development is supported. The application site forms part of a domestic garden. It is not, therefore, either a brownfield or an allocated site. This site is located within the built-up part of the settlement, and may be regarded as a small infill site. It is therefore considered that a proposal for a single dwelling in this location would accord with the Core Strategy policy SP2. The principle of development on rear gardens in the area has been accepted as evidenced by the planning history outlined above.

The proposal then has to be judged against the criterion of EN1 which considers the impact of development on the surrounding area and includes criteria such as layout and scale of buildings, visual intrusion and loss of privacy etc, this is discussed below.

2. Impact on Amenities.

The scheme provides for one, one and a half storey dwelling. The separation distance between the rear wall of the dwelling proposed and the rear of the bungalows (Nos 25 and 27 The Leas) directly opposite and to the rear of the application site will be approximately 22 metres. Nos 25 and 27 The Leas have garden depths of 12 metres; the proposed dwelling has a garden depth of 10 metres. In comparison, in the case of the two, two storey dwellings to the south which have been recently constructed the total separation distance to the rear of 20 The Leas is around 16 metres from the nearest two storey element and 16 metres from the nearest single storey element .

The Council has no adopted standards relating to separation distances, but as a general guide, nationally, a separation distance in of about 20 metres is considered to be acceptable for two storey

dwellings. In the instance of this application the separation distances of around 22 metres is considered to be adequate in preserving amenities.

The scheme effectively provides for bungalows, albeit with accommodation in the roof space. The cross-section indicates dormer windows, but these will look into the site, and northwards. Roof lights are indicated on the west facing roof slope towards the rear of neighbouring bungalows on The Leas, but it is unlikely that there will be any loss of privacy or overlooking arising through these windows.

The top of the ridge of the proposed dwellings will be some 600mm above the ridge level of the bungalows on The Leas. Given the separation distance of some 20 metres between the rear walls of the proposed dwellings and those on The Leas it is not considered that there will be any adverse impact arising through over dominance, loss of privacy or overlooking.

The gable wall of the proposed development will be parallel to that of the recently constructed two storey dwelling to the south, 2 Thistle Court. No 2 Thistle Court has two ground floor habitable room windows (study and dining room) on its flank wall which face the application site (north), and another habitable room (bedroom) at the first floor level. The dining room has other windows facing east and will therefore not be significantly affected. The study window will be impacted by the development, but not to such a degree as to warrant refusal. This is because any additional loss of light/dominance will not be significant as the window is positioned due south of the proposed development, a separation of some 10 metres between the respective gable walls, and the presence of existing boundary hedging.

The first floor bedroom at 2 Thistle Court has two windows; one a narrow high level window which faces west towards the bungalows on The Leas; and a larger one facing the application site. Impact on the second window through loss of privacy has been the subject of the concerns expressed by the occupant. It is not considered that loss of privacy should arise as the gable wall of the proposed dwelling will be in line with No 2 Thistle Court, and no window openings face No 2 Thistle Court, the dormers above the proposed garage have been relocated to its northern slope. To protect amenities it is recommended that permission should be conditioned to remove permitted development rights and prevent any further window openings/dormers/extensions.

The rear of No 3 Thistle Court faces the application site, this dwelling is located some 30 metres at an oblique angle away from the proposed dwelling with an intervening boundary hedge. There are no windows on the proposed development which directly face No 3 Thistle Court. Impact on the amenities of the occupiers of this dwelling is therefore not considered to be significant enough to warrant refusal.

Holmleigh, the garden of which is subject of this application, is over 60 metres to the east with intervening outbuildings, and planting, and any impact on its occupiers will therefore be minimal. For the same reasons any impact on Greenacres, the dwelling located to the north of Holmleigh, will be negligible.

Concerns had been expressed about noise and disturbance arising through vehicular movements. Given the separation distances between the existing and proposed dwelling, the presence of boundary hedging, and the amelioration provided by pulling driveway back from the boundaries to Nos 2 and 3 Thistle Court, it is not considered that noise and disturbance will adversely impact upon amenities.

3. Highway Safety.

The Parish Council and residents have commented on detrimental impact on highway safety. The Highway Authority has no objections to the proposals, it has recommended conditions/informative which are listed in the recommendation.

It should be noted that the inspector in dismissing the appeal at this site specifically commented that the highway grounds to refuse the previous application was not supported.

4. Inspector's Decision.

The previous application (S11/2864) was for two one and a half storey dwellings, as opposed to the single dwelling which is proposed under this application. The previous application was recommended for approval subject to conditions (a copy of the officer report is included at Appendix 1 together with the decision notice). Members did not accept the recommendation and the application was refused on grounds of overbearing/dominant development which would be intrusive and oppressive, and on highway safety grounds. The applicant appealed, and the inspector dismissed the appeal (a copy of the Inspector's decision is attached at Appendix 2 to this report). The Inspector's reasoning is discussed below.

The Inspector concluded that the development did not impact on the bungalows to the west (The Leas), and that harm was limited to the occupiers of Nos 2 and 3 Thistle Court. The Inspector felt that the amenities of the occupiers of No 2 Thistle Court would be particularly affected by reason of loss of outlook from three habitable rooms which would face the flank wall of the nearest proposed dwelling and that the development would be overbearing. The Inspector dismissed the highways reason for refusal on the grounds that it was not supported by the Highways Authority, and the limited number of traffic movements generated by the proposed development.

The Inspector's decision carries weight, but must be assessed carefully in terms of application to the proposal currently under consideration. The Inspector based his decision on the impact of the development on the amenities of the occupiers of No 2 and No 3 Thistle Court, and in particular the former. The Inspector refers to severe impact on outlook from three habitable room windows at No 2. Thistle Court. Had the Inspector examined impact from within No 2 he may have noted that the kitchen/dining rooms are also lit by principal windows which face west and not solely the flank wall window. The other window on the ground floor flank wall is indeed a sole window, but it is to a dark and small study room, where outlook is already somewhat impinged by existing boundary hedging. In addition, where under the previous application the development would have been sited near the common boundary, it is now to be located some 10 metres away and thereby arguably any impact is less. Furthermore, as with the previous scheme, the proposed dwelling now has no openings on its flank walls or roof slopes facing No 2 Thistle Court, any loss of privacy to its (No 2 Thistle Court) first floor flank wall bedroom window is therefore difficult to justify. For these reasons it is not considered that the Inspector's concerns are valid especially in the case of a development sited some distance (10 metres) away from the common boundary.

With regards to impact on No 3 Thistle Court the Inspector does not articulate specific impacts beyond a general reference to habitable rooms facing the new development at the ground and first floor levels, and minimal separation distances. As mentioned above, it is difficult to see how a separation distance, at an oblique angle, of approximately 30 metres can be unacceptable where the inspector finds a separation of less (22 metres) acceptable to the Leas. The ground floor level intervisibility provided by the existing boundary hedge (and possible fencing up to 2 metres under permitted development) is also not taken into account. Furthermore, there are no windows on the flank wall of facing roof slope of the proposed dwelling to adversely affect privacy at the first floor level.

CONCLUSION

In summary, the proposal is in accordance with national and local planning policy and guidance, and precedent has been set in allowing development in rear gardens in the vicinity. In this instance adverse impacts on the amenities of the occupiers of neighbouring dwellings are not such as to warrant refusal. Approval is therefore recommended subject to conditions.

Other Matters

There were no other relevant matters at the time of writing.

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.

APPENDIX 1

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 Councillor Trevor Scott.

The Proposal

The proposal is for outline planning permission to build two, one and a half storey, dwellings with attached garages and car parking on land to the rear of Holmleigh, Honington Road, Barkston. This application has been amended following receipt of representations, as originally proposed it was intended to build two, two storey, dwellings with attached garages.

The application site and its surroundings

The application site is an area of garden land measuring some 35 metres in depth by 25 metres in width, located to the rear (west) of a large detached dwelling (Holmleigh) facing the A607. The site is bounded to the west by bungalows which front onto and accessed from The Lees, to the south by three recently constructed dwellings granted consent in 2010 and to the north by the rear garden of a large detached dwelling, Greenacres. The site boundaries are marked by mature hedging to the north and west, with sparser and lower hedging along the boundary with the newer dwellings to the south.

Representations Received

Following receipt of the amended scheme neighbours and consultees have been re-notified.

The Ward Councillor has requested referral of the application on grounds of dominance and oppressive environment, overlooking or loss of privacy and visual intrusion. For the same reasons, the request for referral has been reiterated following re-notification.

Barkston and Syston Parish Council has objected to the application on grounds of backland development, loss of privacy, lack of details to assess impact of design, highway safety and separation distances to the bungalows located on The Lees.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. Representations were received from and on behalf of the occupiers of 23, 25 and 27 The Leas, and Chestnuts in Thistle Court. The objections can be summarised as follows:

- Garden infilling/backland development should not be allowed.
- Loss of privacy, and light and sunlight.
- Overlooking
- Dominance, oppression and intrusion.

- Highway safety.
- Improvements will be required to local services and school.
- Properties will be difficult to sell and values affected.

Following re-notification further representations have been received from the occupiers of 25 and 27 The Leas, these are summarised as follows:

- Dominance and intrusion.
- Properties will be devalued.
- The proposal represents back garden infilling which should not be allowed.
- The proposal will be a minimum distance away from the neighbouring dwellings located on The Leas, but a considerable distance away from Holmleigh-the application site forms part of its rear garden.

Site History

Planning history of the surrounding area of relevance to the proposal is summarised below.

Outline planning permission was granted for a bungalow to the rear of Turners Crest, a dwelling located some 65 metres to the north of Holmleigh in 2007 (S07/0713/05). This dwelling has subsequently been completed (Rosewood).

Following outline permission for four two storey dwellings granted under S0/0799, full permission was granted for three two storey dwellings under reference S10/0477, these have since been completed.

Policy Considerations

National Policy

PPS1: Delivering Sustainable Development.

PPS 3: Housing.

PPG 13: Transport.

East Midlands Regional Policy

Policy 1: Regional Core Objectives.

Policy 13a: Regional Housing Provision.

Local Policy

Policy SP1 (Spatial Strategy) of the South Kesteven Core Strategy (2010).

Policy SP2 (Sustainable Communities) of the South Kesteven Core Strategy (2010).

Policy SP3 (Sustainable Integrated Transport) of the South Kesteven Core Strategy (2010).

Policy EN1 (Protection and Enhancement) of the South Kesteven Core Strategy (2010).

Policy EN4 (Sustainable Construction and Design) of the South Kesteven Core Strategy (2010).

Policy H1 (Residential Development) of the South Kesteven Core Strategy (2010).

Key Issues

The principle of development on rear gardens in the area has been accepted as evidenced by the planning history outlined above. The main issues in the consideration of this application are the impact of the proposal on the visual amenities of the occupiers of neighbouring dwellings and their privacy, these are considered below.

The scheme as originally proposed provided for two, two storey dwellings. Following receipt of representations the scheme has been amended to provide for two, one and a half storey dwellings with single storey rear elements.

The separation distance between the rear walls of the two storey element of the dwellings proposed and the rear of the bungalows (25 and 27 The Leas) directly opposite the site will be approximately 22 to 24 metres. This distance is reduced by some 4 metres if the separation between the rear of the bungalows and the nearest part (rear single storey extension) of the proposed development is taken. 25 and 27 The Leas have garden depths of 10-12; the proposed dwellings have garden depths of 10-12 metres from the rear of their two storey element and some 6 – 8 metres from the rear of their single storey element. In comparison, in the case of the two, two storey dwellings to the south which have been recently constructed the total separation distance to the rear of 20 The Leas is around 16 metres from the nearest two storey element and 16 metres from the nearest single storey element .

The Council has no adopted standards relating to separation distances, but as a general guide, nationally, a separation distance in of about 20 metres is considered to be acceptable for two storey dwellings. In the instance of this application, as revised, and bearing in mind that the development is no longer for two storeys, the separation distances of around 20 metres is considered to be adequate in preserving amenities.

The revised scheme now effectively provides for bungalows, albeit with accommodation in the roof space. The cross-section indicates dormer windows, but these will look into the site and face east. Roof lights are indicated on the west facing roof slope towards the rear of neighbouring bungalows on The Leas, but it is unlikely that there will be any loss of privacy or overlooking arising through these windows.

The top of the ridge of the proposed dwellings will be some 300mm above the ridge level of the bungalows on The Leas. Given the separation distance of some 20 metres between the rear walls of the proposed dwellings and those on The Lees it is not considered that there will be any adverse impact arising through over dominance, loss of privacy or overlooking.

The gable walls of the proposed development will be parallel to that of the recently constructed two storey dwellings to the south, and will therefore not impinge upon the privacy or outlook of these dwellings. Holmleigh, the garden of which is subject of this application, is over 60 metres to the east with intervening outbuildings, and planting, and any impact on its occupiers will therefore be minimal. For the same reasons any impact on Greenacres, the dwelling located to the north of Holmleigh, will be negligible.

In summary, precedent has been set in allowing development in rear gardens in the vicinity, and in this instance there should be no adverse impacts on the amenities of the occupiers of neighbouring dwellings.

Other Matters

There were no other relevant matters at the time of writing.

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

The proposal relates to the development of two new dwellings of one and a half storeys each on land currently comprising the rear garden of Holmleigh.

It is considered that the proposal will not cause undue harm to the surrounding area or the street scene nor will it adversely impact upon the amenities of occupiers of neighbouring buildings.

It is therefore considered that the proposal is in accordance with national and local planning policy and guidance.

