

This meeting will be recorded and published on the website

AGENDA

**Development Management Committee
Wednesday 7 March 2012 at 6.30 pm
The Council Chamber, Guildhall, Gainsborough**

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

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

1. Apologies for absence.
2. Public Participation Period. Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. Minutes.
Meeting of Planning Committee held on 8 February 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.22 11/12 **PAPER A**
7. Site Visits
Print herewith DM.23 11/12 **PAPER B**
8. Planning Summer School
Print herewith DM.24 11/12 **PAPER C**

9. To note the following determination of appeals:

- i) Appeal by Mr & Mrs Garland against West Lindsey District Council's refusal to grant planning permission for the erection of a single storey dwelling, at Church View Bungalow, 1 Nettleton Road, Caistor.

Appeal Dismissed – see copy letter attached as Appendix Bi

Officer's original recommendation to refuse permission.

- ii) Appeal by Mrs L Coney against West Lindsey District Council's refusal to grant planning permission for a highways vehicle access crossing dropped curb, at 60 Silver Street, Bardney.

Appeal Dismissed – see copy letter attached as Appendix Bii

Officer's original recommendation to refuse permission.

- iii) Appeal by Mr C Marshall against West Lindsey District Council's refusal to grant planning permission for a proposed first floor extension, at 18 St John's Avenue, Cherry Willingham.

Appeal Dismissed – see copy letter attached as Appendix Biii

Officer's original recommendation to refuse permission.

- iv) Appeal by Mr & Mrs D Fry against West Lindsey District Council's refusal to grant planning permission for proposed extensions and alterations to existing dwelling and demolition and replacement of garage, at 58 Wragby Road Est, Greetwell.

Appeal part Upheld and part Dismissed – see copy letter attached as Appendix Biv

Officer's original recommendation to refuse permission.

- iv) Appeal by Miss D Bluck against West Lindsey District Council's refusal to grant planning permission for erection of a fence and gate, at 33 Nursery Vale, Morton.

Appeal Dismissed – see copy letter attached as Appendix Bv

Officer's original recommendation to refuse permission.

M Gill
Chief Executive
The Guildhall
Gainsborough
31 January 2012

1. Planning application for change of use of land to touring caravan park with 40 touring pitches, 20 tent pitches, storage for 62 touring caravans, a reed bed drainage system and associated facilities – including an amenity building containing shower and toilet facilities, reception area and small shop, laundry room and café-lounge with commercial kitchen - 115 Brigg Road Caistor Market Rasen, Lincolnshire LN7 6RX

RECOMMENDED DECISION: Grant Planning Permission subject to conditions.

2. Planning application for change of use from dwellinghouse - C3 - to residential care home - C2 - to include minor alterations including converting the ancillary building, known as The Berries, to form two living bedrooms with communal kitchen and dining room and other alterations within the main building - The Hawthorns 53 Station Road Bardney Lincoln, Lincolnshire LN3 5UD

RECOMMENDED DECISION: Grant planning permission subject to conditions

3. Planning Application to erect a wooden panel fence to a height of six feet along the property boundary - 1 Orchard Close Morton Gainsborough, Lincolnshire DN21 3BP

RECOMMENDED DECISION: Grant permission subject to conditions

4. Conservation Area Consent to demolish The Guildhall, the former West Lindsey District Council Offices - The Guildhall Caskgate Street Gainsborough DN21 2DH

RECOMMENDATION: That the decision to grant conservation area consent be delegated to the Planning & Development Services Manager following notification to the Secretary of State dependant on them not requiring the application to be referred to them



Appeal Decision

Site visit made on 14 February 2012

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

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

Decision date: 16 February 2012

Appeal Ref: APP/N2535/A/11/2163582

Church View Bungalow, 1 Nettleton Road, Caistor, Lincolnshire, LN7 6NB

- 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 Mr R and Mr D Garland against the decision of West Lindsey District Council.
 - The application Ref 127078, dated 18 March 2011, was refused by notice dated 12 September 2011.
 - The development proposed is the erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline with all matters reserved except access.

Main Issues

3. The first main issue is whether the proposal is acceptable having regard to policy objectives concerning the management of housing supply. The second main issue is whether the occupiers of the existing bungalow at No 1 Nettleton Road would have adequate private amenity space.

Reasons

4. The appeal site lies within the settlement boundary of Caistor, where saved Policy STRAT 5 of the West Lindsey Local Plan First Review (LP), adopted June 2006, states that planning permission will be granted for new residential development on previously developed land (pdl), provided specified criteria are met. When the LP was adopted, the appeal site would have constituted pdl, but since the revision to Planning Policy Statement (PPS) 3 (Housing) in June 2010, garden land has been excluded from the definition of pdl. Accordingly, the proposal cannot comply with LP Policy STRAT 5.
5. I note that garden sites such as this, which are technically greenfield, are not necessarily unsustainable where, as here, they are in an urban area and enjoy reasonable access to facilities, services, public transport, employment opportunities and so on. However, saved LP Policy STRAT 9 is consistent with PPS3 in prioritising the development of pdl. As 'Other Greenfield Land', the appeal site attracts the lowest priority under Policy STRAT 9.

