

**This meeting will be recorded and published on the website**

**AGENDA**

**Development Management Committee  
Wednesday 19 October 2011 at 6.30 pm  
The Council Chamber, Guildhall, Gainsborough**

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

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

1. Apologies for absence.
2. Public Participation Period. Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. Minutes.  
Meeting of Planning Committee held on 24 August 2011, previously circulated
4. Members' Declarations of Interest.  
  
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. Update on Government/Local Changes in Planning Policy

6. Planning Applications for Determination  
(summary attached at Appendix A to this agenda)  
Print herewith DM.13 11/12 **PAPER A**

7. Public Reports requiring decisions within existing policies.

a) Site Visit Prior to Consideration of Application  
Print herewith DM.14 11/12 **PAPER B**

b) Tree Preservation Order  
Print herewith DM.15 11/12 **PAPER C**

8. To note the following determination of appeals:

i) Appeal by Mr and Mrs M Rowbotham against the decision of West Lindsey District Council to refuse to grant planning permission for change of use of part of buildings and land from use as operating centre for heavy goods vehicles, associated offices and ancillary uses, to residential use, at Kinell, Low Road, Osgodby.

**Appeal Dismissed** – see copy letter attached as Appendix Bi

Officer's original recommendation to refuse permission.

ii) Appeal by Mr and Mrs S Hebden against the decision of West Lindsey District Council to refuse to grant planning permission for a detached dwelling with garage and widening of existing access road at The Beeches, 44 Nettleton Road, Caistor.

**Appeal Dismissed** – see copy letter attached as Appendix Bii

Officer's original recommendation to refuse permission.

M Gill  
Chief Executive  
The Guildhall  
Gainsborough

11 October 2011

1. **127407** - Planning application for installation of two wind turbines - 34.2m to blade tip - and ancillary development

**Location:** Land Adjacent Northwold Farm, Thoresway, Market Rasen

**Recommendation:** Grant permission subject to conditions.

2. **127450** - Planning application for demolition of former health centre and proposed erection of new restaurant and flat

**Location:** Health Centre, Highfield Road, Saxilby, Lincoln

**Recommendation:** Grant permission subject to conditions.

3. **127592** - Planning application for a replacement dwelling - resubmission of 127296

**Location:** Land at Shaw Way, Nettleham

**Recommendation:** Grant permission subject to conditions.

4. **127509** - Planning application for residential development comprising 35 dwellings and related infrastructure

**Location:** Undeveloped land directly to the south of Meldrum Drive, Gainsborough

**Recommendation** - That the decision to grant permission subject to the conditions detailed in the report be delegated to the Planning & Development Services Manager upon:-

- o the expiration of the consultation and publicity period for the amended plans, subject to no new issues being raised in representations received which have not already been addressed in the report below and;
- o the signing and completion of a section 106 agreement pertaining to the provision of affordable housing (subject to viability), fire and rescue infrastructure and public open space provision and management.

---

# Appeal Decision

Site visit made on 7 September 2011

**by E Norma Farish BA DipTP MRTPI**

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

**Decision date: 16 September 2011**

---

**Appeal Ref: APP/N2535/A/11/2153891**

**Kinell, Low Road, Osgodby, Market Rasen, Lincolnshire LN8 3SZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Martin Rowbotham against the decision of West Lindsey District Council.
  - The application Ref 126945, dated 9 February 2011, was refused by notice dated 10 May 2011.
  - The development proposed is change of use of part of buildings and land from use as operating centre for heavy goods vehicles, associated offices and ancillary uses, to residential use.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The principal issues in this case are whether sufficient marketing has been undertaken to demonstrate that the land is no longer required for employment purposes, and the impact which the permanent loss of this site for such purposes would have on employment opportunities in the rural area.

## Reasons

3. The land to which this appeal relates lies in open countryside east of and outside the village of Osgodby. The appeal site forms the larger part of a parcel of land granted planning permission in 2004 for use as an operating centre for heavy goods vehicles. This land comprises a house, given consent in 2005, with attached storeroom, offices and staff facilities, and to the rear an open area surfaced with hardcore and allocated for the outdoor activities of the operating centre for heavy goods vehicles.
  4. The character of the present owner's business has changed and so he wishes to dispose of the whole site. The appellants, who are potential purchasers, would like to occupy the property for purely residential purposes and so seek to change the use of the rear part, that is the storeroom, offices and staff facilities together with the open parking area, to residential use. The appeal proposal also includes the erection of a domestic garage, though no details other than its general location have been submitted.
-