Copy of decision issued by SKDC:

DEVELOPMENT MANAGEMENT

Council Offices St Peter's Hill Grantham Lincolnshire NG31 6PZ

Tel: 01476 406306 Fax: 01476 406009

DX: Grantham 27024 Email: planning@southkesteven.gov.uk



Richard Willows,
Plan It Building Design LLP
27, Roseland Business Park
Long Bennington
Newark
NG235FF

REFUSAL OF OUTLINE PLANNING PERMISSION

Town and Country Planning Act 1990

Part I – Particulars of application

Application No:	S11/2864/OUT
Date Received:	17 November 2011
Applicant:	Mrs Keightley
Proposal:	Revised outline application to provide two one-and-a-half storey dwellings
Location:	Rear of Holmleigh, Honington Road, Barkston, Grantham, NG32 2NG
Decision/Date:	Refused - 16 March 2012

Part II – Particulars of decision

The South Kesteven District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been refused** for the carrying out of the development referred to in Part I hereof, for the following reason(s):

1. The proposal would result in over bearing and over dominant development which would be unduly intrusive and oppressive on the amenities of the occupiers of the neighbouring dwellings.
As such the proposal would be contrary to Policy EN1 (Protection and Enhancement of the Character of the District) of the adopted Core Strategy (July 2010), and the advice contained in national policy guidance, Planning Policy Statement 1 (Delivering Sustainable Growth), Planning Policy Statement 3 (Housing).
2. The proposed access off the A607 Honington Road to serve two further dwellings would be detrimental to highway safety. As such the proposal is considered to be contrary to Planning Policy Guidance Note 13 (Transport).

Note(s) to Applicant:

- A. Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.

Mr Pat Reid
Development Management Service Manager

Date: 16 March 2012

APPENDIX 2

The Planning Inspectorate

Appeal Decision

Site visit made on 15 November 2012

by R W Moon BSc MCD MRTPI

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

Decision date: 27 November 2012

Appeal Ref: APP/E2530/A/12/2177635

**Land to the rear of Holmleigh, Honington Road, Barkston, Grantham,
Lincolnshire, NG32 2NG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Keightley against the decision of South Kesteven District Council.
 - The application Ref SII/2864/OUT, dated 10 October 2011, was refused by notice dated 16 March 2012.
 - The development proposed is the erection of 2 dwellings with attached garages and car parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this appeal to be:
 - a) the impact of the proposed development on the living conditions of the occupiers of nearby properties with particular reference to outlook and privacy; and,
 - b) the impact of the proposed development on highway safety.

Procedural Matters

3. The application was submitted in outline with all matters reserved for further approval save for the layout. However, section 6 of the application form indicates that the applicant was

seeking a new or altered access proposed to or from the highway. This means that that the outline application should have been considered with 2 matters for approval at this stage. In the interests of progressing the appeal I have decided the appeal can proceed on the basis of both the layout and the means of access being the subject of consideration at this stage. In doing so I do not consider that any party would be disadvantaged in any way.

4. I have received 2 similar drawings¹ Nos. KHHR/11/01 and KHHR/011 (Revision A), the latter being substituted for the former original application following

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discussions with the Council and is the one determined by the Council. This showed the same layout but included a cross section through the northern of the 2 proposed dwellings and No.27 The Leas to the west. It also saw the deletion of the words describing the 2-storey size and ridge height of the proposed dwellings. While the description of the proposed development did not need to change the Council determined the application under the description, 'revised application to provide two one-and-a-half storey dwellings'. I propose to consider this appeal as described by the Council.

Reasons

5. The proposed dwellings would be about 20m to the east of, and behind, Nos.25 and 26 The Leas. Their ridge heights would only be 300mm higher than these bungalows. To the south, there is a recently completed group of 3 No. 2-storey detached dwellings, 2 of which overlook the appeal site from side or rear windows over a low hedge. This permission Ref. {510/0477) was granted by the Council in the knowledge that should the adjacent plot be developed there could be issues of outlook for the occupiers of 2 and 3 Thistle Court and possibly privacy too. From the appellant's perspective this permission and another older one (Ref. S0/0713/05) for a bungalow at the rear of Rosewood, some 3 plots to the north, are precedents indicating the acceptance of backland development in the area by the Council.
6. The Core Planning Principles of the National Planning Policy Framework (NPPF) include the requirement to try and secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EN1 of the Local Development Framework for South Kesteven Core Strategy(CS)(2010) states, amongst other things, that all development proposals will be assessed in relation to local distinctiveness and sense of place, the layout and scale of buildings and designed spaces and the quality and character of the built fabric and their settings. The fact that the site is garden land does not make it previously developed land (Annex 2) falling within the scope of the Core Planning Principles of the NPPF and thereby linked to one of the Government's Core Planning Principles encouraging the use of land that has been previously developed.
7. I consider that the impact of the new dwellings would be harmful to the living conditions of the occupiers of Nos. 2 and 3 Thistle Court in terms of the proximity of the new development and also have implications for their privacy and those of the future occupiers of the proposed development. This would be as a result of the way they are juxtaposed so close to each other, the minimal separation distances involved and the significant position of the windows to habitable rooms of both dwellings in Thistle Court which would face the new development at ground and first floor level. These recently constructed dwellings are now part of the existing context for the proposed development on the same basis as the bungalows to the rear. The impact on the occupier of No.2 Thistle Court would be particularly severe with respect to the outlook from 3 habitable rooms which would face the flank wall of the nearest dwelling. In terms of CS Policy EN1 the proposed development has not had full regard to the scale and layout of all the buildings to which it would be related and would be particularly overbearing to that occupant.

8. However, I do not consider that the impact of the proposed chalet dwellings would be overbearing and over-dominant to the occupiers of the bungalows in The Leas because of their ridge height and the use of roof lights (as shown on the illustrative plan) if such requirements were to be made the subject of conditions in any permission. The separation distance of 20.0m is not supported by any adopted standard or guidance although it appears to be the nature of guidance used by the Council in negotiations with applicants. In my experience such separation distances are commonplace and so I do not disagree with this standard. I am sympathetic to the position of the residents of Nos.20, 25 and 27 The Leas because instead of having a significant undeveloped garden area they now are very close to the 2 storey development in Thistle Court. However, the present appeal proposals are materially different.
9. Turning to highway safety I note that no objection has been raised by the Highway Authority to the improved access and its use by more households. This carries considerable weight. It was clear on my site visit that with a double grass verge and a paved footway in front of this group of detached houses those drivers exiting from the revised access would have very good visibility in both directions. I do not consider the presence of the bus stop lay-by to be any sort of impediment to highway safety given its likely use by buses and the limited number of traffic movements that would be generated.
- 10.1 therefore conclude, notwithstanding the lack of harm to highway safety and the amendments made to the original description of the development proposed to minimise the harm to residents in The Leas, that the proposed development would have a harmful impact on the living conditions of the occupiers of Nos.2 and 3 Thistle Court with particular reference to outlook and privacy and would be in conflict with the guidance in the NPPF and CS Policy EN1.

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INSPECTOR

SUMMARY OF REASON(S) FOR APPROVAL

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 of impact on neighbours. 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 national, regional and local policy.

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 or two years from the approval of the last of the reserved matters, whichever is the later.

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) shall be carried out without Planning Permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development, and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed without planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and in accordance with the guidance contained in national Planning Policy Statement PPS1.

4. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5. Before development commences on site, further details relating to the vehicular access and ancillary works, including drainage works to the public highway, including materials, specification of works and construction method

shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

6. When application is made for approval of the 'reserved matters', that application shall show details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in forward gear.

Reason: To allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

7. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the occupants/residents/users of the site

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall thereafter be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.
2. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

* * * * *

Site Location Plan

Ref	S13/0322
Proposal	Erection of one dwelling - outline application with details of layout provided
Location	Rear of Holmleigh, Honington Road, Barkston, Grantham, NG32 2NG



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Applicant	D Dobney, Mantels c/o agent
Agent	Mr S & R Willows, Plan-It Design Ltd Unit 27, Roseland Business Park, Long Bennington, Newark, NG23 5FF
Proposal	Erection of permanent storage unit
Location	9, Ruston Road, Grantham, Lincolnshire, NG31 9SW
App Type	Full Planning Permission
Parish(es)	Londonthorpe & Harrowby Without
Reason for Referral to Committee	The application has been referred to Committee as the applicant is related to a member of staff.
Recommendation Summary	Approval subject to conditions.

Key Issues

- Accordance with policy
- Visual Amenity

Technical Documents Submitted with the Application

- Design and Access Statement

REPORT

Application Category

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

Reason for Referral to Committee

The application has been referred to the Development Control Committee as the applicant is related to a member of staff.

The Proposal

This application seeks a permanent permission for a storage unit restricted to a temporary period of two years by the previous permission (S12/2734).

The Application Site and its Surroundings

The application site is situated within the industrial estate at Alma Park on the west side of Ruston Road which in turn lies to the west of Alma Park Road.

Relevant Site History

Planning permission for a storage building, palisade fencing on the site frontage and a lean-to roof on the front entrance porch was granted last December under Ref S12/2734.

Policy Considerations

National Policy

National Planning Policy Framework Section - 1 Building a strong, competitive economy

South Kesteven Core Strategy

Policy SP1 – Spatial Strategy

Policy E1 – Employment Development

Representations Received

The Highways Authority has no objections.

The Environmental Health Officer has no objections.

Representations as a Result of Publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. The period for receipt of representations does not expire

until 24 April 2013, at the time of writing no representations arising from publicity and neighbour notification had been received.

Officer Evaluation

Planning permission for a storage building, palisade fencing on the site frontage and a lean-to roof on the front entrance porch was granted last December under Ref S12/2734. The palisade fencing and the lean-to roof have since been constructed.

This application is for a permanent permission for the storage unit as the previous consent granted a temporary permission for two years. The proposed unit is required for storage purposes connected with the business operations at the site which relate to the manufacture of fire place surrounds. Given the cost of purchase and installation of the propose storage unit the applicant does not consider a temporary permission to be economically viable.

The main issues that need to be taken into account in considering this application are: compliance with policy; and visual impact. These are considered in turn below.

Policy

The government is committed to securing economic growth and ensuring that the planning system supports this aim. Therefore Section 1 of the National Planning Policy Framework strongly encourages the planning system not to impede, but to support growth.

Policies SP1 and E1 of the Core Strategy mirror national policy in terms of seeking and encouraging sustainable economic growth.

The proposal is required in relation to the needs of an existing local business, and therefore considered to be compliant with the aims and objectives of national and local policy.

Visual Impact

The proposed storage unit is to be constructed in profiled steel on a portal frame, with a concrete base. Although large, the unit will be set back in a far corner of the site. Seen against the background of industrial buildings and associated structures the proposed development will have little visual impact on the street scene. Structures such as that proposed are not uncommon on industrial estates, and there are similar examples in the surrounding area.

Details of the external colour finish of the unit have not been provided. Visual impact could be further mitigated by a requirement to agree an appropriate colour finish, this can be secured by condition.

Crime and Disorder

It is considered that the development would not result in any significant adverse 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.

RECOMMENDATION:

In the circumstances where the proposal accords with national and local policy, and is considered to have little visual impact on the street scene approval is recommended subject to a condition requiring colour treatment of the unit to be agreed providing no representations are received which in the opinion of the Development Management Service Manager in consultation with the Chairman and Vice Chairman would require reconsideration of the application by Development Control Committee.

SUMMARY OF REASON(S) FOR APPROVAL

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 of impact on neighbours. 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 national, regional and local policy.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without delay. As such it is considered that the decision is in accordance with paras 186-187 of the National Planning Policy Framework.

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. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

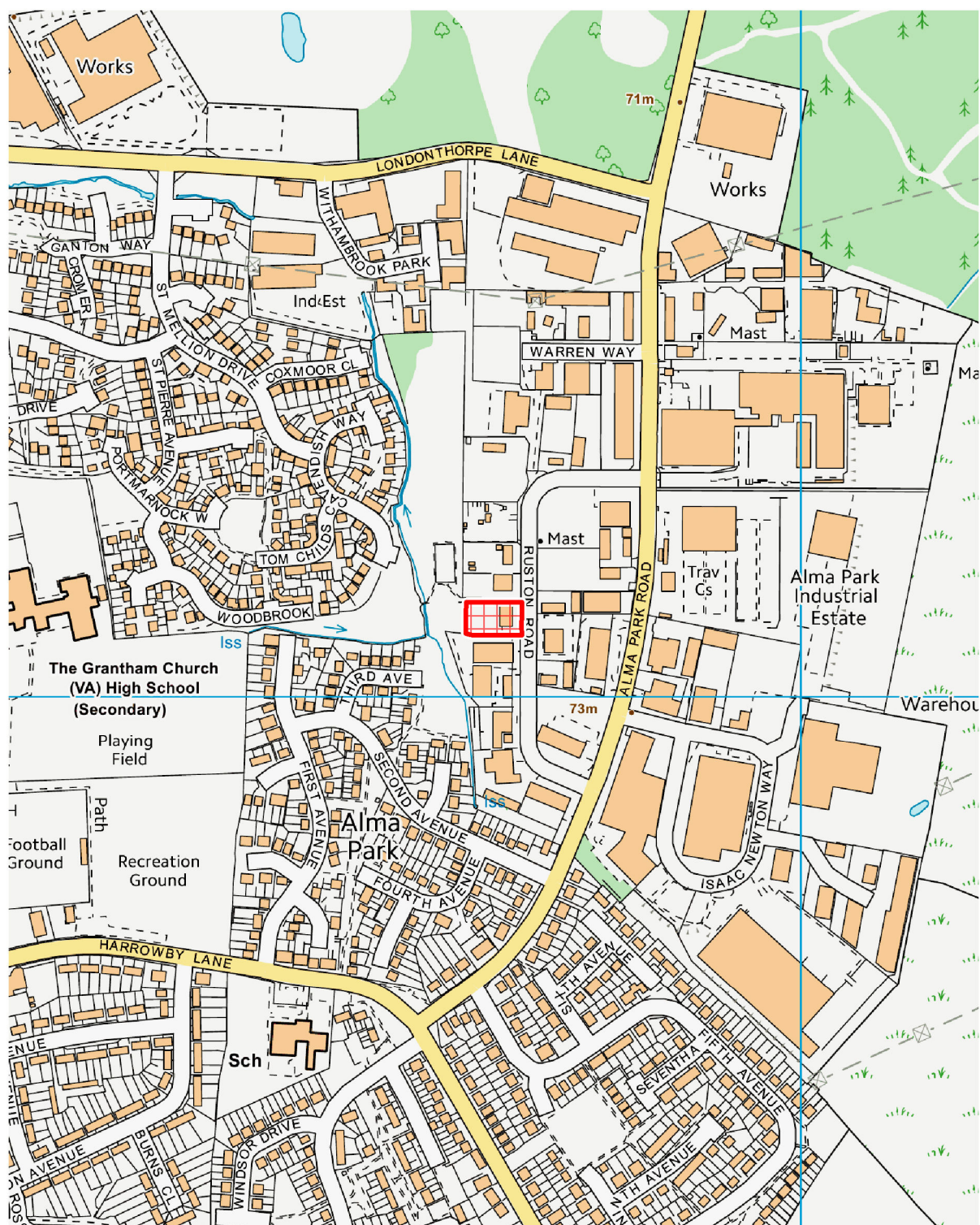
Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *

Site Location Plan

Ref	S13/0671
Proposal	Erection of permanent storage unit
Location	9, Ruston Road, Grantham, Lincolnshire, NG31 9SW



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Applicant	Yew Tree Farms C/o Agent
Agent	Amy Souter, Carter Jonas LLP Regent House, 13-15, Albert Street, Harrogate, HG1 1JX
Proposal	Wind turbine (500kw, hub height 50m, height to blade tip 74m and rotor diameter 48m) and associated works
Location	Land off Green Lane, Marston, Grantham
App Type	Full Planning Permission
Parish(es)	Marston
Reason for Referral to Committee	This application has been referred to the committee at the request of the local Member as it is considered to be locally controversial
Recommendation Summary	Approved subject to conditions

Key Issues

Balancing the national and local planning policy position which is supportive of renewable energy in principle against other impacts including landscape, heritage, ecology and noise/disturbance and other amenity issues.

