

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Development Management Committee held in the Council Chamber at the Guildhall, Gainsborough, on Wednesday, 8 February 2012 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 Jessie Milne
Councillor Roger Patterson
Councillor Judy Rainsforth
Councillor Ray Sellars

In Attendance:

Simon Sharp Development Management Team Leader
George Backovic Senior Development Management Officer
Dinah Lilley Democratic Services Team Leader

Apologies: Councillor Ian Fleetwood
Councillor Malcolm Leaning

Membership: Councillor Ray Sellars substituting for Councillor Malcolm Leaning

Also Present: Councillor Stuart Kinch
15 members of the public
One member of the press

70 PUBLIC PARTICIPATION

There was no public participation at the meeting.

71 MINUTES

Meeting of the Development Management Committee held on 14 December 2011.

RESOLVED that the Minutes of the meeting of the Development Management Committee held on 14 December 2011 be confirmed and signed as a correct record.

72 MEMBERS' DECLARATIONS OF INTEREST

Councillors Caine, Curtis, Doran and Patterson noted, as per the previous meeting, that they had been unable to attend the site visit for the Newton on Trent application, but that they now felt sufficiently apprised of the site to be able to take part in the discussion.

Councillor Sellars had not been present on the site visit, nor at the previous meeting, so would abstain from taking part in the deliberation for the Newton on Trent application.

It was agreed that all Committee members declare a personal interest in Item 4 as the applicant was a previous West Lindsey District Councillor and also the wife of a current Councillor.

Councillor Cotton also declared a personal interest as he had acted as election agent for Mrs Shore, the applicant for Item 4.

Councillor Cotton declared further personal interests in Item 1 Newton on Trent as he knew the land owner and was also responsible for the church in the area.

Councillor Reg Shore informed the meeting that he was present as a local resident and would take no part in the meeting.

73 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

There were no recent updates to report.

74 PLANNING APPLICATIONS FOR DETERMINATION (DM.21 11/12)

RESOLVED that the applications detailed in report DM.21 11/12 be dealt with as follows:-

Item 1 - 127585 - Newton on Trent

Planning application for construction of water treatment works, pumping station and open reservoir.

The item had been deferred from the previous meeting to enable further options to be considered. The Development Management Team Leader updated the Committee on additional information that had been submitted by the applicant and which was appended to the report. Further consultation had taken place with residents and the Parish Council, and a further representation had been received from an objector. The representation

raised two new issues, the first of which referred to the proposal to build the pumping station into the hillside of the site and that this was a site of geological interest which needed to be protected from development. The Development Management Team Leader noted that the site was not designated as being of geological importance. The second issue raised by the objector was that there was intrusion on a Site of Nature Conservation Interest, this was confirmed as being correct, however consultation had taken place with Natural England and the Wildlife Trust, and it had been noted that the characteristics of the site had changed since its designation, it was no longer natural grassland and the negative impact on the site would not be significant.

Steve Swan, of Anglian Water, addressed the committee and explained the need for the scheme, being to cater for the water needs of an expanding population, an estimated increase of 8,000 properties. The business plan had been submitted to OFWAT in 2009 and was in accordance with the Water Resources Management Plan. The location of the proposal was questioned at the previous meeting and the additional information submitted explained the reasoning behind the necessity for the choice of location. The Fosdyke did not have sufficient volume or suitable quality of water, and the site needed to be set above the level of the flood plain. Anglian Water had continued to consult and work with the local community and the Parish Council and was committed to continue this consultation throughout the construction period. It was felt beneficial to work with the community, and environmental and ecological matters were taken seriously.

Alison Wells, Director of H C Grimes, local Farmer, spoke on the application, noting that the family had farmed the area for around 200 years and had a responsibility to protect the land for the future. There were no objections to the aims of the project, but the proposed site contravened policies. There would be no conservation of views, with the buildings being 13 metres high there would be a significant intrusion on the landscape. The proposed site would be preferable on the western side of the A1133, where soil could be moved to improve gravity flow and there would be less detrimental impact. Ms Wells begged the applicant to think again as the proposal would be a blot on the landscape which residents would have to live with for a very long time.

Councillor Kinch spoke as Ward Member for the application, stating that he had not received the additional information until the previous day so had had no time to digest the alternatives proposed. Councillor Kinch requested that the application be deferred again as he agreed with Ms Wells that the landscaping proposals did not go far enough to mitigate the impact. Photographs were shown of the site, with visualisations of the works on site and also how the site would look in ten years' time. Other water treatment works in the area were an eyesore. This was a £40m project and it would not cost significantly more to consider alternative solutions.

