

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Development Management Committee held in the Council Chamber at the Guildhall, Gainsborough, on Wednesday, 21 September 2011 at 6.30 pm.

- Present:** Councillor Chris Underwood-Frost (In the Chair)
Councillor Stuart Curtis
- Councillor Owen Bierley
Councillor David Cotton
Councillor Chris Darcel
Councillor Richy Doran
Councillor David Dobbie
Councillor Jessie Milne
Councillor Roger Patterson
Councillor Ray Sellars
Councillor Lewis Strange
- In Attendance:** Planning and Development Services Manager
Development Management Team Leader
Senior Development Management Officer
Democratic Services Team Leader
- Also Present:** Councillor Paul Howitt-Cowan
Councillor Malcolm Parish
- Also in Attendance:** Director of Neighbourhoods and Health
12 members of the public
- Apologies:** Apologies were received from Councillors A Caine, I Fleetwood, M Leaning and J Rainsforth.
- Membership:** Councillor C Darcel substituting for Councillor A Caine
Councillor R Sellars substituting for Councillor M Leaning
Councillor D Dobbie substituting for Councillor J Rainsforth
Councillor C L Strange substituting for Councillor I G Fleetwood

37 PUBLIC PARTICIPATION

There was no public participation.

38 MINUTES

Meeting of the Planning Committee held on 24 August 2011

RESOLVED that the Minutes of the meeting of the Planning Committee held on 24 August 2011 be confirmed and signed as a correct record.

39 MEMBERS' DECLARATIONS OF INTEREST

Councillor Strange declared a prejudicial interest in Item 3 as he had previously spoken against wind farms although not about turbines per se.

Councillor Sellars declared a personal interest in Item 1 as he was the ward member for the application, and although had made comments, had not expressed an opinion.

Councillor Underwood-Frost declared a personal interest in Item 3 as he had been lobbied on the application, however had expressed no views himself.

40 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

The Development Management Team Leader informed the committee that there were no major changes in Government Policy this month, but that the consultation on the draft National Planning Policy Framework was still open and would close on 17 October 2011. The next few months will see changes to Permitted Development Rights regarding small micro renewable energy development.

The Planning and Development Services Manager stated that the National Planning Policy Framework consultation had featured heavily in the media in recent times. A further training session for Councillors had been arranged for 6.30pm on 5 October 2011, it was important that as many Members as possible attend this session, not just those on the Committee, as other Members may be required to act as substitutes at any time, so needed to keep abreast of changes in legislation.

41 PLANNING APPLICATIONS FOR DETERMINATION (DM.11 11/12)

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

Item 1 - 126081 – Nettleham

Application for proposed redevelopment of former petrol filling station and lawnmower repair centre to provide 10 dwellings, at Nettleham Garage, 8 Church Street, Nettleham

The Development Management Team Leader informed the Committee that a late representation had been received raising the issue of policy CORE 11. However this policy was not relevant to the application. It was also brought to Members attention that, whilst the report referenced the need for habitat to be provided for protected species within the development, this was not reflected in any of the conditions. Therefore, an additional condition requiring habitat for protected species to be agreed and implemented before the first occupation of any of the dwellings was required.

Note Councillor Cotton declared a personal interest at this point as he had trained at Nettleham Church.

Members discussed the application, noting that the site was currently an eyesore that needed tidying up, but that issues of surface water drainage and sewage needed to be addressed.

It was questioned why, as raised by one of the representations, unit 9 was proposed to be two storey, as this could have an impact on the gardens of Nos. 3, 4 and 5 The Green. It was explained that the single storey buildings were proposed to mitigate any effects on the bungalows on All Saints Lane beyond the site and that the two storey building at the end was more aesthetically in keeping with the overall development. Furthermore, the gardens serving Nos, 3, 4 and 5, The Green were deep and the distance of the dwellings themselves from unit 9 would ensure no significant increase in overshadowing.

Members mentioned the comments raised by LCC Highways suggesting that the road be designed to an adoptable standard and felt that this was not a reasonable requirement, and would not preserve the character and appearance of the conservation area,

Note Councillor Sellars and Councillor Underwood-Frost declared personal interests as they were Members of Lincolnshire County Council and also members of the Police Authority which had made comments on the application.

