

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Development Management Committee held in the Council Chamber at the Guildhall, Gainsborough, on Wednesday, 24 August 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 : Director of Strategy and Regeneration and
Monitoring Officer
Planning and Development Services Manager
Development Management Team Leader
Democratic Services Team Leader

Also Present: Councillor Geoff Wiseman

Also in Attendance : 5 members of the public
Luke Flemming (Central Lincolnshire Joint Planning
Unit)

29 PUBLIC PARTICIPATION

There was no public participation.

30 MINUTES

Meeting of the Planning Committee held on 27 July 2011

RESOLVED that the Minutes of the meeting of the Planning Committee held on 27 July 2011 be confirmed and signed as a correct record.

31 MEMBERS' DECLARATIONS OF INTEREST

A blanket declaration of personal interest was recorded for all members of the Committee on planning application 127501, South Owersby, as the applicant was a fellow Councillor, and the agent for the applicant was known to most Committee members.

Councillor Patterson declared a personal interest in planning application 127402, as he was employed by the applicant some years ago.

32 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

The Development Management Team Leader noted that further to the recent issue of the draft Planning Policy framework a training session for Members was to take place in the near future. The consultation period for the draft document closes on 17 October 2011.

The Development Management Team Leader also informed the meeting that the Chief Planning Officer at the Department for Communities and Local Government issued letters on a regular basis giving guidance on policy matters, which were to be treated as material considerations in determining planning applications. The Development Management Team Leader referred to two recent letters, the first of which dealt with the aftermath of the recent riots in some towns and cities, advising that if shops applied for permission to install shutters, this should be dealt with as quickly and efficiently as possible and could even be classed as Permitted Development if the local authority pursued Local Development Orders.

A further letter from DCLG referred to state funded schools, including "free" schools, for which decisions should be made quickly and not held up through red tape and bureaucracy.

A Committee Member referred to the impending training session on Planning Enforcement on 31 August 2011, and asked for confirmation that this training session would qualify Members to be able to act as substitutes on the Development Management Committee. This was affirmed.

33 PLANNING APPLICATIONS FOR DETERMINATION (DM.09 11/12)

RESOLVED that the applications detailed in report DM.09 11/12 be dealt with as follows :-

Item 1 – 127402 – Ingham

Application to vary condition 19 of planning permission M06-P-1082 granted 24 January 2007 - re: brick wall between dwelling and restaurant at the Black Horse Inn 26 High Street Ingham.

The Development Management Team Leader noted that the application had been before the committee on previous occasions. No further representations had been received in respect of the application. Members' attention was drawn to the penultimate paragraph on page 8 of the report which stated that if Members considered the wall necessary to prevent noise and disturbance derived from vehicles using the green lane,, then the reason for condition 1 should be amended to reflect this consideration as should the reasons for granting permission.

Slides were shown of the site and proposed plans regarding the latest proposed alignment of the wall which included a gap for pedestrians but not wide enough for motor vehicles.

The Ward Member stated that he had no problem with the amended proposal, and Committee Members noted that the revised plans made no difference to the adjacent residence, and that the previous concern had been regarding vehicular access from the lane to the public house had been addressed. It was suggested by members that the wall was necessary to prevent noise and disturbance derived from vehicles using the green lane as well as noise and disturbance from the site itself and that the reasoning for condition 1 and reason for granting permission should indeed be amended to reflect this view.

Members also drew attention to a typographical error in the list of conditions which had the effect of changing the meaning. The word 'omitting' in condition 3 should read 'emitting'.

Permission be **GRANTED** subject to the conditions as set out in the report with the misspelling corrected, and the reasons for condition 1 to be amended as follows:-

"In the interests of residential amenity and highway safety in accordance with West Lindsey Local Plan First Review, policy STRAT 1. Specifically, the construction of the wall along the proposed new alignment is necessary to protect No. 38, The Green from noise and disturbance emanating from the car park as a result of the new development as well as to prevent vehicles from using the lane adjacent to No. 38, The Green which, in the absence of the wall, will otherwise result in additional unacceptable levels of noise and disturbance."