5. The property has been on the market for more than twelve months without attracting any interest for employment purposes. However, from the sales particulars it is clear that it has been marketed primarily as a dwelling with only passing reference to the primary use of the land for employment purposes, indeed the selling agents describe themselves as a "residential estate agency". It is reasonable to assume, therefore, that the premises might not have come to the attention of persons seeking land for business purposes, and bearing in mind also the current financial climate I am not satisfied that sufficient and appropriate marketing has taken place to show that this land is no longer required for employment purposes.
6. Saved policies STRAT 1, STRAT 15 and ECON 9 of the West Lindsey Local Plan First Review 2006 seek, in the interests of sustainability, to have regard to the impact of proposed development on neighbouring and other land, and to provide and/or retain sites for employment purposes in locations in or close to settlements across the district, in accordance with the aims of national planning policies set out in Planning Policy Statement 1 *Delivering Sustainable Development* (PPS1) and PPS4 *Planning for Sustainable Economic Growth*. Policy ECON 9 states that the use of vacant business sites or premises for non-employment purposes will not be permitted unless, amongst other things, the present use is harmful to the locality, the site is unsuitable for employment use and the proposed use would bring overriding local benefits. The provisions of ECON 9 also require that the retention of the site or premises for employment use has been explored fully without success and it has been demonstrated that there is no longer a need for the land for employment purposes due to the amount of land allocated or committed for employment use in the locality.
7. The appeal site is 80m or so from the nearest dwelling in the village and lies on the south side of a minor road running through the village to the A45 about 1 mile to the east. Whilst almost all housing in Osgodby is frontage development along the single village road no evidence has been presented which suggests that the employment use of the appeal site or the traffic generated caused material disturbance or inconvenience to local residents.
8. The appeal site and the adjoining site to the east, which is the base for an agricultural contracting business, together are allocated in the local plan for employment purposes. From the Central Lincolnshire Employment Land Review 2010 it appears that there is not an over-supply of employment land in this area and that the appeal site provides an opportunity for local employment to improve the self-sufficiency of the local area and reduce the need to travel longer distances to work. The inclusion of a house also makes the property suitable for the modern working practice of live/work. The loss of the site for employment purposes would thus permanently reduce possible employment opportunities in this rural area.
9. As the house is at the north end of the property close to the road it partially hides from view the rear yard, which is screened on the west and south sides by lines of trees and adjoins the agricultural contractor's premises on the eastern flank. The conversion of that open area into a garden would not, therefore, be so beneficial to the appearance of the wider area as to out-weigh the disadvantages of losing this employment site.

10. Since, moreover, it has not been demonstrated that there is no longer a need for this land for employment purposes, the proposed development would be contrary to local plan policies STRAT 1, STRAT 15 and ECON 9.
11. I understand that because of family circumstances the appellants consider this property particularly suitable for their own residential occupation. Nonetheless, having given careful consideration to all matters raised in the representations received, I have come to the conclusion for the reasons given above that the permission sought should not be granted. The appeal fails.

**E Norma Farish**

INSPECTOR

---

# Appeal Decision

Site visit made on 7 September 2011

**by E Norma Farish BA DipTP MRTPI**

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

**Decision date: 19 September 2011**

---

**Appeal Ref: APP/N2535/A/11/2154387**

**The Beeches, 44 Nettleton Road, Caister, Lincolnshire LN7 6NJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs S Hebdon against the decision of West Lindsey District Council.
  - The application Ref 126244, dated 27 July 2010, was refused by notice dated 10 February 2011.
  - The development proposed is detached dwelling with garage and widening of existing access road.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The principal issues in this case are the likely impact of the proposed development on trees on the site and of the trees on the living conditions of future occupiers thereof.

## Reasons

3. The appeal site is part of the curtilage of the appellants' present home on the fringe of the town of Caister and adjoins the A46 Caister by-pass. The site includes a number of trees, some of which are subject to a tree preservation order and which together make an attractive feature in the locality. The three-bedroom dwelling proposed on the north-eastern part of the appellants' property would be part one-and-a-half-storey part single-storey including an integral garage and served by the existing drive to The Beeches; a largely new drive sharing the present, widened entrance from Nettleton Road would provide access to the existing house.
  4. The trees on the appellants' land are tall and the group is visible above surrounding houses from all directions, and especially from the A46 on the approach to Caister from the south-west. They therefore make an important and prominent contribution to the character and appearance of the locality. There is a south-westward fall across the site, as a result of which the proposed dwelling would be on land approximately 1m below carriageway level at the vehicular entrance, and, bearing in mind also that there is a hedge of at
-

---

least 2m in height along the south-eastern boundary of the property, a building of the low profile proposed would be neither visually obtrusive nor obstruct significantly the depth of view or the impact of this group of trees in the townscape.

5. Some trees in poor condition have recently been removed from the appeal site with permission from the local planning authority, leaving an open area in the centre of the site where the new dwelling is proposed to be located. The council has also agreed to a 20% crown reduction of a mature ash though this has not yet been implemented.
6. With the ash tree so reduced the main, higher, part of the proposed house would be clear of any tree canopy. The building would to a modest degree encroach on the root protection areas of some trees, but, if all protective measures and construction works were to be carried out entirely and solely as advised by the appellants' arboriculturist, I consider that that part of the scheme could be implemented without unacceptable impact on the stability and longer term health of the trees. They would grow larger, especially now that intervening trees have been removed, and would cast shadow and shed leaf litter and twigs, but with good tree management the living conditions of occupiers of the dwelling should not be so adversely affected as to justify future removal of the trees on that account.
7. However, the proposed single storey wing on the west side, in particular the attached garage, would be partly beneath the canopy of a protected beech tree, within a significant proportion of its root protection zone, and at the closest point less than 2m from its trunk. This is a tall tree but with limited canopy spread, and beeches rely on an extensive network of shallow roots both for nutrients and for stability. Even with all of the engineering precautions suggested I am not confident that this tree would remain healthy and safe were the development proposed to be implemented.
8. The loss, the crown die-back or major pruning of this or other nearby trees would conflict materially with saved policies CORE 10 and STRAT 1 of the West Lindsey Local Plan First Review 2006 which seek to retain and safeguard existing trees, especially those subject to a TPO, and to keep them clear of proposed buildings, in order to maintain the quality of the environment as an asset to residents and a feature helpful in attracting economic investment. For this reason I have come to the conclusion that the planning permission sought should not be granted.
9. The design and precise location of the house proposed would minimise the likelihood of intrusion on the privacy of neighbouring dwellings, and notwithstanding the relative positions and levels of residential properties opposite, additional traffic movements generated by the appeal proposal should not be so many in number as to cause significant disturbance to nearby occupiers by reason of headlights overspill. I have given careful consideration to these and all other points raised in the representations received, but for the reasons given in paragraphs 7 and 8 above this appeal fails.

**E Norma Farish**

INSPECTOR