Technical Documents Submitted with the Application

- Extended Phase I Habitat Report
- Design and Access Statement
- Turbine Specification
- Noise Impact Assessment
- Visualisations including ZTV
- Shadow Flicker Modelling
- Foundation data
- Access Roads and Crane Platform Specification

REPORT

Application Category

The application is categorised as a minor application for planning permission

Reason for Referral to Committee

The application has been referred to Committee at the request of the Local Ward Member as it is considered to be locally controversial.

The Proposal

The proposal is for the installation of a single 500kw medium scale wind turbine - hub height 50m, rotor diameter 48m and total height to blade tip of 74m. The proposal also includes an access track, crane platform and grid connection as well as a substation.

The applicant has confirmed that whilst the technical information submitted with this application gives a rating of 800kw, the turbine would be derated to 500kw to be consistent with a 500kw grid connection.

The application site and its surroundings

The site and its immediate surroundings is open countryside consisting of fairly flat and low lying agricultural land. The A1 trunk road passes some 300m to the south west and there is a collection of large scale industrial/storage buildings 300m - 400m to the west occupied by Marston Agricultural Services and QK Cold Stores. In terms of the wider context, the site lies within the north eastern part of the Vale of Belvoir, which is part of the wider Trent and Belvoir vales. The site is on the gently undulating floor of the vale itself, overlooked by the higher ground of the Grantham scarps (or Gonerby Ridge) and Southern Lincolnshire Edge some 3-4km to the east and southeast. The closest settlements are the villages of Allington, Foston and Marston, all of which are approximately 2km from the site. The Gonerby Moor commercial area lies a similar distance to the south east.

Site History

A formal request for a screening opinion for a slightly smaller proposal on the same site (67m tip height) was submitted in February 2012 (S12/0477/EIASO) to determine whether the proposal would fall into the category of Environmental Impact Assessment (EIA) development. It was determined that it was not EIA development.

A second screening opinion request was submitted for the current slightly larger proposal (74m tip height) in July 2012 (S12/1667/EIASO). This proposal was also determined not to be 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, that required detailed assessment, 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. Whilst this is a guideline only and will not apply to every case, it is generally the scale

and complexity of the development and the sensitivity of the site that will determine whether an EIA is necessary.

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

Community Archaeologist (Lincolnshire Heritage):

The proposed development does not affect any known archaeological sites.

South Kesteven Principal Conservation Officer (comments summarised) :

There are no above ground designated heritage assets within the immediate vicinity of the site for the wind turbine but a structure of this size inevitably has an impact on a much wider area than its immediate surroundings. The nearest designated heritage assets are in the nearby settlements of Marston (Notably the parish church and Marston Hall and its Historic Park and Garden, Allington (Conservation Area) and Foston and there are the internationally important Grade 1 listed historic houses of Belton House and Belvoir Castle and the Historic Parks and Gardens of Belton, Belvoir and Marston are all nearby and likely to be affected by the turbine. The dimensions of this turbine are greater in all respects than the turbine which has been erected at Frinkley Farm to the north-east, which serves as a useful comparison when considering likely impact. There will be no adverse impact on the setting of the internationally important heritage asset of Belton House and Grounds. The turbine will not appear as a significant feature in the landscape when viewed from either the base or the viewing platform of Belmont Tower. In the case of Belvoir Castle and its Historic Park, the turbine will be readily visible in views from these assets but not, in my opinion to the extent that their significance will be compromised. Given the site's location adjacent to existing industrial/warehouse developments and a solar 'farm', the ancillary infrastructure associated with the proposed turbine should not constitute an alien intrusion on the otherwise rural surroundings. In isolation, the proposed turbine would not compromise the setting of heritage assets in the area but further wind energy developments over and above the current proposal are likely to have a significant and cumulatively adverse impact on the landscape and heritage assets of the of the Trent and Belvoir Vales.

English Heritage (Comments included in full):

Thank you for your letter of 12 November 2012 notifying English Heritage of the above application. Thank you also for the further information provided. Our specialist staff have considered the proposed scheme and we offer the following advice. We have visited the sites affected on 12 March 2013.

Summary

The proposed scheme is for the erection of a wind turbine, 74m high to blade tip, at Green Lane, Marston. English Heritage considers that on the basis of the information provided and our own knowledge of the sites affected the proposed scheme would harm the setting and the significance of the following highly graded heritage assets: Belton House (listed Grade I), Belton House registered park and garden (Grade I), Belmont Tower (listed Grade II*), the

church of St Mary, Marston (listed Grade I) and the church of St Peter, Foston (listed Grade I). Our advice reflects policy and guidance provided in the National Planning Policy Framework (NPPF), particularly paragraphs 131, 132 and 134, and the Historic Environment Planning Practice Guide EPPG), particularly paragraphs 8, 85, and 113 to 124. In accordance with the NPPF we advise that in order to grant planning permission your local planning authority would need to be fully satisfied that the proposed scheme is clearly and convincingly justified, and delivers public benefits that outweigh the harm caused to the designated heritage assets and the wider historic environment as a whole in this part of the Vale of Belvoir as described below.

English Heritage Advice

English Heritage is the Government's statutory adviser on all aspects of the historic environment, including historic buildings and areas, archaeology and historic landscapes with responsibilities that extend to the urban, rural and marine environments. As defined in the NPPF, the setting of a heritage asset is the surroundings in which an asset is experienced. The setting of heritage assets includes those aspects of their surroundings which contribute to their significance and which, if changed, might affect significance together with the public appreciation of their significance. This includes the surroundings from which assets can be seen, and surroundings seen from the assets. The requirement to protect the setting of important heritage assets is set out in UK law and in national planning policy guidance. The proposed wind turbine is sited in an area of the Vale of Belvoir which includes a number of highly graded designated heritage assets including Belton House (Grade I), Belton House registered park and garden (Grade I), Bellmount Tower (Grade II*), St Mary, Marston (Grade I) and St Peter, Foston (Grade I).

Belton House, Belton House registered park and garden and Bellmount Tower

Belton House is listed Grade I which means it is one of a small proportion (about 3%) of listed buildings which are of exceptional architectural and historic interest. The main phase of construction was in 1685-88 and the house was altered in 1777 by James Wyatt. It is an extremely important example of a high status, late 17th century H-plan country house with projecting end bays and a hipped roof with a balustraded platform, used as a viewing area, and cupola. An important part of the setting of Belton House is the extensive registered park and garden, also Grade I, which includes a late 17th century park, with its avenues and tree belts, the remains of late 17th century gardens, and 19th century gardens. The park extends to the south of the house and to the higher ground to the east. Bellmount Tower, listed II* and therefore within the top 8% of listed buildings in the country, was built as a prospect tower in 1750 and lies on rising ground to the east of the house within the registered park and garden. The tower was specifically located and designed to provide panoramic views from a reception room on the first floor where a Venetian window faces west. The designed panoramic views include Belton House, its park and garden (including the tree lined Bellmount Avenue which leads directly towards the house from the tower) and the wider rural landscape beyond. The intention of the design and location of the prospect tower was for people, including visitors to Belton House, to see Belton House displayed to dramatic effect within its immediate setting of the park and garden and also the wider rural landscape in the Vale of Belvoir. The desired effect was to enhance the importance and status of Belton House in this part of the countryside. Similar views are obtained from the base of the tower and from the higher ground towards the eastern edge of the park. The countryside surrounding Belton House and its registered park and garden, particularly as experienced from Bellmount Tower, forms a key element of the setting of

these three important designated assets. As seen from Bellmount Tower the countryside retains its rural character despite some harmful intrusions, including the Frinkley Farm wind turbine to the north.

The church of St Mary, Marston

The medieval church of St Mary is listed Grade I and therefore within the top 3% of listed buildings which are of exceptional architectural and historic interest. The church has a tall, early 14th century 3-stage west tower and a broach spire. The spire extends well above the height of nearby trees and is visually dominant within the surroundings of Marston. The spire is particularly visible from the north and north east, particularly when approaching Marston from Brant Broughton, including from along Bridge Street. When close to Marston the church spire is very prominent on the horizon and forms the focal point of the view of the village. The church spire was designed to be seen from some distance and signifies the presence and importance of the church and village, both historically and today. The recently constructed Frinkley Farm wind turbine, to the east of Marston, can be seen when approaching the village from the west. The Frinkley Farm turbine competes with the spire of St Mary's church and reduces the prominence and importance of the spire. It is English Heritage's view that it harms the setting and significance of the church.

The church of St Peter, Foston

The church of St Peter, Foston (listed Grade I) dates from the late 12th century and later medieval period and is also within the top 3% of listed buildings which are of exceptional architectural and historic interest. The village stands on raised ground and the tower of St Peter's church rises prominently above the village. It is prominent and forms a focal point in views when approaching Foston, particularly from the west from Long Bennington. Whilst not as tall as the spire of St Mary's church, Marston, the tower was also designed to be seen from some distance and signifies the presence and importance of the church and village, both historically and today.

The wider historic environment in the Vale of Belvoir.

The historic environment is a key characteristic of the Vale of Belvoir with many highly graded designated heritage assets including Belton House, Belvoir Castle itself, Harlaxton Manor and many prominent church towers and spires, including Bottesford, Marston and Foston. Belton House, Belvoir Castle and Harlaxton Manor and their grounds were located and designed, in large part, to express the importance of the families who built them. Views from, or towards, these important heritage assets across the Vale of Belvoir form an important part of the historic environment of the area as a whole. The spires and towers of the churches are amongst the highest structures in the area and views of them, which encapsulate their prominence in the landscape and historic importance, also form an important part of the area's historic character. Taken as a whole, the historic environment of the Vale of Belvoir is an important asset for South Kesteven and attracts visitors and investment. The richness of the historic environment and visual relationships between them and the surrounding landscape in the Vale of Belvoir was recognised in the Appeal Decision of 17 November 2008 (ref. APP/E2530/A/08/2073384) concerning an application for planning permission for a proposed wind farm at Thackson's Well Farm.

Impact of the proposed scheme on the setting of the heritage assets

The proposed scheme is the erection of a wind turbine with a hub height of 50m and a blade tip height of 74m, and associated works. The turbine would be sited in open farmland at Green Lane, Marston which is approximately

2km to the south west of Marston. Our advice has been provided on the basis of the information provided and our own knowledge of the sites, including site visits. Our consideration of the impact of the proposed scheme has included the height and location of the turbines, their appearance and the movement of the blades.

Belton House, Bellmount Tower and Belton House registered park and garden.

We consider that the proposed turbine will have a harmful impact on the setting and significance of Belton House, Bellmount Tower and Belton House registered park and garden. The turbine will intrude in the panoramic rural views gained from Bellmount Tower by virtue of its height, appearance and movement. The information provided shows that the blades and upper part of the turbine would be visible above the ridge to the west of Belton House. As a conspicuous and clearly modern element the proposed wind turbine would be out of keeping with the rural and historic character of the views across Belton village and beyond to the west. From the information provided, the turbine would appear relatively close to the line of Bellmount Avenue and Belton House when viewed from Bellmount Tower and would be more harmful than if it appeared further away from this important focal point in the view. There appeared to be a discrepancy in the photomontages provided of the view from Bellmount Tower as the wireline of the Frinkley Farm turbine did not coincide with its image in the photomontage. The cause of this error may mean that the proposed turbine would be nearer to the line of Bellmount Avenue and we advise that your authority would need to be satisfied that the information provided is a correct representation of the proposed scheme. Although the impact is mitigated to a degree by the distance between Bellmount Tower and the proposed turbine, it is English Heritage's view that it would affect the experience of these important designated heritage assets and harm their setting and significance. This is particularly so as the cumulative effect of two turbines being visible in the panoramic view from Bellmount Tower (including the existing Frinkley Farm turbine) would further change the character of the view from one that is almost wholly rural in character, as it has historically been, to one where the industrial form of modern wind turbines are increasingly prominent (particularly due to their height and moving blades).

The church of St Mary, Marston

We are concerned that the impact of the proposed turbine on the setting of St Mary's church, Marston has not been appropriately assessed because photomontages of the view from the approach by road to Marston leading to Bridge Street, and from Bridge Street, have not been provided.

Notwithstanding that, given the height of the turbine as shown in the photomontage from nearby Frinkley Lane, we advise that it would be seen in views when approaching Marston from the direction of Bridge Street. We consider that the proposed turbine would harm on the setting of the church as an unduly prominent feature of modern appearance. As the setting of St Mary's church has already been harmed in views from the west by the Frinkley Farm wind turbine, we consider that the cumulative impact on the church's setting would be particularly harmful.

The church of St Peter, Foston

We consider that the proposed turbine would harm the setting and significance of St Peter's church, Foston as it would overly prominent in important views of the church tower from the west and would be compete for prominence with the church tower.