And the reason for granting permission to be amended as follows:-

"It is considered, that the variation of condition 19 and other conditions of planning approval M06/P/1082 are necessary, relevant to both planning and the development, enforceable, precise and reasonable. The construction of the wall along the proposed new alignment is necessary in the interests of residential amenity, specifically to protect No. 38, The Green from noise and disturbance emanating from the car park as a result of the new development as well as to prevent vehicles from using

the lane adjacent to No. 38, The Green which, in the absence of the wall, will otherwise result in additional unacceptable levels of noise and disturbance. With these conditions in place the development therefore accords with policy STRAT 1 of the West Lindsey Local Plan First Review, guidance contained Circular 11/95 The Use of Conditions in Planning Permissions, Draft National Planning Policy Framework, Planning Policy Statements 1 and 3. “

Item 2 127501 – South Owersby

Planning application to replace existing bungalow, 2no. mobile homes and other detached buildings and structures with 1no. dwelling and garage at Bungalow Farm Osgodby Road South Owersby Market Rasen.

The Development Management Team Leader read out a briefing note regarding the application.

“Following Chairman’s briefing, a request for an opinion was sought from LCC Shared Legal Services as to whether the circumstances relevant to the application under consideration were materially different to those considered by the Inspector when dismissing an appeal for a previous proposal on the same site for a replacement dwelling.

LCC Shared Legal Services are content that Members can resolve to determine this application at this meeting, based on the information contained in the officer’s report, but that Members should be fully aware of the reasons why the circumstances of this application are materially different from the previous application which was refused on appeal. In this context the following points are made in addition to the information contained in the officer’s report.

The comments of the Inspector have been reviewed in relation to the application which is before the Committee at this meeting. However it must be remembered that they were directed towards the specific proposal which was before the Inspector at that time, each application being considered on its own merits. It is acknowledged that the decision is a material consideration but the officer’s report has carefully considered each criterion outlined in policy RES8 of the Local Plan First Review 2006. There is a specific response to criterion (ii) with weight afforded to the signed s106 agreement. However, it is the combination of a number of new factors that have resulted in a different recommendation to the decision taken by the Inspector when she considered the previous application:-

1. The scale of the current proposal represents a significant reduction in scale to the previous proposal – The bungalow occupies a footprint of 94 sq. m., the proposal dismissed at appeal 357 sq. m and the new proposal 152 sq. m.

2. The height of the proposal is higher than the existing bungalow but the design is materially different to both the bungalow and the previously dismissed proposal. The current application proposes a design that successfully echoes the form, architectural language and detailing of a late nineteenth century farmhouse, whereas the current bungalow does not. This will ensure that the dwelling, when built, will instantly sit comfortably within the surrounding agrarian landscape and enhance the character and appearance of the area. This point alone responds to criterion (iii) of policy RES8 regarding visual impact in a manner which the previous proposal did not (the previous proposal displaying no vernacular attributes and being of a grandiose scale not associated with domestic buildings in the area).
3. The section 106 undertaking ensures that there will be a successful transition to the landscape outlined in point 2 above, by removing the incongruous collection of unsightly buildings from the site. This also reduces the total footprint of buildings on the site (the current outbuildings to be removed as a result of the S106 agreement occupy a footprint extending to 397 sq. m)

The officer's report has carefully considered all relevant material considerations with the appropriate weight afforded to each matter. However, it is requested that Members fully understand the comments made above and that they are recorded in the minutes of the meeting."

The Development Management Team Leader also noted that the previous application had proposed connection to mains drainage, however this has proved impractical therefore a treatment plant package was now proposed. Amended plans had been received indicating these revised arrangements.

Mr George Martin spoke on the application as agent for the applicant and thanked all officers concerned for their work on this application. He noted that the Parish Council had commented on the unsightliness of the site at present and that the proposal would tidy this.

Mr Richard Alderson spoke on behalf of neighbouring residents. He pointed out that the original objection was that part of the land was owned by the objectors rather than the applicant, and although the ownership was now acknowledged, the matter was still in the hands of solicitors and the Land Registry to establish ownership of the boundary to the site. Mr Alderson also noted that the revised application did not address all of the remainder of the site, in terms of industrial operation and it was not clear if there was a possibility of this being reinstated. There were also issues with the shared driveway which needed clarification. The matter of the drains had now been resolved.

Note Councillor David Cotton declared a personal interest at this point in the meeting as he knew Mr Alderson through the Local Strategic Partnership and Area Forum.

