

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Development Management Committee held in the Council Chamber at the Guildhall, Gainsborough, on Wednesday, 19 October 2011 at 6.30 pm.

**Present:** Councillor Chris Underwood-Frost (In the Chair)  
Councillor Stuart Curtis

Councillor Owen Bierley  
Councillor Alan Caine  
Councillor David Cotton  
Councillor Richy Doran  
Councillor Ian Fleetwood  
Councillor Malcolm Leaning  
Councillor Jessie Milne  
Councillor Roger Patterson  
Councillor Judy Rainsforth

**In Attendance:** Planning and Development Services Manager  
Development Management Team Leader  
Senior Development Management Officer  
Democratic Services Team Leader

**Also Present:** Peter Walton, Member of the Standards Committee

**Also in Attendance:** 22 members of the public

### 44 PUBLIC PARTICIPATION

Ms Mandy Mallinson spoke in the public participation section of the meeting to highlight a problem in South Kelsey with a planning application which had been an issue since at least 2007. An agreement with the developer had been to provide a landscaped area and this had not materialised, this should have been completed within 12 months of completion of the development. The delay in this work was unacceptable, and in communications with the Council Ms Mallinson had been told that the matter was unenforceable. Ms Mallinson had lost confidence in the Council and was considering contacting the Ombudsman as her next step. A photograph showing that one householder had fenced off the area was handed to officers.

The Planning and Development Services Manager stated that he would take responsibility for dealing with this matter and would respond fully in writing to Ms Mallinson. He acknowledged that the matter had been a difficult one but if it proved possible to apply enforcement this would be carried out.

Mrs J Stimpson of South Kelsey Parish Council then addressed the meeting on the same matter stating that legal advice had been sought. Agreement had been given for the land to be conveyed and the Parish Council had been offered an additional £3,000 to not take up a particular parcel of land. Boundary confirmation had also been sought.

The Planning and Development Services Manager agreed that this matter went back a long way and he had already been in discussion with the legal department. There were issues with restrictive covenants but the Parish Council had been advised to complete the transfer. The legal service had since closed the file but the Planning and Development Services Manager would ask for this to be re-opened. Mrs Stimpson left a bundle of documents with officers.

#### **45 MINUTES**

Meeting of the Development Management Committee held on 21 September 2011

**RESOLVED** that the Minutes of the meeting of the Development Management Committee held on 21 September 2011 be confirmed and signed as a correct record.

#### **46 MEMBERS' DECLARATIONS OF INTEREST**

Councillor Alan Caine declared a personal interest in Item 1 as he knew the land owner and also that he Chaired the Lincolnshire Wolds Joint Management Group.

Councillor Underwood-Frost declared a personal interest in Paper B as he had been lobbied, but had not expressed any opinion.

#### **47 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY**

No updates were reported. It was asked if the Council's submission on the National Planning Policy Framework had been sent in. It was affirmed that this had been submitted before the deadline and its receipt had been acknowledged. The Chairman also stated that he had spoken to Eric Pickles MP when he had been in the area recently.

#### **48 PLANNING APPLICATIONS FOR DETERMINATION (DM.13 11/12)**

**RESOLVED** that the applications detailed in report DM.13 11/12 be dealt with as follows :-

Item 1 - 127407 – Thoresway, Market Rasen

Planning application for installation of two wind turbines - 34.2m to blade tip - and ancillary development on Land Adjacent Northwold Farm, Thoresway, Market Rasen.

The Development Management Committee had previously deferred this item to enable a site visit to be undertaken.

The Senior Development Management Officer gave updates on recently received representations, one of which was from the Ward Member, who stated that having been on the site visit he was more convinced that the proposal was not suitable for the Wolds.

Councillor Strange had submitted a statement which was read out and circulated to the Committee. Cllr Strange pointed out that during the site visit the trees still had leaves on them and these would soon be falling, reducing any screening benefits. The Wolds was an Area of Outstanding Natural Beauty which should be protected.

David Holmes, agent for the applicant, spoke on behalf of the application, stating that a balance had to be found between ensuring landscape preservation and renewable energy solutions. Mr Holmes believed that the Area of Outstanding Natural Beauty (AONB) was capable of absorbing a modest proposal for wind turbines, and that compared with the 80 metre turbines to be found on some wind farms the 34.2m proposed turbines were of modest proportion. There were dip slopes in the Wolds and shelter belts so the turbines would be visually discreet. The turbines were to be an integral part of the farm business to reduce its carbon footprint, it was a viable solution to a specific need.

Steven Jack, Manager of the Lincolnshire Wolds Countryside Service spoke against the application. He stated that the Lincolnshire Wolds were a nationally recognised landscape and had category 5 protection. Although Mr Jack recognised the need to reduce carbon emissions he was concerned about the proliferation of wind turbines. There were three important questions to be asked – was it the right technology, was it the right location and is the scale and design appropriate? The turbines would be visible on the skyline from two of the viewpoints demonstrated. Mr Holmes was pressing for an alternative solution, possibly just one turbine at a reduced height.

