

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Development Management Committee held in the Council Chamber at the Guildhall, Gainsborough, on Wednesday, 27 July 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 : Development Management Team Leader
Democratic Services Team Leader
Development Management Trainee Officer

Also Present: Councillor William Parry

Also in Attendance : 6 members of the public

21 PUBLIC PARTICIPATION

There was no public participation.

22 MINUTES

Meeting of the Planning Committee held on 29 June 2011

RESOLVED that the Minutes of the meeting of the Planning Committee held on 29 June 2011 be confirmed and signed as a correct record.

23 MEMBERS' DECLARATIONS OF INTEREST

Councillor Curtis declared a prejudicial interest in report DM.07 11/12 as he had acted for the developer.

A blanket declaration of personal interest was recorded for all members of the Committee on planning application 127404, Gainsborough, as West Lindsey District Council was the landowner.

24 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

The Development Management Team Leader informed the meeting that the Government had published the draft framework for the new Planning Policy Guidance, for which the consultation period closed on 17 October 2011. The framework would replace the current suite of national Planning Policy Statements, Planning Policy Guidance notes and some circulars with a single document.

Questions were asked as to the depth and impact of any changes and the weight accorded to these, Neighbourhood Plans and Parish Plans. It was affirmed that the new document was a complete review, which would be considered by the Joint Planning Unit, and was the national tier of guidance above Core Strategies and Neighbourhood Plans and other development plan documents. Neighbourhood Plans will become part of the development plan.

25 PLANNING APPLICATIONS FOR DETERMINATION (DM.06 11/12)

RESOLVED that the applications detailed in report DM.06 11/12 be dealt with as follows :-

Item 1 – 126820 – Welton

Planning application for proposed conversion of existing barns into residential accommodation including link to existing house, new drive access and single detached garage, at Greystones, 22 Sudbeck Lane, Welton.

The Development Management Team Leader updated Members on this application which had been before the Committee on three previous occasions and had been deferred for a site visit and for further negotiation. Amended plans had been submitted and further representations had been received. The amended plans moved the site of the garage to the west side of the site with the driveway crossing the back of the house. The Parish Council maintained their objection regarding vehicles reversing onto Sudbeck Lane. 24 Sudbeck Lane had withdrawn their objection and felt that the amended plans were an enhancement. 34 Sudbeck Lane maintained their objection, and 21 Sudbeck Lane supported the amended plans.

It was noted that although Sudbeck Lane was a narrow road it was not considered that a refusal of the application on grounds of highway safety could

be sustained. One Member pointed out that it would now be possible to exit the property in a forward gear but it was not possible to enforce this.

Members agreed that there had been much discussion and negotiation on the application and the applicant had done as much as they could to amend their plans to appease any objections.

RESOLVED - that the Development Services Manager be delegated powers to resolve the outstanding matters relating to bats and that the application be granted planning permission upon the resolution of that issue subject to the conditions contained within this report and any further condition that may be required relating to bat protection measures.

Item 2 - 127404 – Gainsborough

Planning application for change of use of 11 - 13 Cross Street from Office to residential to form three new dwellings including partial demolition. Erection of four new dwellings including associated car parking and amenity space, at 11/13 Cross Street Gainsborough

The Development Management Team Leader informed the Committee that the site contamination report had not yet been assessed by the independent consultant for confirmation that the proposed measures were acceptable, therefore it was proposed to amend Condition 3 to reflect this.

The Committee then discussed various aspects of the application. A S106 was not appropriate as the land was owned by the council, but legal advice had been obtained and a separate agreement to secure affordable housing had been sought. It was affirmed that the frontage of the property at 11-13 Cross Street would remain at the same distance from the footway, as this was a conversion of the existing building, and that the new construction would also be set back. It was also affirmed that requiring highway safety improvements would not be feasible on such a small scale development. Much work had been done with the developers to ensure that the development preserved the setting of the listed buildings in the Conservation Area.

It was **AGREED** that permission be granted subject to conditions and the alteration of condition 3.

3. No development shall take place until the submitted site investigation and assessment of possible contaminants report has been approved in writing by the local planning authority. The development shall subsequently be carried out in accordance with any site remediation measures identified in the approved report.

Reason: To ensure that any site contaminants are dealt with in an appropriate manner in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

Item 3 - 127479 – Scotter

Planning application for loft conversion, including raising ridge, at 1a Colins Walk, Scotter.

The application was for a domestic extension, but was presented for consideration by the Committee as the applicant was an employee of the council.