It was confirmed that although the pavement was to be realigned there was no Public Right of Way needed to be diverted or extinguished as a result of the proposal.

It was acknowledged that the proposed design was sensitive to the character of the conservation area, and that it complied with the aims expressed in the Nettleham Village Design Statement, even though it would mean the loss of a business site within the centre. Contamination from the garage would be addressed through the necessary conditions.

It was **AGREED** that the decision to grant permission subject to conditions be delegated to the Planning and Development Services Manager upon the signing and completion of a section 106 agreement, and with any further condition that may be required relating to bat protection measures.

Item 2 - 127576 – Faldingworth

Application for change of use from domestic dwelling to residential care home, including alterations to provide 10 bedrooms, some external alterations and reinforcement of boundaries – resubmission of 127085, at The Brownlow Arms, Faldingworth.

The Development Management Team Leader updated the Committee on a further representation that had been received from a resident of Faldingworth supporting the principle of the development but requesting that there be restrictions on the exact nature of the usage of the building. He also quoted from the applicants Design and Access Statement which provided their reasoning as to why they considered Faldingworth to be a suitable location. Specifically, the applicant provided their own transport arrangements and the small village location was beneficial to the residents of the development.

Trevor Howard representing Faldingworth Parish Council spoke on the application, stating that there had been no significant changes to the village since the previous application had been refused. He noted that the bus service in the village was under threat, but that the proposed application would not contribute towards sustainability of the bus service or the village itself as there was to be a minibus for the residents' use. The Parish Council requested that the application be refused.

John Allenby, agent for the applicant, noted that the previous application had been refused partly due to the lack of access to services, however the proposal would not be dependant upon local services. Kisimul ran a school at Friesthorpe nearby for secondary aged children, where they had access to facilities and it was proposed that the young adults leaving the school be able to remain in a familiar area and gradually be integrated into the community of the village, accompanied by staff. The facility was able to accommodate six residents already and the application was merely to increase this to ten.

Councillor Parish, Ward Member for the application stated that he could see no reason to change the previous committee decision.

Note Councillor Underwood-Frost declared a personal interest at this point as he had a relative resident in a similar facility.

Members had mixed views on the proposal. Some felt that there had been no significant change to the previous application and it should be refused again for the same reasons. Others felt that a refusal should not be given for reasons of lack of use of the facilities as there would be other village residents who did not

use the facilities. It was noted that an appeal had been lodged following the previous refusal and a decision was awaited.

The Development Management Team Leader suggested that a travel plan could be a tool for securing the sustainability of the usage of the site and, if members agreed, the matter could be deferred to enable negotiations to take place to secure such a plan.

Registration of the facility as a business if granted would address maximum occupancy numbers.

It was **AGREED** that a decision on the application be deferred to permit negotiations to take place between officers and the applicant to agree a travel plan to secure the sustainability of the development.

Item 3 - 127407 – Thoresway

Planning application for the installation of two wind turbines – 34.2m to blade tip – and ancillary development, at Land adjacent Northwold Farm, Thoresway, Market Rasen

The Senior Development Management Officer informed Members of a late representation received from Edward Leigh MP who had strong objections to the proposal, which he felt was inappropriate in an Area of Outstanding Natural Beauty and would be a blight on the landscape.

The Senior Development Management Officer also stated that Condition 2 which limited the permission for 25 years, should stipulate the date, which, if approved by this Committee would be 21 September 2036.

Photo montages were displayed which showed the landscape from various viewpoints and the proposed positions of the turbines and their impact on the views.

John Davey, the applicant, described how his business had seen massive increases in its electricity bills, and listed all the processes which required power usage. The business had researched several alternatives and considered other methods, but the wind turbines had presented the best option. The best possible technology, with the least visual impact, had been sought. The Government were advocating renewable energy usage and customers were also seeking to obtain supplies from greener sources. The size of the turbines had been reduced on advice received but this had necessitated two turbines rather than one to meet the required output.