The wider historic environment in the Vale of Belvoir
We advise that the cumulative impact of the proposed turbine on the designated heritage assets in this part of the Vale of Belvoir would be harmful to people's ability to experience this important historic environment as a whole, including the visual relationships between the designated heritage assets and the surrounding landscape.

Policy and guidance

The importance attached to setting is recognised by the Government's National Planning Policy Framework (NPPF) and in guidance, including the Historic Environment Planning Practice Guide (HEPPG) produced by English Heritage and endorsed by Government, Wind Energy and the Historic Environment (English Heritage 2005) and The Setting of Heritage Assets (English Heritage). By law, in every decision on planning permission concerning a listed building, special regard must also be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990). The NPPF defines the setting of a heritage asset as, 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral' (Annex 2). Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. The NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation, and the more important the asset, the greater the weight should be (para. 132). Paragraph 132 also says that significance can be harmed or lost through development within a heritage asset's setting and any harm or loss to significance 'should require clear and convincing justification' (also HEPPG paragraphs 8 and 85). In paragraph 134 the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. Relevant policies and guidance on the historic environment also include Wind Energy and the Historic Environment (English Heritage). With regard to the potential for harmful impacts on the setting of heritage assets, this document states (p8): 'Visual dominance: Wind turbines are far greater in vertical scale than most historic features. Where an historic feature (such as a hilltop monument or fortification, a church spire, or a plantation belonging to a designed landscape) is the most visually dominant feature in the surrounding landscape, adjacent construction of turbines may be inappropriate. Detailed guidance on assessing the impact of development on the setting of a heritage asset is set out within 'The Setting of Heritage Assets' and the Historic Environment Planning Practice Guide, paragraphs 113 to 124.

Recommendation

English Heritage has assessed the proposed wind turbine as having a harmful effect on the setting and significance of a number of highly graded, nationally important designated heritage assets. We do not consider that the proposed wind turbine preserves the setting of the designated heritage assets described above, nor sustains, enhances or preserves their significance. In line with the NPPF, in determining the application for planning permission your local authority must weigh any public benefits deriving from the proposed scheme against the harm caused to the heritage assets and the historic

environment of the Vale of Belvoir as described above, and must consider whether clear and convincing justification has been provided.

National Trust:

Further information requested including visualisations from the viewing platform of Bellmount Tower. NT were consulted following receipt of the requested information but at the time of writing had not responded. Any further comments will be reported in the late background papers.

CPRE:

Email received stating that they have concerns but no substantive comments received at the time of writing. Any further comments will be reported in the late background papers.

The County Highways Authority:

A substantive response cannot be given until the applicant has carried out an “up front” survey on the culvert at the junction of Toll Bar Road and Green Lane

Highways Agency:

Initially objected on the grounds of insufficient information in relation to delivery vehicles negotiating the junction. They later withdrew their objection.

Natural England:

Refer to their standing advice but confirm that the proposal will not adversely affect the Allington meadows SSSI

Lincs Wildlife Trust:

No comments received

RSPB:

No comments received

MOD:

No objection, subject to fitting aviation lights and that the developer notifies 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

Civil Aviation Authority:

Refer to their standing advice and the need to consult MOD and NATS

LCC Footpaths:

No comments

SKDC Environmental Protection and MAS Environmental (comments summarised):

The site is so far away from the nearest sensitive receptor that the noise levels will be well within acceptable limits and that a standard condition can be applied in accordance with ETSU-R-97

Environment Agency:

The proposal falls outside the scope of matters on which the EA is a statutory consultee. There is a relatively low environmental risk. No objection

Anglian Water:

No impact from a groundwater perspective.

Upper Witham Internal Drainage Board:

No objection

BBC:

No comments received

Ofcom:

No objection

Joint Radio Company:

Does not foresee any problems based on the information provided

Marston Parish Council: (Comments Summarised):

Object to the application on the grounds that wind turbines are inefficient, Yew Tree Farms are not local, visual impact, quality of photomontages, noise pollution, TV signals, access, health concerns, highway safety, ecology, Marston has contributed sufficiently by virtue of the existing solar farm

Foston Parish Council: (Comments Summarised):

Various observations on the accuracy of the plans including that, the blade swept area is larger than that shown on the plans, the assembly area is not included in the site outline, concerns over access by construction vehicles. They object to the application on the grounds of the impact on heritage assets (referring to LCC position statement), highway safety, ecology, photomontages should be taken with 75mm lens, cumulative impact. The decision should not be made until the appeal has been decided for the proposed 3x turbines at Hawton nr Newark.

Allington Parish Council: (Comments Summarised):

Object to the application on the grounds of distraction to motorists on the A1, and that it will dominate the skyline

Sedgebrook Parish Council: (Comments Summarised):

Object to the application on the grounds that it has no useful purpose other than to produce electricity. Solar panels could be used as an alternative.

Great Gonerby Parish Council: (Comments Summarised):

No objection but would like to see a policy set up so that individual turbines are kept under control in the long term

Barkston and Syston Parish Council: (Comments Summarised):

Object to the application. They support the views of Marston parish Council as expressed in their representation

Long Bennington Parish Council: (Comments Summarised):

Object to the application on the grounds of the impact on highway safety, heritage assets, ecology, it would set a precedent and the Wind Energy SPD should be adopted first/

Carlton Scroop and Normanton Parish Council: (Comments Summarised):

Object to the application on the grounds of the size and location and the visual impact on local residents and users of the countryside.

Westborough and Dry Doddington Parish Council: (Comments Summarised):

Object to the application on the grounds of the size and location and impact on landscape character, heritage assets, tourism and local residents

Belvoir Locals Opposing Turbines (BLOT); (Comments Summarised):

BLOT are a local opposition group who object to the proposal and have raised a number of concerns in a lengthy representation. They state that they support renewable energy but not at any price and believe that the Vale of Belvoir is an unsuitable location for this proposal given previous appeal decisions at Thackson's Well and Palmer's Hollow. Their concerns include the impact on the setting of local heritage assets including Belton House, Belvoir Castle and local churches, impact (including cumulative) on the landscape character of the vale, ecology, safety, noise, telecoms, property values etc. They consider that no decision should be made until further information is received on certain issues and suggest a number of conditions should permission be granted.

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, 73 letters of objection had been received, some of which were additional representations following consultation on extra submitted information. A summary of the main concerns are listed below:

- Impact on landscape character
- Cumulative impact
- Visual impact on local villages and residents
- Impact on heritage assets including Belton House and associated buildings and grounds, Belvoir Castle and local churches.
- Urbanisation of rural landscape
- Impact on ecology including birds, bats and badgers
- Floodrisk and drainage concerns from concrete foundations
- Aviation concerns

- Impact on employment, tourism and recreational users of the countryside including users of local footpaths such as the Viking Way
- Reduction in property values
- Highways safety concerns – distraction to motorists, shadow flicker etc
- Damage to roads
- There is no need for wind turbine as there is already a solar farm in Marston.
- Noise and amenity impact
- Wind turbines inefficient and made abroad
- Objection to wind energy subsidies
- Concerns about removal and decommissioning
- Applicant is motivated by profit and is not a local business as claimed
- Windfarms should be built on the fens
- Windfarms should be sited offshore
- Previous appeals mean turbines are unacceptable in the vale
- Photomontages misleading
- Loss of TV reception
- Health concerns
- Safety concerns
- Application is for 500kw turbine but technical details are for 800kw model
- Not enough consultation
- Contrary to policy
- Should be deferred until SPD adopted
- LCC position statement opposed to wind turbines
- Too many wind turbines already in Lincolnshire

Additional Statement from Applicant (received 09 April 2013)

Further to your e-mail dated 2nd April containing the response received from English Heritage (dated 28 March 2013) and our telephone conversation earlier today I write to submit our comments in relation to the concerns raised.

Belton House, Belton House Registered Park & Gardens and Bellmount Tower

Viewpoint 4 (Figures 7, 7A and 8) previously submitted shows the view from the base of the Bellmount Tower, Belton Park, 7.23km south east. Both the wireframe and photomontage show the proposed turbine along with the existing Frinkley Farm turbine on the horizon. The proposed turbine is shown in red on the wireframe and the existing Frinkley Farm turbine is shown in blue. From this viewpoint the proposed turbine would be visible in the distance but not a prominent feature, with the turbine viewed against the rolling hillside rising gently in the distance. The visual impact of the proposed turbine from this location is therefore considered to be low. Viewpoint 4B illustrates the view from the viewing room at Bellmount Tower. From this viewpoint the proposed turbine would be visible in the distance (over 7km away) but not a prominent feature, with the turbine viewed against the rolling hillside rising gently in the distance. There is a significant distance between the proposed turbine and the line of Bellmount Avenue and Belton House and therefore the proposed turbine does not appear to be unduly close to the The visual impact of the proposed turbine from this location is therefore considered to be low. Viewpoint 4B has been updated to show the wireline over the photomontage to show that there is no discrepancy between the photomontage and the wireline. A copy of the updated version of Viewpoint 4B is attached for your reference.

The Belton House and Park Setting Study produced by Atkins on behalf of South Kesteven District Council and the National Trust (January 2010) supports the development policy for the setting of Belton House and Park. As part of this the study identifies the surrounding landscape of Belton House, splitting the landscape into 'Elements'. Figure 10 of the Belton House and Park Setting Study (January 2010) shows the areas visible outside of the park from roof of Belton House. As identified on the plan the location of the proposed turbine is outside the 5km buffer from Belton House and is not in an area which is visible outside of the park from first floor viewing platform of Bellmount Tower. Figure 11 of the Belton House and Park Setting Study (January 2010) shows the area visible outside of the park from Bellmount Tower. As identified on the plan the location of the proposed turbine is outside the 5km buffer from Belton House and is not in an area which is visible outside of the park from first floor viewing platform of Bellmount Tower.

Figure 15 of the study identifies that the site as falling within 'Element 5: Areas beyond the ridge lines and tree screens that contain significant views. In relation to tall structures include wind turbines the study identifies that for 'Element 5': "Tall buildings that rise above the containing ridge lines or the tree screens that prevent far reaching views would detract from the significant views unless they were far away (in excess of 5km from the site boundary), did not impinge upon the historical designed views (e.g. westerly views from Bellmount Tower), appeared narrow in the view and appeared isolated."

It should however be noted that the proposed turbine is a single installation which is slim in form and makes up only a tiny portion of the total view from Belton Park. The proposed turbine is located approximately 7.2km from Bellmount Tower and 5.2km from Belton House and Park, and is therefore in excess of the 5km site boundary in which it deems tall structures unacceptable. Beyond this the study states that tall structures may be acceptable if isolated and narrow whilst not impinging on the westerly views from Bellmount Tower. Due to the separation distance between the park and the proposed turbine, the limited scale and slim form of the turbine, and the fact that many views of the site from the park are screened, it is considered that the proposed turbine would not impinge on the westerly views from Bellmount Tower. In addition, although the turbine is a tall structure, it is not on the same scale as some larger turbines which are twice as tall compared with 74m as proposed by this application.

The Church of St Mary, Marston

In relation to English Heritage's concern that the impact of the proposed turbine on the setting of St Mary's Church, has not been appropriately assessed as photomontages and wirelines from the approach by road to Marston leading to Bridge Street, and from Bridge Street (north) have not been provided, viewpoints from these locations were not requested as part of English Heritage's initial comments. It was only during a telephone discussion with David Walsh at English Heritage on 22 February 2013 regarding the impact of the proposed turbine on the setting of St Mary's Church that David confirmed that in addition to the viewpoints requested within his letter dated 3 January 2013 a photomontage and wireframe from Bridge Street to the north of Marston village was also required. At no point was there a request for photomontages and wirelines from the approach by road to Marston leading to Bridge Street. This is yet another location where viewpoints have been requested at a late stage in the application.

As you are aware the viewpoints locations were discussed and agreed with South Kesteven District Council prior to the application being submitted in September 2012 to take into account key views from sensitive receptors. During the validation stage a number of additional viewpoints (near to Casthorpe Hills, Woolsthorpe and Great Gonerby) were request in addition and these were submitted in October 2012. Bridge Street to the north of Marston Village was not identified as a key view from a sensitive receptor and as such wasn't accounted for as part of the work.

As can be appreciated we are unable to provide any additional viewpoints at this stage of the application, as our client has already prepared and submitted 14 different viewpoints at a significant cost. An assessment of the view from Bridge Street looking south to towards Marston and the proposed turbine (based on the viewpoints that have already been submitted, a knowledge of the area and a review of Google earth) has identified that from this location the proposed turbine would be partially visible on the skyline but not a prominent feature, with the turbine viewed in the distance with established trees and woodland forming the prominent features. From this location partial screening of the turbine is afforded by trees and only limited views of the turbine blades are likely to be available from this location. The visual impact of the proposed turbine from this location is therefore considered to be low. In relation to the impact on the setting of St. Mary's Church at Marston, the church spire is visible in the foreground with the turbine only partially visible in the distance. There would therefore only be a low to negligible impact on the setting of St. Mary's Church from this viewpoint.

The Church of St Peter, Foston

As previously mentioned in our letter dated 28 February 2013 the principal views of The Church of St Peter, Foston are available from Main Street to the south, Long Street to the east and Church Street to the west. From Church Street the angle of view is such that the proposed turbine will be behind the church, but not visible at such close range to the church due to intervening buildings and mature tree screening. From Main Street and Long Street due to the orientation of the church in relation to the turbine, it will not be possible to see the turbine in relation to the church spire.

As mentioned within our supporting statement Zone's of Theoretical Visibility (ZTV) only illustrate the general topographic constraints on the visual influence of a proposed development and do not take into consideration any built elements, vegetation, or localised topographical variation (e.g. embankments), all of which can significantly reduce the area and extent of actual visibility. The ZTV therefore represents the worst case scenario with regard to the visibility of a proposed development. The ZTV's submitted as part of our supporting statement demonstrates that to the immediate west of Foston village along Newark Hill the proposed turbine will not be visible. Moving west along Newark Hill towards Marshall Way the turbine tip may be visible.