6. Furthermore, even where a site is pdl, a proposal will still conflict with Policy STRAT 5 where it would have an impact, either individually or cumulatively on the housing strategy of the LP, including in relation to the role of windfall housing and the phasing and release of land under Policy STRAT 9. PPS3 requires planning authorities to maintain a 5 year deliverable supply of housing land. The West Lindsey Housing Land Supply Assessment 2011 (HLSA) indicates that the district currently has a 7.5 year supply (outside the Lincoln Principal Urban Area). Although the weight attached to the National Planning Policy Framework is limited by its draft status, that document indicates that an additional 20% supply should be identified to ensure choice and competition. Even on that basis however, the district has an oversupply of housing land.
7. I note the appellants' evidence that large allocations around Lincoln and Gainsborough account for much of the oversupply. Furthermore, the PPS3 requirement for a 5 year supply is a minimum requirement and no ceiling is specified. However, LP Policy STRAT 5 indicates that the cumulative impact of recent approved development proposals in the locality and the wider area will be considered "in relation to the relevant settlement". In relation to Caistor specifically, the HLSA identifies a 21.3 year supply against LP requirements. In these circumstances, there is no pressing need to develop sites which are not pdl, as now defined and which therefore attracts the lowest priority under LP Policy STRAT 9.
8. Although this proposal is only for a single dwelling, there can be little justification for it in breach of saved LP Policy STRAT 5, given the cumulative impact of individual schemes. The advice in PPS1 (Delivering Sustainable Development) that the "plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives" reinforces that view.
9. The appellants say that several new developments, including windfall housing on garden land have been approved throughout the district and they cite the example of planning permission Ref 126049, dated 11 March 2011, for an infill plot on garden land in Saxilby. However, the reasons for granting that permission, recorded in the decision notice, include that the proposal would comply with the relevant LP policies. They also state that the application was received before the current housing supply figures were adopted for development control purposes and therefore it would not be reasonable to refuse the application on the grounds that it would undermine the housing strategy for the district. Whether or not this approach was correct, that factor does not apply to this appeal scheme.
10. I conclude on the first main issue that the proposal is unacceptable having regard to policy objectives concerning the management of housing supply and it conflicts with saved LP Policies STRAT 5 and STRAT 9.
11. Turning to the second main issue, the proposal would result in the loss of the majority of the rear garden of the existing bungalow at No 1. Whilst the overall plot would still be reasonably generous, the elevated front garden area is very exposed and does not constitute private amenity space. Although the remaining rear garden area would be larger than the rear gardens of some of the dwellings to the east, much of it would be taken up by outbuildings, which would severely limit the usable area. I conclude on this issue that the occupiers of the existing bungalow at No 1 Nettleton Road would not have adequate private amenity space. In this regard, the proposal conflicts with

saved LP Policies STRAT 1 and RES 1 which, among other things, seek to protect quality of life and the amenities of nearby residential properties.

12. Having regard to my conclusions on the main issues and all other matters raised, I am satisfied that the appeal should be dismissed.

J A Murray

INSPECTOR



Appeal Decision

Site visit made on 7 February 2012

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

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

Decision date: 13 February 2012

Appeal Ref: APP/N2535/D/11/2166390
60 Silver Street, Bardney, Lincoln, LN3 5XG

- 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 Mrs L Coney against the decision of West Lindsey District Council.
 - The application Ref 127575, dated 17 July 2011, was refused by notice dated 6 October 2011.
 - The development proposed is a highways vehicle access crossing dropped curb.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. At the time of my visit, traffic was light on Silver Street and there were very few cars parked on the road. Furthermore, I note that, apart from the terraced houses at Nos 58 – 66, the semi-detached properties at Nos 68 – 70 and one or two of the houses opposite, the majority of properties in this road have off-street parking facilities. Nevertheless, both the appellant and the Council indicate that on-street parking is a factor, particularly outside the terraced housing, and I therefore have no reason to doubt that. In addition, the proximity of the primary school off Henry Lane to the east, is likely to result in significant pedestrian and vehicular traffic at certain times of the day.
4. The proposal would enable 1 car to be taken off the road, easing congestion in that way. However, the depth of the appeal property's front garden is restricted, so that the highway authority's recommended minimum driveway length of 5m cannot be achieved. As a result, it is likely that a larger car would overhang the footway, resulting in a potential hazard to pedestrians, particularly those with impaired vision, or parents with pushchairs or prams. Again, given the proximity of the school, parents with small children are likely to use this road frequently.
5. In addition, it would be impossible to both enter and leave the site in forward gear and this would also be unsafe, when added to the restricted visibility caused by vehicles parked in front of the terraced housing. Although there are other similar arrangements already in place nearby, that does not justify adding to them.