Steven Jack, Manager of the Lincolnshire Wolds Countryside Service, spoke against the application stating that the site was within a nationally recognised Area of Outstanding Natural Beauty (ANOB) and an internationally recognised area of nature conservation. It was acknowledged that it was a working landscape but the natural beauty should be protected and enhanced, and any

development permitted should be in character. Mr Jack expressed concerns about the proliferation of wind energy schemes and supportive of renewable energy this should be of an appropriate scale. The proposed turbines would be clearly visible and also moving. One single smaller turbine would be more acceptable.

Councillor Strange expressed support for Mr Jack, and reminded Members that any screening from vegetation would be absent during winter months. A site visit would be useful for the Committee to see for themselves. Councillor Strange also expressed concerns about the apparent lack of publicity for the application as it did not seem to be well known.

Note Councillor Strange left the meeting at this point having declared a prejudicial interest in the item.

The Senior Development Management Officer read out the Lincolnshire Wolds ANOB policy, which stated that there had to be an identified need for such proposals, and that there was no viable alternative. Small local applications could be permitted as long as the impact was minimal, and there was little harm to the character and appearance of the landscape.

It was clarified that the application was not classified at major development. The Chairman also asked for clarification on the Zone of Visual Influence (ZVI) and whether any West Lindsey Councillors would be affected. The Senior Development Management Officer clarified that the ZVI extended to the points where the photo montages had been taken to the east, west, north and south of the site.

A site visit was proposed and seconded and on being voted upon, clarification was given that this would comprise a minibus for all Members to travel together to visit all the relevant viewpoints. It was also questioned which Members should attend the site visit given the number of substitutes on the present committee.

It was **AGREED**:

- a) that consideration of the application be deferred to enable a site visit to be undertaken;
- b) that transport be arranged for all Members to undertake the site visit together; and
- c) that the site visit be arranged for when all appointed Committee Members return from holidays, prior to consideration of the application by the usual Committee Members.

Note Councillor Strange returned to the meeting.

42 PUBLICITY PROCEDURES FOR DEVELOPMENT PROPOSALS RECEIVED BY WEST LINDSEY FOR WIND FARMS (DM.12 11/12)

The Development Management Team Leader introduced the report citing the reasons for its existence. The Council currently had a Renewable Energy Task and Finish Group, chaired by Councillor Howitt-Cowan, and there were an increasing number of proposals being put forward.

The report was specifically in reference to applications for wind turbines, not for other forms of renewable energy which could, if members considered appropriate, be addressed separately.

Clarification was given that local authorities receive consultation requests from neighbouring authorities and from the Infrastructure Planning Commission for major proposals.

Note Councillor Patterson declared a personal interest in that he was a member of the Renewable Energy Task and Finish Group.

It was confirmed that all Councillors received notification of applications through the weekly planning lists, from which they could then disseminate information for consultation through their wards and parishes. Parish Council involvement was vital to the process. The aim of the policy was to ensure that as many people as possible affected by applications had the maximum opportunity for involvement from the point of submission of the application.

Paragraphs 3.1 b) and e) were discussed: it was acknowledged that properties within a 2km radius of any proposal were likely to be in a rural area, so unlikely to be densely populated; and it was felt that rather than specifying that the Committee would meet to consider an application within the affected community, it be stipulated that the meeting be held at the nearest suitable venue, and that it be clarified that the meeting would be specific to that particular item, rather than a regular Development Management Committee Meeting.

It was proposed that the recommendation be amended to refer to wind turbines in general rather than wind farms.

RESOLVED that

- a) Planning applications submitted to West Lindsey District Council for wind farm/turbines meeting the criteria detailed in section 3 of the report be publicised in accordance with the methodology detailed in the same said section; and
- b) Paragraph 3.1 e) be amended to read “Where health and safety and technology permits, the meeting of the Development Management Committee convened specifically to consider such applications will be held at the nearest suitable venue to the community most affected by the proposed development.

43 DETERMINATION OF APPEALS

The Planning and Development Services Manager informed the Members that in considering the appeal the Inspector had referred to the District's deliverable five year housing supply.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.40 pm

Chairman