Viewpoint 7 (figures 13 & 14) illustrates the view of the proposed turbine from the footpath east of Westborough, approximately 3.66km north west of the proposed turbine location. From this viewpoint, with the exception of the blades the proposed turbine would be screened by an established shelterbelt of trees. It is expected that the proposed turbine could be visible on the skyline further east along the footpath but due to its scale and distance away would not be visually prominent or overbearing. The visual impact of the proposed turbine from this location is therefore considered to be low. Views of the proposed turbine from the nearby village of Westborough and the town of

Long Bennington to the west of Westborough are expected to be very limited, with properties in Foston limiting views. From this viewpoint the proposed turbine would not harm the setting and significance of St Peter's Church, Foston as it is not overly prominent in views nor does not compete for prominence with the church tower.

English Heritage Recommendation

We note that English Heritage conclude that the proposed turbine would have a harmful effect on the setting and significance of a number of designated heritage assets although they do not explicitly stated what the degree of harm is or whether it is substantial or less than substantial harm. They do however allude to their opinion in relation to the degree of harm within their review of policy and guidance with reference to paragraph 134 of the NPPF which states "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". This is again reiterated within their recommendation.

With regard to the benefits of the proposal these are outlined in section 1.2 (page 5) of the supporting report that was submitted as part of the planning application. Yew Tree Farms are a local farming business with approximately 1,100 acres of farm land in the region (cropping predominantly wheat and oil seed rape). As a high energy user, and grower of food, the farm business is seeking to generate renewable energy, support the green agenda and reduce its carbon footprint. Energy prices are increasing and to ensure food crop production remains viable, both environmentally and financially, a sustainable energy supply is essential.

The proposed turbine will also serve to demonstrate the farms commitment to 'greening' agriculture. The need to demonstrate best practice and commitment to sustainability is becoming increasingly important, with markets demanding higher environmental standards from their supply chain, and buyers requesting support from suppliers to help meet their environmental commitments. In a competitive market the ability to demonstrate that the farm business is working hard to support buyers' environmental strategies is becoming ever more important to secure and maintain business.

The farm is keen to make a positive contribution to the environment, whilst also supporting the continued viability of the farm business and demonstrating its commitment to the green agenda. The proposed turbine presents an opportunity to secure a sustainable energy supply and reduce the carbon footprint of the farm business, whilst also generating an additional income for the farm.

The overall objectives of the proposed development are:

- To support the continued viability of the existing farm business;
- To provide renewable electricity to offset energy usage on the farm;
- To reduce the overall carbon footprint of the farm business through offsetting energy usage;
- To meet the needs of and support buyers in reducing carbon footprints and implementing their environmental strategies in order to maintain a market advantage; and
- To promote the use of renewable energy generation in the area and contribute to achieving UK renewable energy and zero carbon energy targets.

Difference between the technical specifications for the proposed turbine and the application description

The proposed turbine is the Enercon E-48 which will be de-rated from an 800kW turbine to a 500kW turbine consistent with the grid connection for 500kW.

The proposed turbine is three bladed turbine with a blade length of 24m, constructed from glass fibre / epoxy resin material. The height to blade tip of the proposed turbine is 74m.

Yew Tree Farms is located at Rutland and not adjacent to the site – how will the turbine benefit the farm business?

As mentioned above and in section 1.2 of the supporting statement submitted as part of the planning application the proposed turbine presents an opportunity to secure a sustainable energy supply and reduce the carbon footprint of the farm business, whilst also generating an additional income for the farm.

The overall objectives of the proposed development are:

- To support the continued viability of the existing farm business;
- To provide renewable electricity to offset energy usage on the farm;
- To reduce the overall carbon footprint of the farm business through offsetting energy usage;
- To meet the needs of and support buyers in reducing carbon footprints and implementing their environmental strategies in order to maintain a market advantage; and
- To promote the use of renewable energy generation in the area and contribute to achieving UK renewable energy and zero carbon energy targets.

Difference between the ZTV and Viewpoints 5 and 10

The ZTV submitted as part of the planning application illustrates the theoretical visibility of the proposed turbine. The ZTV was created by a computer programme (WindPro) that uses a digital model of the turbine in conjunction with a digital terrain model (DSM) for the surrounding area to calculate the locations from where the proposed turbine would theoretically be visible. It should be noted that ZTVs only illustrate the general topographic constraints on the visual influence of a proposed development and do not take into consideration any built elements, vegetation, or localised topographical variation (e.g. embankments), all of which can significantly reduce the area and extent of actual visibility. ZTVs therefore represent the worst case scenario with regard to the visibility of a proposed development, forming an appropriate starting point for undertaking the visual assessment. The ZTV is based upon a three bladed turbine with a hub height of 50m and a height to blade tip of 74m.

The proposed turbine is therefore not visible on viewpoint 5 despite being shown on the ZTV as being located within an area where the turbine hub (50m) may be visible as there are trees, hedges and buildings along the horizon that screen the proposed turbine.

From viewpoint 10 the tip of the proposed turbine would be visible in the distance but it is not a readily identifiable feature, with the proposed turbine situated on flat land with the hills rising gently behind it. A glimpse of the

proposed turbine is possible from this location, but it is expected that views from the area would be limited, with glimpses only afforded from more elevated positions where open.

JRC Exclusion Zone

JRC have undertaken detailed coordination to determine the potential for the proposed turbine to impact on nearby JRC managed telecommunication links. The coordination requested that the turbine is sited in a specific location to ensure no impact. The turbine location was subsequently revised to an acceptable location in agreement with JRC. The proposed turbine location is outside of the JRC exclusion zone and therefore there will be no impact on the JRC managed link.

The BBC Wind Farm Tool shows that 1,000s of homes affected by the proposed turbine

An online assessment of television reception interference has been carried out using the BBC wind farm assessment tool (which provides an estimate of the population numbers potentially affected by the installation of wind turbines). The response indicates that, due to interference with six transmitters (Waltham CH5, Waltham, Belmont CH5, Belmont, Nottingham CH5 and Emley Moor), the proposed turbine could affect up to 1902 homes for whom there may be an alternative off-air service and no homes for whom there is no alternative off-air service available.

It should be noted that the assessment tool assumes a commercial scale wind farm and there is not a function on the site to enter specific turbines details. It is therefore envisaged that a single sub 74m turbine will not lead to any adverse effects. In addition to this, the proposed turbine is sited such that it is at least 500m away from a viewer as recommended by the BBC to help to prevent the likelihood of any television interference. The digital switch over for this location has also been completed. Digital television is less likely to suffer a reduction in television reception quality as a result of wind turbines.

Summary

I trust this information is sufficient for you to make a judgement and subsequently support the application.

Policy Considerations

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

Proposed Revocation of RSS8

On the 20th March 2013, the Secretary of State for Communities and Local Government, Eric Pickles, laid in Parliament a statutory instrument to revoke the Regional Strategy for the East Midlands.

The Regional Strategy for the East Midlands region comprised the East Midlands Regional Plan published in March 2009 and the Regional Economic Strategy for the East Midlands 2006-2020.

The Order is proposed to come into force on 12 April 2013, after which the Development Plan for the South Kesteven area will comprise the Local Plan (Core Strategy and when adopted the Site Allocation and Policies and Grantham Area Action Plan DPDs), and where they have been prepared, neighbourhood plans.

At the time of writing this report, the East Midlands Regional Plan was still in force. On that basis, the relevant policies of the East Midlands Regional Plan have been taken into account in the assessment of this planning application and in making the recommendation. If the East Midlands Regional Plan is revoked as proposed on 12 April 2013, any changes affecting the assessment and/or recommendation will be reported in the late background papers.

Officer Evaluation

KEY ISSUES

Local and national 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 (as enshrined in national and local policy) should be balanced against the potential environmental impact.

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

- The national and local planning policy 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

RELEVANT APPEAL DECISIONS

In recent years two large scale windfarms in the Vale of Belvoir have been dismissed at appeal and to some extent the inspectors' conclusions in these cases are relevant material considerations, particularly the extent to which the Vale of Belvoir can accommodate wind energy proposals in respect of their impact on heritage assets and landscape character. A number of other generic issues were examined in great detail at the public inquiries which have been brought up by objectors in this case and are referred to where relevant. Notwithstanding the above, the circumstances of this application are different from the Thackson's Well and Palmer's Hollow proposals, both in terms of the scale of development and in the particular part of the vale which would be affected, and therefore it is important to take a cautious approach when making comparisons. Furthermore, planning policy has changed to some extent although the main considerations remain broadly the same

NATIONAL & LOCAL POLICY POSITION ON RENEWABLE ENERGY

The Development Plan i.e. The South Kesteven Core Strategy and the East Midlands Regional Plan (RSS8) is the starting point in decision making, unless material considerations indicate otherwise, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Development Plan sets out policies on wind energy at the regional and local level and is considered to be 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 national guidance and other core strategy policies which in this case will mean policy EN1 relating to the impact on the surrounding environment.

National planning policy given in the Nation Planning Policy Framework (NPPF) read in conjunction with National Policy Statements EN1 - Overarching National Policy Statement for Energy & EN3 – Renewable Energy Infrastructure is a very important material consideration (as well as being referred to in the South Kesteven Core Strategy). It 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 would benefit from an overall reduction in the carbon footprint of their farm business. The government's view is that the wider positive benefits of medium 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 smaller 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.

REACHING A BALANCED CONCLUSION

Taking the above into account, it is clear that the positive benefits of wind energy developments 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 guidance, statutory consultee comments and other sources of information. This application has generated significant local opposition. The strength of opposition and the number of objections is not in itself a material consideration or reason for refusal. However the arguments put forward by objectors may be material and have been taken into account and discussed in the report.

In general terms, the degree of environmental impact of a wind energy development will correspond to the level of output, i.e. a large scale windfarm with an output of 5MW will have a far more significant and wide reaching impact than a single smaller turbine of 500kw 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 reach a balanced conclusion as to whether the impact is acceptable or not. The impacts are assessed in the following sections and weighed against the positive benefits.

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 generally 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 in determining the impact of a on the landscape within which it would be sited. The South Kesteven Landscape Character Assessment (LCA) has been used to inform this policy. The LCA is not itself a policy, nor does it form part of the adopted Development Plan. It is a technical background document which was commissioned by and endorsed by the Council and helped to inform the environmental policy (EN1) of the South Kesteven Core Strategy. However, it is an important tool which is used to inform the assessment of planning applications insofar as it defines the established characteristics of different landscapes within South Kesteven and should be given due weight in that respect. Whilst it is acknowledged that there are some brief references to the sensitivity of each character area to wind energy developments, it must be stressed that these are not used by officers as the basis of assessing whether wind turbines are acceptable or otherwise in any given location. Each proposal is judged entirely on its own merits according to the specific context of the site and in accordance with Core Strategy Policy EN1.

The LCA 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” which is characterised by a wide expanse of low lying flat or gently undulating land forming the floor of the Vale, enclosed by higher land to the east/southeast and west/northwest. There are a number of villages of varying sizes within the Vale. The villages with their church towers and spires are noticeable in views across the landscape, both from within the Vale itself and from vantage points on the ridges overlooking the Vale. These features provide character and reference points to the landscape although the landscape is not significantly defined by their presence rather than by its expansive and wide open nature.

The openness of the vale and relative lack of prominent features is to a large extent the defining and most valued feature of the character of this landscape. By virtue of the open character of the landscape, with long views in all directions, tall structures such as wind turbines can be visible from some distance and have the potential to “clutter” the openness of the landscape or to detract from existing prominent features which add to the landscape’s character such as churches, if poorly sited. Although each proposal is considered on its own merits, in this area it is considered that wind energy proposals can be much more easily absorbed into the landscape if located away from existing larger settlements and close to existing man-made structures such as modern farm or industrial buildings.

The application includes a number of visualisations including photomontages and wireline diagrams taken from vantage points within the Vale itself and from the higher ground to the south and east with distances ranging from 2km to 9km. Some concern has been raised by objectors that the photomontages are deceptive and should be retaken using a 75mm lens to give a more realistic view. However this would not be in accordance with current best practice as advised by the Landscape Institute and Scottish Natural Heritage. The submitted images are considered to be reasonably accurate and to give a good indication of the visual impact of the proposed turbine from a reasonable range of medium and long distance vantage points.

In terms of landscape sensitivity in this part of the Vale, the application site is within the flatish vale floor and in the immediate area there are considered to be few individual landscape features of intrinsic sensitivity. This area is generally rural in character but to some extent, the immediate landscape is characterised by existing long established development, including the A1 trunk road, a number of high voltage power lines and large scale industrial/storage buildings. There is also a significant

number of individual trees and groups of trees which provide some screening by limiting long range views in many parts of the immediate area

In terms of the wider context, the site is relatively close to the steeply sloping ridges of the Grantham Scarps and Southern Lincolnshire Edge which form the eastern/southeastern boundary of the vale. The landscape, whilst scenic, is not statutorily designated as an area of outstanding natural beauty and therefore is not deemed to be of the highest quality or to warrant the highest degree of protection. From longer range vantage points to the west and north the proposed turbine would be seen against the backdrop of the escarpment and in the context of the large scale QK Cold Stores warehouses as well as nearby settlements which tend to be on slightly raised ground. However, as is demonstrated by the visualisations, and subject to appropriate colours, the turbine would not be an unduly dominant feature in these views.

Looking across the panoramic view of Vale from the higher ground of the escarpment, the proposed turbine would be a noticeable feature although as a single medium scale turbine, close to existing development and set within a wide open and large scale landscape, it would not appear unduly prominent, to the extent that it would clutter the view or undermine the character of the landscape to an unacceptable degree. This is clearly evident in the visualisations. From viewpoints 11, 12 and 13, it is clear that this part of the vale, (unlike the area closer to Belvoir Castle) whilst predominantly rural, cannot be reasonably described as an untouched rural landscape of outstanding beauty, and is characterised to some extent by the urban/industrial influences of the Trent valley power stations, the A1 transport corridor and industrial/commercial development at Marston and Gonerby Moor. The proposed turbine, whilst noticeable would form a very small element in the overall vista. The inspector's comments on the Thackson's Well appeal are important here in that he considered that the much larger scale (10 x 125m turbines) wind farm would not be unacceptable, particularly in the context of adjacent industrial development. The Palmer's Hollow appeal decision (8 x 100m turbines) was slightly different in that the inspector felt that the landscape in that part of the Vale of Belvoir was more defined by Belvoir Castle itself and its wider setting. The current proposal is further away from Belvoir Castle at the far north eastern end of the vale (although it has no defined boundaries) and similar to Thackson's Well in that it is close to existing development and on relatively flat low-lying land within a wide open landscape. Although it is always difficult to make a direct comparison, in the light of that conclusion, it would be difficult to argue that the current proposal would have a greater impact and should be refused on that basis.