**Note** Councillor Leaning left the meeting at this point.

The Senior Development Management Officer referred to the relevant policy NBE9 and read out the details.

**Note** Councillor Leaning returned to the meeting.

Some Councillors noted that they had seen other wind turbines up close and found that noise was not an issue, and also agreed that there had been an identified need for the applicant to reduce his carbon footprint and the Council

should be seen to be assisting local businesses, and there was agreement with the recommendation to approve the application.

Other Councillors, whilst acknowledging that the Wolds was a living and working environment, stated that there was a requirement to protect them. The Eastern edge of the Wolds already overlooked other wind farms, and it was noted that on the site visit, when a balloon was raised to demonstrate the proposed height, even when the balloon was down, the farm buildings were still visible. It was felt that the view of the turbines would be a blight on the landscape, especially when the turbines were revolving, and it would not be possible to mitigate the impact, which would be there for 25 years.

Questions were asked, if the application were to be granted, if there could be a condition requiring the base of the columns to be a more appropriate colour than white. This condition could be a requirement.

It was moved and seconded that the application be approved, but on being voted upon the motion was lost.

It was moved and seconded that the application be **REFUSED** as per Policy NBE9, this motion was carried for the following reason:-

On the grounds that the long term visual intrusion of height and mass will unfavourably impact on this protected area of landscape beauty and for a predicted 25 years at least.

**Note** As Councillor Leaning had been unable to attend the site visit he refrained from voting.

#### Item 2 - 127450 – Saxilby

Planning application for demolition of former health centre and proposed erection of new restaurant and flat at Health Centre, Highfield Road, Saxilby, Lincoln.

The Development Management Team Leader updated the Committee on the application. It was clarified that the application was for a café/restaurant not a hot food takeaway. Subsequent representations had been received, one of which raised the issue of rats, which as well as being premature, was a matter for Environmental Health. The retention of the notice board and bench had been raised, but the proposed plans indicated their retention.

A statement had been sent in by Councillor Jackie Brockway (Ward Member) which was read out in full. Cllr Brockway raised concerns with traffic and road safety, residents' and customers' parking, demolition impact on the library, and the impact on residents of the business use.

The Development Management Team Leader stated that most of Cllr Brockway's concerns were addressed in the report, and that an extra condition could be applied on the demolition methodology if members considered this necessary.

Miss S Spiers of Saxilby Parish Council spoke in objection to the application citing the inadequate on-site parking, particularly if the library were to close and that parking area lost. There was already a Chinese takeaway nearby which attracted customers. Delivery to the proposed business could be problematic as it would mean lorries either turning near to the junction or driving around the residential estate. It was feared customers would congregate outside the restaurant particularly since the smoking ban.

Mr Peter Walton spoke against the application, as a private resident who had lived opposite the site for 45 years. The area was primarily residential and the site itself would be appropriate for residential development, it was not a commercial centre. There was insufficient parking on the High Street and customers to the Chinese takeaway parked on Highfield Road. Concerns were expressed regarding the restricted view in both directions when emerging from the junction. Mr Walton highlighted discrepancies in the report, and stated that the Health Centre had not been active for many years, reference had been made to food being consumed off the premises, and he queried the opening hours that were cited. A previous application had been refused on grounds of traffic concerns.

The other Ward Member (Councillor Cotton) assured Members that he had not pre-determined this matter, but raised issues with the road safety aspect of the junction, the potential impact on residents, and the rights of any business to use the publicly funded library car park. Cllr Cotton did not feel that the site was an appropriate location for such a development.

Further discussion ensued amongst Members as to whether valid planning reasons could be found to justify a refusal. Policy RTC9 was deemed appropriate in terms of the proximity of residential properties, pedestrian/vehicular conflict, parking problems and hours of operation.

It was **AGREED** that the application be **REFUSED** due to the proposal being contrary to the provisions of policy RTC9 as it would cause pedestrian and vehicular conflict, inadequate off-street car and cycle parking was available and there would be unacceptable implications for nearby residential amenities by way of traffic, noise and odours.

### Item 3 – 127592 - Nettleham

Planning application for a replacement dwelling - resubmission of 127296 on Land at Shaw Way, Nettleham

The Development Management Team Leader noted that the application was a resubmission of a previously refused proposal. There had been no objections from the Ward Members or the Parish Council.

It was **AGREED** that permission be granted subject to the conditions set out in the report.

**Note:** The Committee adjourned for a five minute comfort break.

#### Item 4 - 127509 – Gainsborough

Planning application for residential development comprising 35 dwellings and related infrastructure on undeveloped land directly to the south of Meldrum Drive, Gainsborough.