6. If the full width of the front garden were hard-surfaced and most if not all of the front wall were removed, it would be possible to park a car on the site, parallel to the road and completely clear of the footway. However, this would add to the difficulty in manoeuvring in and out of the space and the consequent hazard. The appellant says that, if she is granted permission, her neighbour at No 62 will follow suit. If that were to happen, the visibility issue could be improved, as another car could be taken off the road. However, there is no guarantee that the neighbour will take the same course and that is not part of the scheme before me.
7. I conclude on the main issue that the proposal would be detrimental to highway safety, contrary to saved Policy STRAT 1 of the West Lindsey Local Plan First Review, adopted 2006. I acknowledge that it could benefit the occupant in terms of reduced risk of damage to her car from inconsiderate motorists but, on the evidence before me, the advantages are outweighed by the potential problems identified above.
8. Having regard to my conclusion on the main issue and all other matters raised, I am satisfied that the appeal should be dismissed.

J A Murray

INSPECTOR



Appeal Decision

Site visit made on 7 February 2012

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

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

Decision date: 8 February 2012

Appeal Ref: APP/N2535/D/11/2166805

18 St John's Avenue, Cherry Willingham, Lincoln, LN3 4LW

- 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 Craig Marshall against the decision of West Lindsey District Council.
 - The application Ref 127630, dated 2 August 2011, was refused by notice dated 13 October 2011.
 - The development proposed is described in the application as: "Proposed first floor dormer window extension to front bedrooms with a ground floor entrance hall extension. The proposed extension includes bringing the garage line forward and providing a canopy over the front door. The dormers are to be clad in white upvc and the ground floor walls are to be rendered."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the area.

Reasons

3. The appeal property is located in a cul-de-sac of chalet bungalows and detached houses. Like the other chalets in the road, the appeal property has a small and clearly subservient box dormer set into one side of the front roof slope. Those chalets are all very similar in design and appearance and have not been significantly altered thus far. The same is true of the detached houses and, whilst the architecture is unremarkable, this general uniformity gives the cul-de-sac a pleasing cohesion.
4. There are many similar chalets in the wider area and several, for example those near the entrance to St John's Avenue, have larger dormers, which extend across most of the width of the front roof slope. However, the proposed dormer would be significantly deeper than those existing examples and wider too, spanning the full width of the roof. As a result, it would appear much bulkier and dominant in the original roof slope. For these reasons, the proposal would be prominent and incongruous on the front of the dwelling and would introduce a discordant feature within the existing, harmonious street scene.
5. I therefore conclude on the main issue that the proposal would cause unacceptable harm to the character and appearance of the host dwelling and

the area and it would conflict with saved Policies STRAT 1 and RES 11 of the West Lindsey Local Plan Review, adopted 2006. Among other things, the first of those policies seeks to protect the Plan area's character and appearance and the second specifically requires extensions to be well designed in relation to the size, shape and materials of the building to be extended and to be subordinate to the existing property. The proposal would also conflict with Planning Policy Statement 1 (Delivering Sustainable Development), which states that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

6. Having regard to my conclusion on the main issue and all other matters raised, I am satisfied that the appeal should be dismissed.

J A Murray

INSPECTOR



Appeal Decision

Site visit made on 14 February 2012

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

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

Decision date: 16 February 2012

Appeal Ref: APP/N2535/D/11/2167440

58 Wragby Road East, North Greetwell, Lincoln, LN2 4QY

- 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 David Fry against the decision of West Lindsey District Council.
 - The application Ref 127875, dated 13 October 2011, was refused by notice dated 9 December 2011.
 - The development proposed is extensions and alterations to the existing dwelling to include demolition and replacement of the existing garage.
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Decision

1. The appeal is dismissed insofar as it relates to the replacement of the existing garage. The appeal is allowed insofar as it relates to extensions and alterations to the existing dwelling and planning permission is granted for extensions and alterations to the existing dwelling at 58 Wragby Road East, North Greetwell, Lincoln, LN2 4QY in accordance with the terms of the application, Ref 12787, dated 13 October 2011 so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: No(s) A1/01 and A1/02 except in respect of the garage shown on those plans, for which permission is refused.
 - 3) The materials to be used in the construction of the external surfaces of the extensions and alterations to the dwelling hereby permitted shall match those used in the existing building.
 - 4) No development shall commence until details of: the proposed areas for the parking and manoeuvring of vehicles; the materials to be used for the hard surfaces of those areas; and the means of disposal of surface water from those areas 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.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the area.