Another factor to be considered is the Frinkley Farm wind turbine which was approved in 2011 (S10/1759). This turbine, whilst slightly smaller is in a much more prominent location and as such, arguably has a greater impact on the landscape character of this part of the vale. Again it would be difficult to argue that a proposal with less, or similar impact should be refused on this issue.

It is considered that the access track and substation (subject to detailed design) would have very limited visual impact in this context.

As with all wind energy proposals, the turbine would have an impact on the landscape to some degree. However, taking into account fact that this is a single medium scale wind turbine, the wide open nature of the landscape, and proximity to existing development, it is considered that the turbine (and associated structures) would not be unduly prominent to such an extent as to dominate the landscape or undermine its character. For this reason it is considered 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. This is also an important consideration in assessing wind energy developments against Policy EN1 of the SK Core Strategy.

The nearest wind energy developments in the area are a single medium scale (67m) wind turbine at Frinkley Farm near Hough on the Hill at approximately 4km to the NE, and a single small scale (39m) turbine at Pasture Farm near Gonerby Moor which is approximately 2km to the south.

There are a number of other wind turbines, some of which are larger scale which are either consented or under consideration to the south of Newark. However these schemes are considered to be too distant to contribute significantly to the cumulative impact of this proposal. A scoping opinion (S12/0857) has been issued for a large scale wind farm of 5 turbines at Temple Hill near Brandon. However at the time of writing, no planning application had been submitted and therefore this scheme has not been included in the assessment of cumulative impact. If and when an application is submitted, the cumulative impact in relation to the proposal which is the subject of this application would have to be considered, if approved.

There are a number of vantage points where the proposal and the Allington and Frinkley Farm turbines would be seen together. Viewpoints 5, 6, 2 & 8 show the relationship between these turbines which in the overall landscape would appear together as relatively distant individual features rather than having a dominant "windfarm" or "cluster" effect of multiple turbines. Viewpoint 8 particularly shows the 3 turbines where they would appear closest together. The impact is lessened significantly in this and other views, by trees and buildings on the land between each site, as well as the significant separation distances involved. Whilst it is acknowledged that, there would be some cumulative impact, within the context of this large scale landscape with wide open views, it is considered that the proposal when seen together with other nearby turbines, would not result in a landscape, dominated by wind turbines or an oppressive feeling of being surrounded by wind turbines. And that the character of the landscape would be not undermined to such an extent that it would outweigh the positive benefits.

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. Notwithstanding the above, it is doubtful whether the immediate area could accommodate a large number of wind turbines of any scale without the cumulative impact having a substantial harmful visual impact which would outweigh the positive benefits.

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. There are no residential properties within close proximity to the site. The closest sensitive receptors are The Olde Barn Hotel at 1.4km and Wagtail Country Park at 1.2km, with some other scattered dwellings and isolated farmsteads between the site and the settlements of Marston, Foston and Allington. 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 curtilages. The view of the turbine from these properties would be softened by groups of trees and other structures. It is considered that the separation distances and individual circumstance

of each property ensures that they would not result in an unacceptable dominance of outlook or undermine the living conditions of the occupants from visual harm.

The Viking Way long distance footpath passes through the Vale of Belvoir at a distance of approximately 2km to the north of the site at the nearest point. 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 this stretch of the Viking Way the turbine 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 turbine 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 recreational 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, 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 or recreational users of area including guests at nearby hotels or users of The Viking Way.

HERITAGE IMPACT

It is the statutory duty of planning authorities to take into account the desirability of preserving or enhancing the settings of heritage assets. Para. 134 of the NPPF requires that any proposal which would cause less than substantial harm should be balanced against the public benefits.

One of the key reasons for the dismissal of the appeals at Thacksons Well and Palmer's Hollow was the impact on the setting of Belton House, Belvoir Castle and other heritage assets, the inspectors noting that that part of the vale was particularly rich in heritage assets.

This proposal, being further to the north east is not surrounded to the same degree by high grade heritage assets. Notably Belvoir Castle and Harlaxton Manor are some distance away (approx 10km) and their settings are not compromised by the proposal. Although Belvoir Castle is orientated to the NE, directly towards the proposal, the view from the Castle over the vale was not considered to be necessarily part of its overall setting in the Thackson's well and Palmer's hollow decisions, or undermined by the presence of windfarms within the vista.

However, the proposed turbine would be located in a part of the vale where a number of heritage assets would be affected, including the nationally important grade I listed Belton House, grade II* listed Bellmount Tower and grade I listed Belton Park and Gardens. Others include St Mary's Church, Marston (Grade I listed), St Peter's Church, Foston (Grade I listed). Any other heritage assets within or beyond the nearest villages (including those of high grade such as Belvoir Castle, Marston Hall, Brandon Hall, Gelston Cross and churches in other villages such as Westborough or Long Bennington) are considered to be either, out of view or too far away to be significantly affected by the proposed turbine.

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 and to some extent, more distant views from beyond the villages.

In respect of Belton House, the setting is described in The Belton House and Park Setting Study, 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.

In this case, the turbine would be approximately 4.5km from Belton House itself and 6.5km to the west of Bellmount Tower. The turbine would not be visible from the immediate environs of Belton House (including the roof) and much of the park. However, it would be partially visible from Bellmount Tower and the higher ground towards the eastern end of the park. The wireframe diagrams and photomontages show that the turbine would be partially visible from the base of Bellmount Tower and partially visible (to a greater degree) from the viewing platform at the top. This designed view, is of high significance and forms an important element in the setting of Belton House, park and gardens, with the formal tree lined Bellmount Avenue leading down to Belton House itself, set within informal parkland and the wider rural landscape beyond. This vista has already been affected to some degree by the introduction of the wind turbine at Frinkley Farm to the NW. The proposed turbine would be much closer to the House although unlike Frinkley Farm, not on elevated land and partially screened by trees. English Heritage note that the character of the view would change from one which has historically been almost wholly rural to one where industrial wind turbines are increasingly prominent (particularly due to their height and moving blades). The Thackson’s Well decision noted that it would be difficult to contemplate a more intact and idyllic setting in which to view such an attractive historic house.

It is considered that the setting and significance of Belton House and Park would be harmed by the introduction of a second wind turbine into the designed vista, although by virtue of the significant distances involved, which lessen the impact, the harm would be less than substantial, and significantly less than the harm which would have resulted from the Thackson’s Well windfarm proposal. The harm caused may not be sufficient on its own to outweigh the wider benefits of renewable energy or to warrant refusal.

The turbines would be visible to some extent within the settings of the churches at Marston and Foston and from some viewpoints beyond the villages where the churches and turbines would be visible together. However, the impact is softened by the mature trees which surround the churchyards of both these churches and within the wider villages, and limited by the separation distances. (approximately 2.2km and 2.8km). English Heritage have pointed out that from the view when entering Marston from the north the turbine would be almost directly in line with the church spire and consider that the turbine would be unduly prominent. However, the visualizations from viewpoint 9, which are taken from a similar distance, show that the turbine would appear relatively small in relation to the church spire, and would in any case be largely masked by trees although it may be possible to see glimpses of the rotating blades behind the spire from some limited viewpoints. A similar scenario arises with the view from the west of the church at Foston although it is considered that English Heritage may have overstated the degree of harm in this case as Foston is on raised ground when viewed from Newark Hill when entering the village from the west, which would reduce visibility significantly. It is acknowledged that these

churches are prominent local landmarks of historic significance and define the villages within the wider landscape and that the introduction of the turbine into their wider settings would be harmful to some degree. The harm is considered to be less than substantial given the distances involved and the fact that it is a single turbine.

In respect of the setting of the nearest conservation areas at Allington and Marston, although there may be some views into and out of the conservation area where the turbines can be seen, again the separation distance limits the impact. Furthermore the main focus of the conservation areas are the historic core of these villages, which themselves has been largely surrounded by more modern development.

English Heritage have stated that due to the number heritage assets affected, along with other turbines already operating, the proposal would cumulatively affect what they consider to be the wider historic landscape to a harmful degree. Officers are broadly in agreement with English Heritage on the assets affected and that the harm is less than substantial, although perhaps to a slightly lesser degree that suggested, and as such the harm has to be weighed against the public benefits (in this case from renewable energy) in accordance of para.134 of the NPPF.

Taking the above into account, it is considered that the turbines would inevitably result in some degree of harm to the setting of a number of heritage assets both individually and cumulatively. In heritage terms this is a finely balanced case and your officers consider that on balance the overall degree of harm is less than substantial, although only marginally below substantial, and would not be significant enough to outweigh the wider public benefits (the power produced from a renewable source by a 500kw turbine).

However if Members take a different view, that having taken into account the weight that should be given to the positive benefits of wind energy developments, that the degree of harm to heritage assets outweighs those public benefits, then refusal on those grounds would not be unreasonable.

NOISE & AMENITY 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.

ETSU is considered to be appropriate for the assessment of noise from large/medium scale turbines and windfarms and this proposal at 500kw falls within that category.

The Council's noise consultant (MAS Environmental) consider that because the nearest noise sensitive receptors are so far away (nearest 1.2km) the turbine is below the lower noise limit in ETSU-R-97 and qualifies for the simplified assessment criteria as noted in the noise impact assessment.

The predicted noise levels at the two nearest sensitive receptors at a wind speed of 10m/s (maximum noise output) have been calculated at 25.2dbLA90 (Wagtail Country Park) and 22.6dbLA90 (Olde Barn Hotel). A typical background at these locations with a 10m/s wind speed would be close to 35-40db. The predicted noise level is significantly below the permissible 35db LA90 at the nearest sensitive receptor in the ETSU-R-97 standard. The sound from the turbine would therefore be inaudible at these locations. MAS predict that even at half the distance the turbine would be still be inaudible over other background noise.

Taking the above into account it is considered that the proposed turbine would not cause detrimental noise and disturbance to the nearest receptors and that a standard condition limiting it to 35dB LA90 should be attached. As the predicted noise levels are so low it is not considered necessary to add a condition relating to amplitude modulation.

Some concern has been raised about shadow flicker effects. Shadow flicker effects have only been proven to occur within 10 rotor diameters of a turbine. In this case, with a rotor diameter of 48m, that would mean there would be no shadow flicker beyond 480m. 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 7m away, there would be no detrimental impact on domestic properties from shadow flicker. In respect of the impact of employees at the adjacent Marston Agricultural Services, as this is not a residential property, amenity is not considered to be of such importance, as the purpose of employees being present is to carry out a job and not to “enjoy” pleasant surroundings as is the case of a domestic dwelling. Wind turbines are commonly sited close to industrial premises with no adverse effect. In any case shadow effects would only occur in very limited circumstances and would not lead to unacceptable working conditions for employees.

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.

SAFETY

BLOT and other objectors are concerned that wind turbines pose a danger to users of local footpaths. The turbine would be located approximately 284m from the closest road, well beyond the recommended fall over distance of height + 10% and the reach or any ice thrown off. Whilst there is no statutory minimum distance of the siting of a turbine from a public right of way, these distances are well within the distances advised by current national guidance (which are referred to in draft SPD). BLOT have referred to statistics of wind turbine accidents/incidents in the UK. These statistics appear to show a high number of fatalities from wind turbine accidents in the UK and therefore imply a high public safety risk. This is highly misleading as the figure has been taken from an anti-windfarm website and appears to apply to worldwide figures since the 1970s and therefore is not specific to the UK and cannot be given any weight. 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. According to RenewableUK no member of the public has been injured by a wind turbine in the UK. Taking the above into account, and in the absence of compelling evidence to the contrary there is no reason to believe that wind turbines are inherently unsafe structures that pose an unacceptable safety risk to the public, particularly when sited well within the guidelines.

Further concerns have been raised that horses could be “spooked” by the turbines using Green Lane. 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. This proposal is 284m from Green Lane which is marginally under the 4 x height recommendation of the BHS. 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 horse rider is likely to encounter. This was the view taken in the Thackson's well and Palmer's Hollow appeal decisions. Also of note is a recent appeal decision for a wind farm at Baumber in Lincolnshire of which 5 turbines were within 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." 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. It is considered that 284m from the road is a reasonable separation distance.

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. Furthermore, this issue was examined in great detail in the Thackson's Well and Palmer's Hollow appeal decisions, and it is considered that there is no compelling reason to deviate from current national guidance and the inspectors conclusions.

WILDLIFE & BIODIVERSITY

A phase 1 habitat survey has been submitted with the application which concludes that there is a low probability of ecology being detrimentally affected. No further surveys are recommended although certain limitations during the construction phase are recommended to protect the nearby badger sett and breeding birds.

In respect of bats, the moving parts of turbines would be located approximately 50m from any hedgerows and linear features where bats are likely to commute, forage and roost, in accordance with Natural England's guidance, although the phase 1 habitat report found the nearest hedgerows to be gappy and of low quality reducing their potential for use by bats. Furthermore there are no buildings (such as vacant historic barns) or features in the immediate vicinity that are potential bat or barn owl habitats. It is acknowledged that the Vale of Belvoir as a whole supports a wide variety of wildlife including protected species. However the proposal has been assessed in accordance with Natural England's standing advice, consultee responses and the phase 1 habitat survey, and it is considered that the specific characteristics of the site and surrounding area are such that there is a low probability of protected species being present or a detrimental impact on biodiversity occurring. No objection has been raised by the relevant consultees including Natural England who are satisfied that by virtue of the scale and nature of the development, the Allington Meadow SSSI would not be adversely affected. As such in this case it is not considered necessary or appropriate to request any further survey work. A condition has been attached requiring development to be carried out in accordance with the phase 1 habitat report.