The Development Management Team Leader gave updates on further representations that had been received. One had raised no new issues, the other, from the Foxby Chase Management Committee had noted that there was no pavement on the western side of Meldrum Drive and that the proposed footpath from Lea Road would mean that pedestrians emerged directly into the road. This road had a steep incline and was subject to ice during winter months.

Mr Neil Kempster, of Chestnut Homes spoke for the application, describing how the company was Lincolnshire based developer and a local employer. The current site had little amenity value and the proposed development would complement the previously approved application and 'round off' the development. A level of affordable housing was proposed and intended to be completed early in the development. The company had worked closely with the local authority to address any emerging issues and had amended the application accordingly.

Mr Steve Tait spoke as a resident of Willoughby Close and a member of the Foxby Chase Committee, citing the issues mentioned by the Development Management Team Leader. Mr Tait did not oppose the development but did have serious concerns regarding pedestrian access, particularly in terms of access to the railways station as the egress would not emit pedestrians near to the safe crossing place.

Members of the Committee then considered the merits of the application and raised some concerns regarding overlooking of some plots, as well as echoing the concerns about the footpath, although the application was not objected to in principle. Concern was raised over one access becoming a rat run and there was disappointment at the lack of police comments.

**Note:** Councillor Underwood-Frost declared a personal interest as being a member of the Police Authority.

Questions were asked about access to alternative play areas and public open space in the event that the access was closed. Alternatives were to be found nearby.

It was suggested that further negotiation with the developer could resolve:-

1. The deletion of the footpath link to Lea Road.
2. The deletion of the footpath link to the site of the proposed new neighbourhood (permission 125020 refers)
3. Deletion of 1<sup>st</sup> floor rear windows on plots 3 and 4 to prevent overlooking.

It was **AGREED** that consideration of the application be deferred pending negotiations with the developer to resolve the matters of overlooking on plots 3 and 4, the pedestrian access from Lea Road to Meldrum Drive, and the access to the new neighbourhood.

#### **49 DEVELOPMENT MANAGEMENT COMMITTEE SITE VISIT RELATING TO APPLICATION 127518, GREETWELL LANE, NETTLEHAM (DM.14 11/12)**

The Development Management Team Leader presented a report which proposed a site visit prior to consideration of an application on Greetwell Lane, Nettleham. The reason for the proposed site visit being that there was a finely balanced material consideration as to the impact on the setting of a Scheduled Monument, and it was proposed that seeing the site would enable the Committee to appraise the juxtaposition of the application site and the monument.

It was **AGREED** that a site visit take place prior to consideration of the application by the Committee.

**Note** Councillor Patterson left the meeting at this point.

#### **50 OBJECTION TO TREE PRESERVATION ORDER, SCOTTER No. 1 2011 (DM.15 11/12)**

The Development Management Team Leader referred to the report that had been submitted to the Committee, seeking the confirmation of a Tree Preservation Order (TPO) on Gainsborough Road, Scotter, with the modification that the trees at G4 be excluded from the Order.

Mr Kaila, the owner of the property spoke against the confirmation of the Order, describing how conditions had been applied to the original planning application to protect the trees from damage during construction. No TPO was applied at that time. Some trees had been removed during construction of the driveway,

Mr Kaila had checked that this would be permissible, but his neighbours had objected to the work on the trees. No other properties in the area had blanket TPOs on all their trees, and if a TPO was appropriate it should have been applied at the application stage. Mr Kaila had no wish to remove the remaining trees and his house had been named Chestnut Lodge. He stated that he felt victimised.

Some Members were aware that the matter had become an issue in the media and the dispute had been publicised.

**Note** Councillor Patterson returned to the meeting.

Discussion ensued regarding the timing of the TPO and whether this was a retrospective reaction and should have been addressed at the time of application. It was agreed that the original condition had been poorly worded but that the point of the Order would be to ensure the protection of the trees and their amenity value to the street scene. There had been some unintentional damage during construction of the property, and an Order now would ensure that the future of the trees was safeguarded from either damage or removal. The Order would not prevent any future works, merely ensure that works did not harm the trees.

It was acknowledged that the history of the site and any local knowledge was not relevant and the issue to be considered was whether a TPO was now appropriate.

It was moved and seconded that Tree Preservation Order Scotter No.1 2011 **NOT** be confirmed, and on being voted upon this was **AGREED** by the majority.

**Note** Councillors Bierley, Milne and Leaning wished for it to be recorded that they had voted against the motion.

## **51 DETERMINATION OF APPEALS**

**RESOLVED** that the determination of appeals be noted.

## **52 SITE VISIT**

It was **AGREED** that the site visit take place at 1pm on Wednesday 2 November.

The meeting concluded at 9.20 pm

Chairman