The Development Management Trainee Officer presented the report and noted that two representations had been received, which referred to a TPO, a mature hedge, subsidence and a view being spoilt. These matters were either not within the remit of the committee to consider or had already been dealt with.

The Ward Member spoke on the application and noted that the report stated that Colins Walk was a street of mixed dwellings, which he did not consider reflected the nature of the streetscene, as on one side of the road all of the properties were bungalows, however a property opposite the application site was a dormer bungalow which created a precedent.

The Chairman of the Committee, as the other Ward Member, also noted that during the floods of 2007 this property had been close to, although had not suffered flooding to the property, and in the event of a recurrence a second storey to the property would offer some protection.

It was confirmed that the raising of the roof ridge would add one metre to the height of the property.

It was **AGREED** that permission be granted in accordance with the conditions set out in the report.

Note: Councillor Curtis left the meeting for consideration of the following item, having declared a prejudicial interest.

26 EDUCATION CONTRIBUTIONS PERTAINING TO THE DEVELOPMENT OF 95 DWELLINGS, CONSTRUCTION OF ROADS AND ASSOCIATED HARD AND SOFT LANDSCAPING – LINCOLN ROAD, NETTLEHAM (ROMAN GATE) (DM.07 11/12)

The Development Management Team Leader clarified that the report was only seeking resolution as to the education contribution required. All other matters had previously been considered as detailed in the report, and were included in the appendix. Members were further asked to note that they could only

consider the contribution required for the housing proposed within West Lindsey and not that within Lincoln City. The City Council had yet to agree the contribution for their element.

The Development Management Team Leader further stated that West Lindsey District Council and the County Children's Services did work closely together and had considered a number of variables relative to this matter, including future demands in terms of migration, birth rates and parental educational preferences, as well as national policies. The council had sought information from independent sources such as the NHS to examine the cases put forward by the applicant and LCC. It was acknowledged that this was a difficult area and that it was not easy to make accurate predictions.

Chris Waumsley of Freeth Cartwright addressed the Committee on behalf of the applicant and stated that he agreed with the recommendations in the report. It was acknowledged that the development would bring more people to the area, but the question was whether school places would be needed, and if so, where? Mr Waumsley stated that there would be an estimated 210 surplus school places by 2014, in excess of those required by the development, and that it was not reasonable for the County Education department to require as high a contribution as that stated. The County had stated that they would accept a parcel of land instead of finance, to enable a new school to be built. The developers were happy to make a donation, but not for new school places.

Stephen Mason spoke on behalf of the County Council Children's Services, stating that the predictions of a shortfall of places was accurate. It was affirmed that there would be enough secondary places but a shortage of 73 primary places hence the reason for a request for a contribution. Schools may appear to have capacity but this was not the case. The County were already looking at a site for a new school and Mr Mason expressed his disappointment that the applicant was not prepared to pay the amount asked for. Thanks were expressed for the continued dialogue with West Lindsey District Council.

Members acknowledged that it was difficult to make a judgement based on two conflicting arguments, and it was noted that village schools in the district did not always have enough children to fill them. It was acknowledged that parental preference was often in favour of higher performing schools regardless of locality and that supply and demand could not be clearly defined.

A balance had to be made between educational contributions and the provision of affordable housing, and the developer was offering the full quota of affordable housing provision. Education contributions were within the third tier of the Council's approved section 106 priorities.

RESOLVED – that:

- a) the Development Services Manager be delegated powers to resolve the outstanding matters relating to planning application 124283, specifically pertaining to the level of any contributions

that are required, to be secured through a section 106 agreement, in order to make the development acceptable.

- b) That the contribution for capital infrastructure for education be £30,183

Note: Councillor Curtis returned to the meeting.

27 PLANNING ENFORCEMENT QUARTERLY UPDATE (DM.08 11/12)

The Development Management Team Leader informed the Committee that the total number of open cases had been significantly reduced since the previous year. Cases were being prioritised and formal action being pursued when it was expedient to do so.

Members referred to some individual cases that still had outstanding issues, and asked that the prioritising of cases be assessed in terms of feasibility of being pursued. It was also stressed that members of the public should not be given assurances that action would be taken until it had been established that it was practical to do so. Members also asked that they be kept informed of cases that arose in their wards.

Information had been sent out to all Councillors regarding the restructure and realignment within Development Services. The Chairman expressed the thanks of the Committee to all officers involved in enforcement, with particular thanks to Aida McManus.

RESOLVED that the report be noted.

28 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

The meeting concluded at 7.50 pm

Chairman