Some concern has been expressed by objectors about the potential impact of the wind turbine on migrating birds and local bird populations and in particular those flying to and from local wetlands at Marston Sewage Works and Wagtail Country Park. However these locations are some distance away at 2.5km and 1.3km respectively and therefore not directly affected by the proposal. It should be noted that the Frinkley Farm turbine is significantly closer to Marston Sewage Works. It can never be guaranteed that no bird would be killed or injured, and to some extent there is a national lack of data in this area. Additionally, the appeal decisions at Thackson's

Well and Palmer's Hollow found that the area was not particularly sensitive as a bird migration route. It is important therefore to take a proportionate approach and it is not considered that further surveys would be necessary given the distances involved. Notwithstanding the above, it is considered prudent in this case to attach a condition requiring monitoring of any bird strikes and implementation of subsequent limitations in the turbine's operation should unacceptable levels of bird strike be recorded.

Taking the above into account, it is considered that (subject to conditions) 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 although the MOD have requested that aviation lighting be installed and that they are notified when construction takes place so the turbine can be plotted on aviation maps. The "strobe" impact of aviation lights can be mitigated by a condition requiring infra red lighting.

Concerns have been raised that the MOD response submitted with the application related to a previous smaller proposal. It should be noted that MOD have been consulted specifically on this planning application and their comments are based on this application.

Some concern has also been expressed by objectors that the turbines may potentially affect local aviation activities such as take off and landing of small aircraft using private air strips or hot air balloons.

The responsibility for safeguarding civil aviation rests with the Civil Aviation Authority (CAA). Legislative provisions affecting development including wind turbines only apply to those aerodromes officially safeguarded when statutory consultations have to be carried out. Where officially safeguarded aerodromes are involved the statutory consultees are limited to the Ministry of Defence (MoD), National Air Traffic Services (Nats), EnRoute Ltd (NERL) and affected service providers. Essentially safeguarding relates to the protection of the operations of the aerodromes from buildings or structures and applies generally to the larger aerodromes.

Operators of licensed aerodromes which are not officially safeguarded and operators of unlicensed aerodromes (including farm-strips) are responsible for their own protection. In these instances HM Government advises that aerodrome owners should take steps to safeguard their own interests including signing up to the LPA's weekly list of planning applications.

In the instance of the proposal which is the subject of this application the Council is not aware of any 'farm strips' or unlicensed aerodromes in the vicinity of the application site. In the event there were any, the obligation for safety would rest with the operator and not the LPA. There is no requirement to consult (or enter into dialogue) with the operator. Additionally, it should be noted that planning permission may not be required for unlicensed aerodromes if they are to be used for less than 28 days in any calendar year. In other words, light aircraft may operate for limited periods from certain locations without the need for planning permission – the Council will have no knowledge of these operations.

To summarise, whether permission is required or not for an unsafeguarded aerodrome (licensed or not) the CAA places onus on the operator to establish dialogue with the local planning authority, and take responsibility for safety. The impact of the turbines on the safety of aircraft is not one that is therefore relevant in

planning terms as it falls within a different regulatory regime where onus is specifically placed on the operator.

HIGHWAY ISSUES

Some concern has been raised about distraction of motorists on the A1 given the close proximity of the junction with Toll Bar Road. The issue of shadow effects has also been raised. In respect of distraction, 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.” The applicant has submitted a shadow flicker plan which shows a very small part of the A1 could be affected for a very short period of the year when the sun rises in the NE. However, there are very limited circumstances when such shadows would be cast over the A1, taking into account wind direction and cloud cover. In any case, there is no compelling evidence of danger from such shadows. The Highways Agency have raised no objection in terms of highway safety from the operation of the turbines or delivery of components.

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.

The County Highways Authority have also been consulted as the site is accessed from Green Lane. They have stated that they will not give a substantive response until the applicant has carried out a survey “up front” of the culvert at the junction of Green Lane. This appears to be as a result of concerns that the culvert could be damaged by delivery vehicles. Officers consider this to be an unreasonable and onerous request as they have not given adequate justification for their stance or explained why such a survey could not be required by condition or an informative referring to the need to comply with other legislation. Furthermore, the road is not currently subject to a blanket weight restriction and there does not appear to be any fundamental reason why the road could not be upgraded if necessary. The highways authority have offered no reason why it cannot be upgraded if necessary.

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.

TELECOMS

There have been no objections from any of the relevant telecoms operators. Some concern has been raised about the BBC windfarms tool used by the applicant which states that 1902 properties without access to alternative sources may be affected. This does not mean that 1902 properties would not be able to get a TV signal as other alternatives exist such as digital.

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. It is mentioned here for clarification because it has been referred to by objectors.

South Kesteven District Council is currently in the process of preparing a supplementary planning document (SPD) on wind energy. This document is in draft form and has been given due weight. It is considered that this proposal does not fundamentally conflict with the aims of the SPD and it would not be necessary or appropriate to defer until the SPD has been adopted.

Some issues raised by objectors are not material planning considerations and have not been taken into account when making this recommendation. These include the loss of a view, reduction in property values, fundamental arguments about the desirability/efficiency or otherwise of wind energy. Some objectors have made reference to the turbines being foreign made and the fact that a solar farm has recently been approved at Marston. These are not reasons to refuse the proposal.

The issue of drainage has been raised, particularly in reference to the concrete foundations and concerns about increased floodrisk. It should be noted that the application site is not in a high floodrisk zone and that none of the drainage consultees have raised objections.

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.

In most respects this proposal is considered to be well within the limits of acceptability. However, in respect of the impact on the setting of heritage assets, this is a finely balanced case. Your officers consider that on balance the harm would not be significant enough to outweigh the wider public benefits of renewable energy.

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

If Members are minded to take a different view, and consider that the degree of harm to the setting of heritage assets outweighs the positive benefits, then refusal on those grounds is not considered to be unreasonable or unjustified.

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.

OFFICER RECOMMENDATION: That the development be approved subject to the following conditions:

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, 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 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 the NPPF, policies 26 and 27 of the East Midlands Regional Plan and Policy EN1 of the South Kesteven Core Strategy

3. The turbine shall be fitted with aviation lighting which shall be installed as soon as construction is complete and operated and retained until the turbine is removed. The lighting shall consist of infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

Reason: In the interests of air safety.

4. Before the development is commenced, the developer shall provide written confirmation to the MOD (Defence Estates Safeguarding) 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 Estates Safeguarding) of the date of completion, and the exact height and latitude and longitude of the position of the turbine, 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.

5. In the event that the wind turbine is no longer used for the generation of electricity, it shall be removed and the land restored to its original condition in accordance with a scheme and timescale to be submitted to and agreed in writing with the local planning authority.

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

6. Before the turbine is brought into use, a monitoring programme for bird and bat 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.

7. The development hereby permitted shall be carried out in accordance with the recommendations of the submitted Phase 1 Habitat Survey Report carried out by Ahern Ecology received 24 September 2012

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

8. The delivery of components to the site shall be carried out in accordance with the submitted details.

Reason: in the interests of safety of the users of the public highway and the safety of users of the site.

9. The development shall not commence until final details of the proposed access road, substation and boundary treatment 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: To minimise the impact on the landscape in accordance with the NPPF and Policy EN1 of the South Kesteven Core Strategy

10. The rating level of noise immissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed 35dB LA90 at any dwelling for any relevant 10m height above ground level 10 minute mean measured integer wind speed between 1-12m/s.

A. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess the level of noise immissions from the wind turbine at the complainant's property in accordance with the

procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to.

B. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind turbine operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.

C. Prior to the submission of the independent consultant's assessment of the rating level of noise immissions the wind turbine operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:

(i) the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions; and

(ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority and such others as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.

D. The wind turbine operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

E. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment unless the time limit has been extended in writing by the Local Planning Authority.

F. 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing. These data obtained shall be retained for the life of the planning permission. The wind turbine operator shall provide this information in the format set out in

Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

G. Once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limit, upon notification by the Local Planning Authority in writing to the wind turbine operator of the said breach, the wind turbine operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

For the purposes of this condition, a "dwelling" is a building which is lawfully used as a dwelling house and which exists or had planning permission at the date of this consent.

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be deployed in the assessment of complaints about noise immissions from the wind turbine. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

(a) Values of the LA90,10-minute noise statistic required should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative

measurement location.

(c) The LA90, 10-minute measurements should be synchronised with measurements of the 10-minute arithmetic average wind speed and with operational data logged in accordance with Guidance Note 1(d).

(d) To enable compliance with the conditions to be evaluated, the wind turbine operator shall continuously log arithmetic mean wind speed in metres per second (m/s), arithmetic mean wind direction in degrees from north and rainfall data in each successive 10-minute periods by direct measurement at the meteorological monitoring location approved by the Local Planning Authority. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time.

(e) Data provided to the Local Planning Authority in accordance with the condition shall be provided in comma separated values in electronic format.

Note 2

(a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).

(b) Valid data points are those measured in the conditions set out in the assessment protocol approved by the Local Planning Authority under the noise condition but excluding any periods of rainfall measured at the approved meteorological measurement location provided in accordance with the planning permission on the wind farm site.

(c) Values of the LA90,10-minute noise measurements and corresponding values of the 10-minute ten metre height wind speed for those data points considered valid in accordance with Note 2 paragraph (b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Note 3

(a) Where in accordance with the approved assessment protocol under the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

(b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from standard procedure shall be reported.

(c) For each of the 2-minute samples the tone level above audibility (Lta), shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.

(d) The tone level above audibility (Lta) shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were

below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) A least squares “best fit” linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line fitted to values within $\pm 0.5\text{m/s}$ of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.

Note 4

(a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 above at each integer wind speed within the range set out in the approved assessment protocol under the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

(c) In the event that the rating level is above the limit in the noise condition the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rated level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant or the Local Planning Authority requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

- i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise at each integer wind speed within the range set out in the approved assessment protocol of the noise condition.
- ii. The wind farm noise at this speed shall then be calculated.
- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the condition or at or below the noise limits approved by the Local Planning Authority for a complainant’s dwelling in accordance with the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the condition or the noise limits approved by the Local Planning Authority for a complainant’s dwelling then the development fails to comply with the conditions.

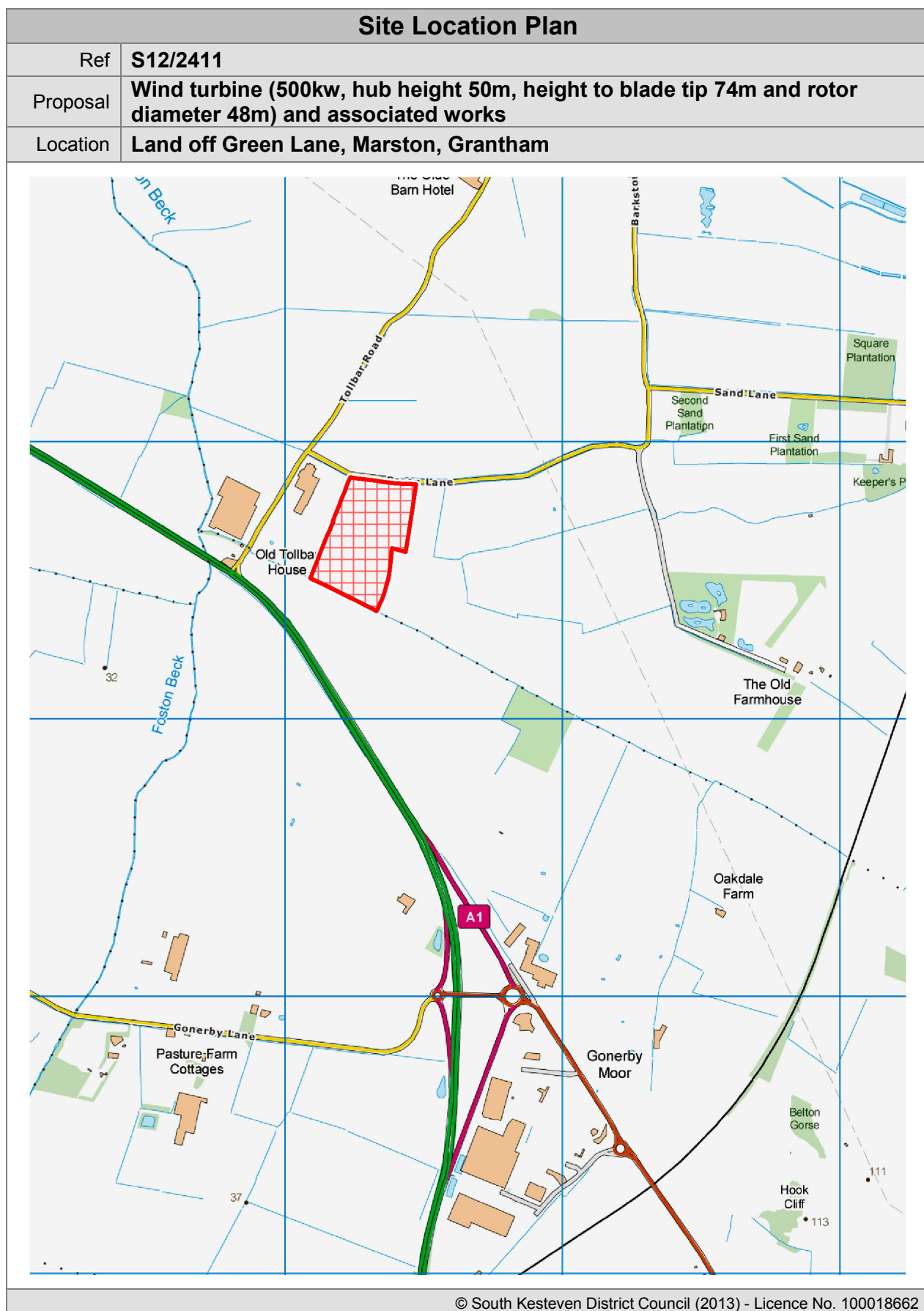
Reason: To protect the amenity of noise sensitive receptors

11. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:
1006409/12/03h, 1006409/12/04b both received 04 December 2012 and

1006409/12/10 received 17 October 2012

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

* * * * *



Applicant	Mr N Lavender 74, Station Road, Morton, Bourne, Lincolnshire, PE10 0NN
Agent	Mr P Cross, 121 Design 34, Bellamy Road, Oundle, Peterborough, PE8 4NB
Proposal	Conversion of building (old bakery) to a dwelling
Location	R/O 54, North Street, Bourne
App Type	Full Planning Permission
Parish(es)	Bourne
Reason for Referral to Committee	The application is a departure from the adopted Development Plan.
Recommendation Summary	Grant permission subject to the imposition of conditions The alterations to the building would improve the appearance of the structure over and above the existing as well as bring a redundant building into use. Alterations proposed would be minimal and, subject to conditions, respect the character of the host building and wider Conservation Area. Residential amenity would not be compromised through the change of use given that the majority of existing openings would be utilized and relationships between the host and surrounding buildings. Nor would highway safety be compromised from the change of use. The principle of the change of use is supported despite conflicting with Core Strategy policy H1. This is because of emerging policy SAP H1 and fact that it would bring a redundant building into use on a Brownfield site.