The Development Management Team Leader assured the Committee that all Councillors had been sent the relevant alternative solutions and locations assessment document for the meeting as it formed an appendix to the report,

a week prior to the meeting, and that additional consultation had been undertaken with the Parish Council, local residents and the ward member, Councillor Kinch, on 26 January 2012.

Members of the Committee then discussed the application at length weighing up the suggestions made by the speakers. The Development Management Team Leader noted that moving the proposed site to the west of the A1133 would mean that it was closer to the Scheduled Monument and non-designated heritage assets, so this would need an additional assessment as weight would have to be afforded to the potential impact on these assets. If Members felt that the proposed screening was insufficient the matter could be deferred again to give consideration to further mitigation. Members felt that the photographs of the proposed view upon completion and in ten years' time showed very little difference, and as there was plenty of time before the window of opportunity closed for the applicant to implement the proposal, it was important to get the details right, as the impact would have long term implications for the area.

The Development Management Team Leader asked Members whether, if they proposed deferral, they wished an alternative location on the west side of the A1133 (nearer the Schedule Monument) or additional screening to be pursued. The Committee agreed that both alternatives be explored concurrently. The colour of the buildings was also discussed, but it was pointed out by officers that consideration had already been given to the matter and the visual impact.

It was moved and seconded that the application be deferred further to give time for more negotiation with the applicant on the mitigation of the impact on the landscape.

It was **AGREED** that the application be deferred.

Councillor Sellars stated that if a further site visit were arranged for those members of the Committee who had not been present on the first visit, this would be welcomed.

Item 2 - 127741 - land off Somerby Way Gainsborough

Planning application for erection of public house-restaurant, access, car parking and associated works.

Michael Robson of Marston Inns and Taverns addressed the meeting, describing how Marston's were a national chain which planned to open several new establishments despite the economic situation. The public houses were proposed to be family oriented, food led venues. The busiest periods tended to be up to 9pm so there was no need for door security, and it was proposed to create 40-50 jobs. Marston's wanted to work with planning officers and hoped to open later in the year. Although not specifically an employment application on the designated site the proposal was to occupy

only 0.4ha within a 48ha allocation. Mr Robson noted that an alternative site within Gainsborough town centre had been suggested, but that would attract a different clientele to the family customers the establishment was aiming for. There had been no objections from local residents.

The Ward Member noted that he could see no problems with the proposals.

Members acknowledged that there were some issues relative to the application that were for the Licensing Committee to consider and that these matter were separate considerations to the planning application. Some concerns were raised as to the materials to be used, but that the creation of up to 50 jobs was to be welcomed. It was not felt that there would be any detriment to the town centre and that the venue would attract passing traffic. The proximity of the children's play area to the road was questioned, but assurance was given that there was a separation of land between the two. Although pedestrian access would be limited, there could be a knock on effect for taxi businesses, and although acknowledgement was given that the proposed new housing development nearby had permission for a public house this proposal would give residents a choice and serves the needs of the local community, this community having recently lost a local pub (The Gainsborough Park).

It was **AGREED** that the decision to grant planning permission subject to the conditions detailed in the report be delegated to the Planning and Development Services Manager upon the expiration of the statutory publicity period subject to no representations being received raising issues not covered in this report.

Item 3 - 128070 - Marshall Way Heapham Road Industrial Estate Gainsborough

County Matters application to construct a waste transfer station with associated weighbridge, single storey office/welfare building, car park and supporting access road and drainage infrastructure.

The application was before the Committee for consultation as Lincolnshire County Council was the determining planning authority and West Lindsey District Council was a statutory consultee.

Note Councillors Underwood-Frost and Sellars declared personal interests at this point in the meeting as being County Councillors.

Aerial photographs were shown which set out the context of the site and its proximity to the public house which had been the subject of the previous application. Councillor Caine noted that he was aware of other waste transfer stations in the district and that these were clean and odour free and caused no problems in their vicinity.

It was proposed that the Committee endorse the recommendations to increase the tree planting screening and to move the balancing pond.

The Committee were assured that despite the report stating that the application site was in Gainsborough North ward, it was in fact in Gainsborough East and that the appropriate consultation had taken place. No comments had been received from the Ward Members.

One Member felt that a waste transfer station would attract flies and be antisocial to neighbours, particularly an adjacent restaurant

The Development Management Team Leader informed Members that the application would normally have been dealt with through delegated powers but had been brought before members because of the public interest and the juxtaposition with the application for the public house and restaurant (item 2)..