Reasons

3. Although the proposal would increase the ridge height of the dwelling by some 0.9m, this would be broadly consistent with the height of the semi-detached pair immediately to the east and it would not result in a marked change to the scale or character of the existing house. The scheme would add to the overall bulk of the dwelling and enlarge its roof plane, but the house is set well back from the road and at a lower level, in a generous plot. Accordingly, it would not be especially prominent in the street scene. Furthermore, the adjacent house has a substantial 2-storey rear extension. Notwithstanding its hipped roof form, when viewed from Wragby Road East, that adjacent house and its pair would still appear considerably bulkier than the appeal property, if the proposed development were carried out.
4. The existing house on the site is significantly taller than the bungalow to the west and the proposal would increase that difference. However, the degree of separation is sufficient to avoid a harmful or visually uncomfortable contrast. Furthermore, the proposed single-storey side extension would serve to effect a gradual visual transition between the 2 properties. In any event, the proposal must be viewed in the context of the considerable variety of dwelling designs, sizes and types that exist along this section of the road. That varied street scene is capable of assimilating the proposed house extension without harm and the extended property would not appear unduly dominant or incongruous.
5. Turning to the garage, whilst there are garages located to the front of dwellings on Wragby Road East and other buildings close to the roadside, these are to the east of the junction with Westfield Drive. The appeal property is located on a section of the road where the building line is more uniform and relatively deep front gardens, free of built development, are characteristic. Notwithstanding the proposed hipped roof design and the difference in levels between the road and the appeal site, given its siting, height, significant footprint, overall bulk and massing, the proposed garage would appear intrusive and incongruous in the street scene and it would detract from the appearance of the dwelling itself.
6. I conclude on the main issue that the proposed extensions and alterations to the existing dwelling would not harm the character and appearance of the host property or the area and would therefore comply with saved Policies RES 11 and STRAT 1 of the West Lindsey Local Plan First Review (LP), adopted 2006. Among other things, these policies broadly promote good design and seek to safeguard the character and appearance of an area. However, for the reasons given, I conclude that the proposed new garage would harm the character and appearance the area, contrary to those policies. The benefit to the appellant in terms of the provision of a more secure garage facility would not justify that harm.
7. The proposed garage is clearly severable from the remainder of the proposals, both functionally and physically and therefore a split decision is appropriate. Having regard to my conclusions on the main issue and all other matters raised, I will grant permission for the proposed extensions and alterations to the existing dwelling and refuse permission for the proposed garage.
8. I will impose the usual conditions concerning commencement of development and compliance with plans and the Council's suggested condition requiring matching materials. As I am not granting permission for the proposed garage,

the arrangements for the parking and manoeuvring of vehicles requires clarification and I will impose a condition seeking details for approval. Given the potential for increased impermeable surface coverage and the implications for surface water run-off, I will also require details of surfacing and drainage to be submitted for approval, as suggested by the Council.

J A Murray

INSPECTOR



Appeal Decision

Site visit made on 14 February 2012

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

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

Decision date: 15 February 2012

Appeal Ref: APP/N2535/D/11/2167038

33 Nursery Vale, Morton, Gainsborough, Lincolnshire, DN21 3GE

- 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 Miss Deborah Bluck against the decision of West Lindsey District Council.
 - The application Ref 127620, dated 15 August 2011, was refused by notice dated 3 November 2011.
 - The development proposed is the erection of a fence and gate.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site forms part of a modern estate development and lies at the corner of Nursery Vale and Meadow Lands. Whilst there are significant open areas in other parts of the estate, in this location, development is fairly dense with a number of dwellings being sited quite close to the edge of the footway. In this context, the small areas of planting which do exist perform an important function in softening the appearance of the built development and creating a reasonably open feel.
4. I note that there are a number of nearby examples of fences or walls erected at the edge of the footway. However, rather than setting a precedent for the appeal scheme, they serve to increase the importance of this site's contribution to the street scene. Whilst the area of planting which the appellant wishes to enclose is currently poorly maintained, it nevertheless provides a natural, open appearance at a prominent location, visible from Nursery Vale and Meadow Lands.
5. I acknowledge that the proposal would benefit the appellant by increasing her garden space and easing the burden of maintaining this open strip. I also note the possibility that she could decide to use the current open area to store wheelie bins. However, these factors are insufficient to justify the proposal which would harm the character and appearance of the area, by eroding the landscape setting of the built development. This would conflict with saved Policy STRAT 1 of the West Lindsey Local Plan Review, adopted 2006, as well

as Planning Policy Statement 1 (Delivering Sustainable Development), which advises that development which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

6. Having regard to my conclusion on the main issue and all other matters raised, I am satisfied that the appeal should be dismissed.

J A Murray

INSPECTOR