Key Issues

- Impact on the character of the host building and wider Conservation Area through changes proposed to the building
- Impact on residential amenity
- Weight given to adopted and emerging policies
- Highway considerations

Technical Documents Submitted with the Application

- Design and Access Statement
- Elevation drawings – proposed and existing
- Floor plans - proposed and existing

REPORT

Application category

The application is a minor application.

Reason for referral to Committee

The application is a departure from the Development Plan.

The proposal

The application is for the conversion of an empty outbuilding, understood to have been a bakery in the past, to a residential property.

The application site and surroundings

Vehicular access to the site is from Meadow Gate and accessed between numbers 44 and 46, which are properties set close to the back edge of the footpath. There is a pedestrian link to North Street from the site through a narrow alley, although this is a private right of way.

The host building is a two-storey structure that is physically attached to the rear of 54-56 North Street; it is constructed of red brick under a concrete tiled roof. The first floor of the building is accessed via an external staircase. There is a garage opening in the eastern flank to the rear of the building along with windows in both the first and ground floor elevations on the north and south.

There are a number of uses in the locality with residential properties on Meadow Gate and Vestry hall, to the immediate north, having been recently converted to a residential property. To the south of the site is a commercial building.

The actual building subject of the application falls within Bourne Conservation Area although the access and dwellings that front Meadow Gate are outside of it.

Representations received

Planning Policy note that the application site falls within one of the Districts four most sustainable settlements, as identified by policy SP1; however, it would be a departure from the Core Strategy with H1 identifying that within Bourne new residential development should be restricted to those which already benefit from planning permission, notably Elsea Park. Emerging policy SAP H1 does however allow for the development of suitable Brownfield sites within the built-up part of Bourne. Therefore, Planning Policy does not object to the application.

Lincolnshire County Council, as Highway Authority, does not wish to restrict the grant of planning permission.

Environmental Health makes no observations on the application.

Bourne Town Council has no objection in principle to the conversion of the building but does raise concern about the proposed UPVC windows.

The Conservation Officer raises no objection to the application with regard to the conversion of the building but expresses concern about the use of UPVC windows and doors.

Representations as a result of publicity

The application was advertised in accordance with the adopted Statement of Community of Involvement. The closing date for representations being the 15 March. However, a further site notice was erected to advertise the application as a departure to the Development Plan; this allows representations to be made until the 19 April.

One letter has been received and expresses concern over whether or not block plan and is accurate and gives a false perception about the proximity of neighbouring properties. Also wonder whether the east and west elevations are correctly labelled.

Officer evaluation

The building to be converted is not prominent within the streetscape with it screened from view of North Street and set some distance from Meadow Gate. The building does appear to be of some antiquity but has been altered with a modern garage door in the east elevation (it should be noted that the east and west elevations are incorrectly labelled).

An external staircase on the north elevation would be removed and improve the appearance of this aspect with the larger door opening reduced in size to a conventional window. The garage door in the east elevation would be increased to create a large glazed opening similar to what one might expect in a barn conversion; this aspect is considered to be acceptable. Windows in the ground floor south elevation would be altered and one replaced with two, along with two rooflights inserted. In terms of the impacts on the character of the area it is considered that the appearance of the building would improve over and above the existing removing an unsightly external staircase and creating an attractive glazed feature in the east elevation. However, a condition about timber windows being used, as opposed to the UPVC suggested by the agent, is recommended; this is particularly pertinent with the application site being within a Conservation Area and existing windows being timber.

With the use of the building changing there is also a need to consider possible overlooking and privacy issues. Primary views would be across the parking area to the south of the property and Vestry to the north. Whilst the building is close to a number of residential properties and commercial buildings it is not considered that privacy would be unduly compromised and the tight nature of the site reflective of its location close to Bourne town centre and being within the Conservation Area. Furthermore, the majority of the windows are existing and any increase in overlooking from the changes proposed would not be significant. However, the removal of permitted development rights restricting future extensions and new windows is recommended.

No concern has been raised about the application with regard to highways as there is ample room to park and turn vehicles.

Furthermore, whilst policy H1 of the Core Strategy would aim to restrict new housing in Bourne to those which already benefit from planning permission it is considered that appropriate weight would need to be given to emerging policy SAPH1 which would allow in-fill development within the town on appropriate sites. Given that this is

for the conversion of an existing building there is not considered to be any reason to object to the principle of the development.

Section 106 Heads of Terms

No contributions are required from the development.

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.

RECOMMENDATION: Grant permission subject to conditions

SUMMARY OF REASON(S) FOR APPROVAL

The proposed conversion of the building to a dwelling would not give rise to concerns with regard to impacts on residential amenity through a dominating or overlooking impact given that the building is existing and relationship with neighbouring buildings. The appearance of the building and wider Conservation Area would also be improved from the changes proposed. Furthermore, there is adequate parking provision within the site and highway safety would not be compromised through vehicle movements that may be generated. Whilst Core Strategy policy H1 would not normally allow the grant of planning permission for dwellings that do not already benefit from planning permission it is considered that appropriate weight should be given to emerging policy SAP H1, which would allow development of suitable Brownfield sites within Bourne. Therefore, despite conflict with Core Strategy policy H1 it is considered that other material planning considerations, notably emerging policy SAP H1, indicate that permission be should be granted with the proposal also deemed to comply with policy EN1 and guidance contained in the National Planning Policy Framework.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) shall be carried out without Planning Permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development, and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed without planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and in accordance with the guidance contained in national Planning Policy Statement PPS1.

4. Notwithstanding the detail identified on the application form, only timber doors and windows shall be used in the external elevation of the building.

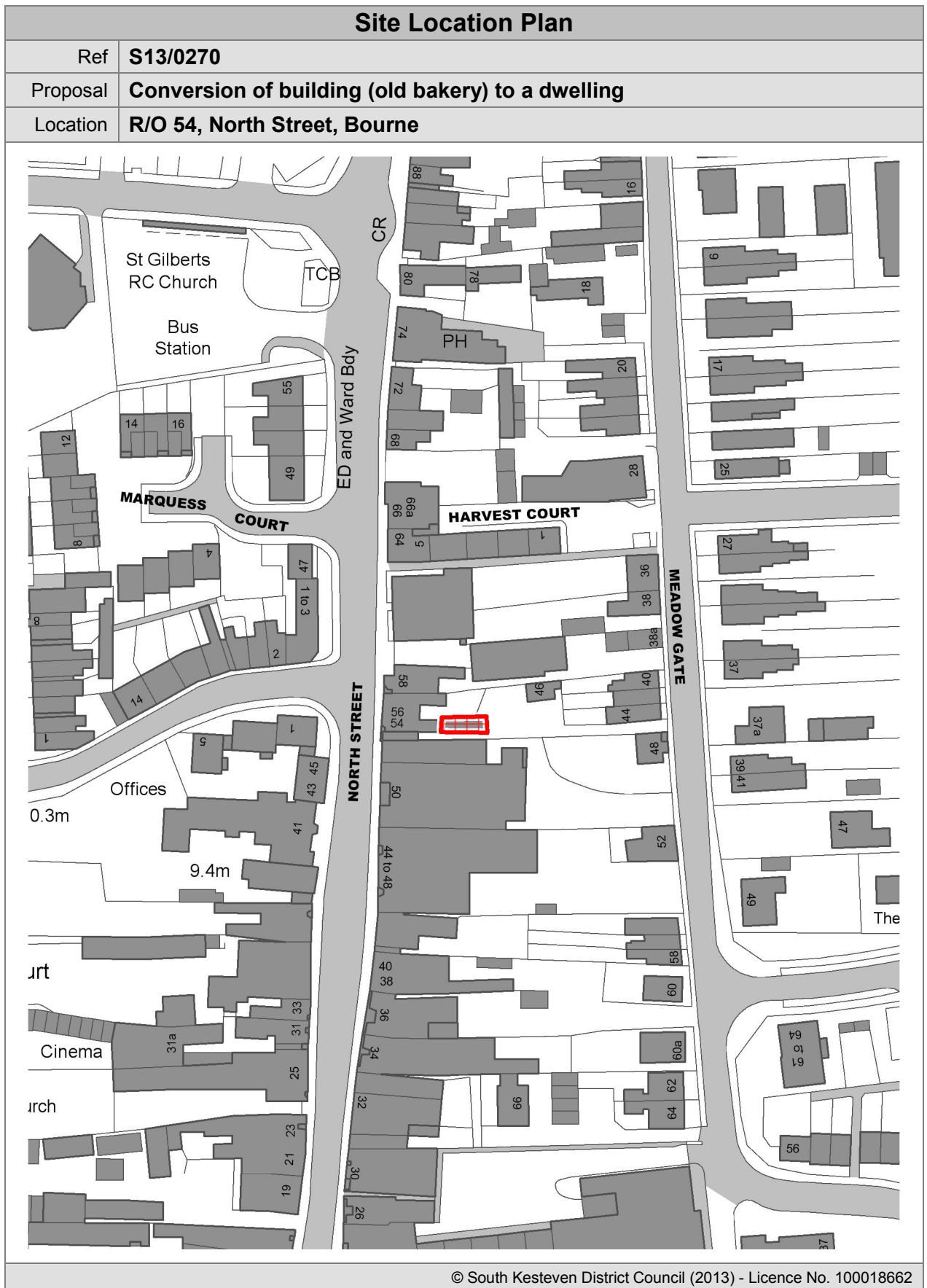
Reason: To ensure that the architectural integrity of the building and wider Conservation Area is respected and to comply with guidance contained in the National Planning Policy Framework.

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

200113/01
200113/02
200113/05a

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

* *



Applicant	Ian Powell (Property Services, Improvements), South Kesteven District Council South Kesteven District Council, Council Offices, St. Peters Hill, Grantham, NG31 6PZ
Agent	
Proposal	Elevated single storey external scooter store
Location	82, Kinoulton Court, Grantham, Lincolnshire, NG31 7XR
App Type	Householder Development
Parish(es)	Grantham
Reason for Referral to Committee	The application is before the Committee at the request of the Chairman of the Development Control Committee as the applicant is SKDC
Recommendation Summary	Defer to Chairman and Vice Chairman for Approval subject to conditions

Key Issues

- Accordance with policy
- Impact on residential amenity
- Impact on visual amenity

Technical Documents Submitted with the Application

- Site Plan
- Block Plan
- Elevational Drawings
- Floor plans

REPORT

Application Category

This is a Householder Application.

Reason for Referral to Committee

The application is being referred to the Development Control Committee because the applicant is South Kesteven District Council.

The Proposal

The application is for a single storey side extension to the existing Flat. The single storey extension will have a width of 2.8m and a maximum length of 2.1m. Constructed from timber with UPVC shiplap, the extension will provide a store for a scooter used by the disabled occupant of the flat.

The extension will have a felt mono-pitch roof with a roof height of 2.4m above internal floor level. Externally, the extension will have an automatic roller shutter door.

There will be an elevated concrete platform providing access with steps down to the existing garden.

The Application Site and its Surroundings

The application site is located within Kinoulton Court.

The existing property forms part of a block of flats.

The immediate area is predominantly residential with neighbouring properties consisting of blocks of flats of a matching design to the applicant's property.

Site History

There is no history of previous planning applications on the site.

Policy Considerations

National Planning Policy Framework

Section 7 Requiring Good Design

Section 11 Conserving and enhancing the natural environment

Policies of South Kesteven Core Strategy

Policy EN1

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. The closing date for the submission of comments is the 25th April 2013.

At the time of writing the report the public consultation period had not expired and no comments had been received. Should any further objections be received then these will be reported within a late items paper.

Key Issues

Impact on the character and appearance of the area

Impact on the Character and appearance of the host dwelling.

Impact on neighbouring residential amenity

Crime and Disorder Implications

The proposal raises no significant crime and disorder implications

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

The single storey side extension is to the side of a corner plot and not in proximity to other neighbouring properties. Having regard to boundary treatments, the scale of the extension and the relationship with the surrounding neighbouring properties the proposal is considered acceptable in that it would not have a detrimental or overbearing impact on the occupants of any nearby property.

Due to there being only one opening facing onto the road frontage and the retention of the existing hedge it is considered the proposal would not have an overlooking impact.

It is concluded that the development is acceptable and the application is recommended for approval by the Development Management Service Manager in consultation with the Chairman and Vice Chairman pending the termination of the public consultation period subject to conditions.

SUMMARY OF REASON(S) FOR APPROVAL

The single storey side extension is to the side of a corner plot and not in proximity to other neighbouring properties. Having regard to boundary treatments, the scale of the extension and the relationship with the surrounding neighbouring properties the proposal is considered acceptable not impacting adversely on residential amenity or the character of the street scene.

Accordingly the proposal is in accordance with sections 7 (Requiring good design) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework and policy EN1 of the South Kesteven Core Strategy.

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 hereby permitted shall be constructed from the materials specified within the submitted application forms dated 28th February 2013.

Reason: To provide a quality form of development in accordance with policy EN1 of the South Kesteven Core Strategy.

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

Drawing Number DFA 1201-02 dated 7th March 2013
Drawing Number DFA 1201-03 dated 7th March 2013

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

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

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