It was **AGREED** to advise Lincolnshire County Council that there were no objections to this proposal subject to additional tree planting on the eastern and western boundaries of the site and consideration being given to relocating the balancing pond to the south western corner of the site and planting hawthorn along the line of the security fence.

Note Councillor Rainsforth wished it to be recorded that she had voted against the recommendation.

Item 4 - 127890 - R/O Red Roofs 31 Saxilby Road Sturton By Stow

Planning application for construction of a detached two bedroom bungalow to replace dilapidated outbuildings

The Development Management Team Leader advised Members that this application was before the Committee as the applicant was the wife of a current West Lindsey District Councillor. The principal issue for consideration was an assessment of local need, which was not felt to be established. The Development Management Team Leader had searched property databases and found that four bungalows were for sale on the day of Committee starting at an asking price of £129,950. Two letters of support had been received from the immediate neighbours to the application site, and one objection from another neighbour nearby.

Mrs Shore addressed the committee and circulated photographs which were included within the presentation. Mrs Shore stated that the only valid objection was the principle of development, however sustainable growth was needed in rural settlements, there was not an over supply of housing in the rural areas. The applicant felt that as the site contained dilapidated buildings from a former smallholding this would qualify as previously developed land. There would be no detrimental impact on anyone's amenity, and there had already been a precedent set in the village for backland development. The applicant had strong links with the village and felt that the exceptions policy

should be used for residents. There was a waiting list for rented accommodation and there should be a presumption in favour of sustainable development.

The Development Management Team Leader noted that West Lindsey had an over supply of housing land for seven and a half years, a recent assessment would confirm that there was still an over supply. It was verified that the land was classified as garden so therefore did not qualify as previously developed land. It was considered that little weight should be afforded to the Planning Policy Framework, and that Planning Policy Statements merited greater weight. The principles of Policy STRAT7 were about more than just according with the basic needs test of time lived and/or worked in the settlement. It was also about defining the specific need and whether the existing or other available properties could meet the need identified. If the Committee chose to defer the application, further research could be undertaken to establish the suitability of alternative properties.

The Committee agreed that it was a finely balanced argument, but agreed that there was minimal impact on the surrounding area and its character. Although the over supply of housing land was acknowledged, this application was merely for one property so would not significantly change the status. Members felt it was important to acknowledge the aggregate figure for the housing supply figures, across the district within the Central Lincolnshire area.

It was also noted that more people worked from home than in the past and that current policies did not acknowledge this societal change. Although there may be other properties within the village they were not necessarily fit for purpose.

Other members felt that oversubscription had been used in the past to refuse applications and this had been supported by the Planning Inspector when applicants had submitted appeals.

It was moved and seconded to grant the application. The Development Management Team Leader pointed out that the Committee needed to decide if the application was to be granted unconditionally or whether the permission should carry conditions. It was agreed that conditions be attached to the permission to ensure that the character and appearance of the area was preserved. Members also considered it necessary to restrict permitted development rights; the size of the dwelling was commensurate in scale to the need identified and the restriction of the right was required to ensure that it was not enlarged significantly.

On being voted upon it was **AGREED** that permission be granted subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

Reason: To safeguard the character and appearance of the dwelling and its surroundings and ensure the proposal uses materials in accordance with West Lindsey Local Plan First Review policies STRAT 1, RES1 and RES3 of the West Lindsey Local Plan First Review 2006.

3. No development shall take place until a scheme of landscaping for within the site and the site boundaries, including details of the size, species and position of all trees to be planted and retained, hedges to be retained, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to preserve the character and appearance of the area is provided in accordance with West Lindsey Local Plan First Review policies STRAT1, RES1 and RES3.

4. Prior to the first occupation of the dwelling hereby approved, manoeuvring areas shall be have been provided within the site in accordance with the 1:500 scale layout plan received on 17th November 2011 and retained thereafter.

Reason: To ensure vehicles can enter and exit the site onto the adopted highway in forward gear in the interests of highway safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

5. All planting, seeding or turfing comprised in the approved details of landscaping referred to in condition 3 shall be carried out in the first planting and seeding season following the first occupation of the dwelling hereby approved or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a landscaping scheme to preserve the character and appearance of the area is provided in accordance with West Lindsey Local Plan First Review policies STRAT1, RES1 and RES3.

6. Notwithstanding the provisions of part 1 Classes A and B of the Schedule of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no extensions to the dwelling including extensions to the roof shall be constructed without an express grant of planning permission.

Reason: There is a need to ensure that the approved dwelling remains small, commensurate to the need identified and in accordance with West Lindsey Local Plan First Review Policy STRAT1.