Members discussed the application and gave consideration to various issues. It was agreed that the boundary ownership was a civil matter not relevant to the determination of the application. The Development Management Team Leader stated that he was satisfied that the correct certification had been supplied regarding the land ownership, in the context of amended plans having been received, and that if it transpired that the incorrect ownership certificates had been submitted, this could potentially render the decision ultra vires.

Members asked if the property would have automatic permitted development rights which would enable it to be further extended, and also if those development rights would allow for the erection of further outbuildings. The Development Management Team Leader confirmed that the property would be afforded permitted development rights unless the Committee chose to restrict those rights with the imposition of a condition, which would require subsequent planning applications to be submitted for any further building work. Members considered that, in the context of the criteria detailed in policy RES8 of the West Lindsey Local Plan First Review 2006, such a condition was necessary.

Permission be **GRANTED** for the reasons outlined in the report, subject to the following additional condition (6), the signing of a unilateral agreement and the additional condition restricting permitted development rights.

6. Notwithstanding the provisions of Classes A and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended and no buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: The permission for this replacement dwelling results in a larger dwelling and any further extensions and/or outbuildings would have the potential to have an adverse visual impact on the character and appearance of this open countryside setting and be contrary to the considerations detailed in policy RES8 of the West Lindsey Local Plan First Review 2006.”

Item 3 - 127588 – Gainsborough

Planning application for change of use of public house to office accommodation - amendment to previously approved scheme 126621 at Plough Inn 37 Church Street Gainsborough.

The Development Management Team Leader explained the revised application stating that the amended plans saw the removal of the two storey rear lift extension and side entrance canopy, and changes to the vehicular access.

Members agreed that the amended plans were of no detriment to the proposal or the surrounding area as detailed in the officer's report and the development would aid the regeneration of the town centre.

Permission be **GRANTED** for the reasons outlined in the report, subject to conditions.

Item 4 - 127529 – Gainsborough

Planning Application for change of use from an estate agents to a tattoo shop at 3 North Street, Gainsborough.

Members concurred with the assessment and conclusions of the officer's report. And resolved that:-

Permission be **GRANTED** for the reasons outlined in the report, subject to conditions.

34 HOUSING SUPPLY (DM.10 11/12)

Luke Fleming of the Central Lincolnshire Joint Planning Unit, gave Members of the Committee a presentation to inform on trends in house building and planning applications for residential development in West Lindsey and Central Lincolnshire.

The presentation showed: the reasons for monitoring; the permissions granted; housing completions; the overall trends for a period ending April 2010 and the next steps. Statistics for permissions and completions were shown and discussed amongst Members.

The information in the report was to be published online for the public to access, and this could be used to inform the creation of Neighbourhood Plans. Data gaps would be completed where possible, and a website was to be created and a link to the site would be circulated.

Members asked questions about the availability of land, particularly with regard to major developments, and the concept of major development in terms of the pro rata size of settlements was discussed. Mr Fleming affirmed there was a problem finding suitable sites, but it was necessary to build housing where it was needed most and in line with community aspirations.

Note Councillor Ian Fleetwood left the meeting at this point.

The Development Management Team Leader noted that the housing supply assessment was constantly monitored, The Annual Housing Supply

Assessment for West Lindsey was published in April of this year (2011) and is the basis for demonstrating the authority's 7.5 year deliverable housing supply referred to in many application reports and endorsed by inspectors at appeal this year (the context being the requirement to maintain a 5 year deliverable housing supply). However, due to market conditions, the situation needs to be monitored and West Lindsey work collectively with their partners at the JPU, Lincoln City and North Kesteven to ensure that there is a supply of housing and plan for this in the right way through the plan led approach. What needs to be avoided is fighting appeals in the future, when the Council does not have a 5 year housing supply (especially given that the draft National Planning Policy Framework is proposing a need to maintain a 5 year deliverable supply plus 20% buffer and a presumption in favour of sustainable development and granting permission for housing is there is no up to date development plan.

Members asked if a copy of the full report could be placed for information in the Members' room.

RESOLVED that the report be noted as background data for considering future planning applications.

35 DETERMINATION OF APPEALS

The Planning and Development Services Manager noted that enforcement action was being implemented in terms of the appeal listed.

RESOLVED that the determination of appeals be noted.

36 MINUTE'S SILENCE

The meeting stood for one minute's silence in remembrance of the Red Arrows pilot who tragically lost his life recently at an Air Show.

The meeting concluded at 7.50 pm

Chairman