Reason for granting the application

In the context of policies STRAT3 and STRAT7 of the West Lindsey Local Plan First Review 2006, a local need has been demonstrated which can only be met through the development of the dwelling hereby approved. However, conditions are necessary relating to materials, landscaping and restriction of permitted development rights to ensure that the dwelling remains small and commensurate in scale to the need.

Note Councillors Curtis, Milne and Underwood-Frost wished it to be recorded that they had voted against the granting of permission.

Item 5 - 128058 - Garage Block Pasture Lane Market Rasen

Planning application for demolition of existing garage block - comprising three domestic single garages - and erection of pair of semi-detached dwellings on site of garages - resubmission of 127060.

The Senior Development Management Officer updated the Committee on a late representation that had been received which raised the issue of loss of parking spaces, however this matter had already been considered during the preparation of the report. Notification had been received from Legal Services that the Section 106 agreement was complete and ready for signature. This should not however be afforded weight as the recommendation was not that permission be dependant upon the completion of the S106, although if the Committee were minded to grant subject to the inclusion of the S106 agreement, this should be included in the resolution and the recommended reasons for granting amended accordingly

Members of the Committee noted that the application had been before them more than once and if the applicant was happy with the permission to be granted subject to the completion of the S106 then the Committee should grant that permission. There was an under supply of affordable housing across the district and the affordable housing was necessary to make the development acceptable.

It was **AGREED** that the Planning and Development Services Manager be delegated powers to grant permission subject to the conditions detailed in the report upon the signing of the section 106 agreement requiring the dwellings hereby approved to be delivered as affordable housing and that the reason for granting to include the statement that the development is only acceptable subject to the delivery of the dwellings as affordable housing.

Item 6 - 127976 – 30 Sudbrooke Lane Nettleham

Full Planning Application for change of use from residential garage to dog grooming salon, and addition of conservatory to the front.

The Development Management Team Leader informed the Committee that the application was before them for consideration as the issues were a finely balanced matter and the local Ward Member had raised questions on the application. It was clarified that it was the Development Management Team Leader's decision to refer the application to Committee in accordance with the powers delegated in the council's Constitution. The conditions proposed addressed the amenity concerns and legal and enforcement matters had been checked.

Michelle Major, the applicant, spoke to the Committee and addressed each of the concerns that had been raised. The garage was sited 32 metres from the front of the property and there would be plenty of parking space. Mrs Major was also planning to offer a collection and drop-off service which would help to reduce traffic at the property. The dogs already resident at the property would be kept indoors during hours of business, and no customers' dogs would be staying over. The reason for there being four cages was for the separation of clean and dirty dogs and the prevention of disease spread. The 1.5m proposed extension to the garage would be fully soundproofed and all waste from the business would be dealt with by Biffa in fully sealed containers collected regularly. Mrs Major's aim was to offer a service to the village and surrounding area and was working towards appropriate qualifications. Other similar businesses in the area already worked out of residential properties.

The local Ward Member raised concerns at such a business at a residential property, and the Parish Council had objected. It would not be possible to prevent dogs from barking, and moved that the application should be refused in terms of Policy STRAT1, residential amenity. The motion was not seconded.

The other Committee Members felt that the applicant was taking all appropriate measures to mitigate the impact on the surrounding area, and that nearby business units in Nettleham would be too big for such a business. It was noted that the proposed conditions did restrict opening hours and it was suggested that the permission be restricted to the applicant at that address.

The Development Management Team Leader conceded that there was an error in the conditions and that condition 5 should read 08.00 – 18.00 Monday to Fridays and not Saturdays as stated in the report. .

It was **AGREED** that permission be granted subject to amended and additional conditions:-

Condition 5 be amended to read:-

08.00 – 18.00 Monday to Friday

08.00 – 13.00 Saturday

Condition 6 be amended to read.

The dog grooming salon use hereby approved shall not be undertaken other than by Ms Michelle Major and only whilst she is residing at No. 30, Sudbrooke Lane, Nettleham

75 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

76 FUTURE MEETINGS

The Development Management Team Leader informed the meeting that there had been plans to hold the subsequent meeting, in March 2012, at an alternative venue to comply with requirements in terms of wind turbine applications. However the pending application was now for a number of turbines which meant that it was below the threshold which required this course of action.

The Democratic Services Team Leader informed the meeting that during the compilation of the 2012-13 Committee Timetable it had transpired that Development Management Committee meetings in April and May 2012 would be eight weeks apart, so it was proposed that, subject to business requiring it, permission be sought for an additional meeting to be convened on 2 May 2012.

RESOLVED that the status of meetings in March and May 2012 be noted.

The meeting concluded at 9.10 pm

Chairman