

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Development Management Committee held in the Council Chamber at the Guildhall, Gainsborough, on Wednesday, 29 June 2011 at 6.30 pm.

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

Councillor Owen Bierley  
Councillor Alan Caine  
Councillor Richy Doran  
Councillor Ian Fleetwood  
Councillor Malcolm Leaning  
Councillor Jessie Milne  
Councillor William Parry  
Councillor Roger Patterson

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

**Also Present:** Councillor Chris Darcel  
Councillor Ray Sellars  
Councillor Paul Howitt-Cowan

**Also in Attendance :** W Hill, Head of Planning, North Lincolnshire Council  
Councillor A Bunyan, North Lincolnshire Council  
17 members of the public

**Apologies :** Councillor David Cotton  
Councillor Stuart Curtis  
Councillor Judy Rainsforth

**Membership:** Councillor William Parry substituting for Councillor Stuart Curtis

### 14 PUBLIC PARTICPATION

Mr Barry Dutton of Hemswell Parish Council addressed the committee, highlighting concerns that the Parish Council had regarding a recent Appeal that had been submitted to the Planning Inspectorate. The planning application had been considered by West Lindsey District Council Planning

Committee, during which the Parish Council in their submission had showed a dvd which clearly showed the context of the application. The application was refused and the applicant appealed to the Planning Inspector. The Parish Council requested to submit the same dvd as part of their evidence. The Planning Inspector refused to accept the dvd stating three reasons, none of which the Parish Council felt to be valid. Mr Dutton also questioned the support given to the Parish Council by the Council's Planning Officers.

The Parish Council felt that in the 21<sup>st</sup> Century the submission of electronic evidence should be encouraged, and that the Parish Council's case was severely disadvantaged by the Planning Inspector's refusal to accept this. Mr Dutton was therefore seeking the Council's support in this matter.

The Planning and Development Services Manager stated that to a large extent officers agreed with Mr Dutton and the Parish Council in that the Planning Inspectorate should accept electronic submissions, and suggested that he write a letter from West Lindsey District Council to the Planning Inspector, the Minister responsible for the Inspectorate and the local MP. A copy would be sent to Hemswell Parish Council.

Members agreed that when such media is available it should be used, particularly as this could reduce the need for site visits. The video shown by Hemswell Parish Council had been well made and very useful in determining the application.

On being moved and seconded, it was **AGREED** that the Planning and Development Services Manager should write a letter expressing the Council's support for Hemswell Parish Council in this matter, to be signed by the Chairman.

## **15 MINUTES**

Meeting of the Planning Committee held on 1 June 2011

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 1 June 2011 be confirmed and signed as a correct record.

## **16 MEMBERS' DECLARATIONS OF INTEREST**

The Democratic Services Team Leader stated that she would record a blanket declaration of personal interest for members of the Committee in Item 3, the application at Sturton as the Council has been involved in part funding the Parish Council project.

Councillor Jessie Milne declared a personal interest in item 2 as she had been contacted about the application through the MP's office.

Councillor Malcolm Leaning declared a personal interest in item 8 as he had been involved in the production of the Village Design Statement which had been used in consideration of the application.

Councillor Ian Fleetwood declared a personal interest in item 6 as he used to be a member of Langworth Parish Council and he was the local County Councillor.

Councillor Underwood-Frost declared a personal interest in item 2 as he knew the applicant.

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

The Development Management Team Leader had previously emailed all Councillors giving updates on Planning Policy matters and included weblinks to relevant documents. The main issues to be noted were: the draft presumption in favour of sustainable development; the recently published PPS3 (Housing); and guidance on the weight to be afforded to the Regional Plan as a material consideration in determining planning applications following the latest court of appeal decision (Cala Homes).

The Chairman assured all members of the Committee that regular training would be made available in order to maintain adequate knowledge of planning legislation.

## **18 PLANNING APPLICATIONS FOR DETERMINATION (DM.04 11/12)**

**RESOLVED** that the applications detailed in report DM.04 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.

The Development Management Team Leader noted that this application had been the subject of a site visit and also been deferred from the previous meeting pending further negotiation. Amended plans had since been submitted, the main change being a reduction in the level of the garage floor by 900mm. Condition 5 would therefore need amending in light of the proposed revision. Two additional representations had also been received which felt that the amended plans did not address the concerns raised, and it was felt that a turning area should be incorporated into the garden.

Mr Alan Greenway, of Welton Parish Council, addressed the committee to raise the concerns of the Parish Council. It was not felt that the amended plans addressed the problems raised. In particular the matter of the resiting the drain

was raised and also the problem of reversing vehicles onto a narrow lane and the danger to pedestrians. It was not felt that the proposals were in keeping with the conservation area.

Mr David O'Brien, the applicant spoke on the application. He stated that he had addressed the recommendations made following the site visit and attempted to mitigate the impact of the proposed garage on the neighbouring property. He had met with planning officers who had advised him that they would not support the removal of the tree, significant excavation of the site or a reduction in parking space. Mr O'Brien stated that he reversed out of his current driveway on to the lane, as did several other residents, and that the bridleway was some distance away from the property so would not be affected. He pointed out that the lane was unclassified and a driveway would be permitted development. Mr O'Brien said that the only option available to him was to reduce the height of the garage which he proposed by lowering the floor and reducing the pitch of the roof.

Mr Tim Matsell spoke in objection to the application. He stated that he was disappointed with the revised plans in that the changes were minimal. Mr Matsell felt that vehicles leaving the property should do so forwards, and he was concerned about the impact and loss of light from the garage to his neighbouring property. He did not feel that previous concerns had been addressed and pointed out that although the fence was described as being 1.8m his own property was at a higher level so on that side the fence was only 1.7m.

The Development Management Team Leader stated that there were restrictions on the removal of trees in conservation areas and that if members of the Committee felt that a turning circle would be appropriate they would have to balance the argument between conservation of the tree (and preservation of the character and appearance of the Conservation Area) and highway safety considerations.

Members felt that there may be grounds for removal of the tree as it was not a significant species and stated that further negotiation could allow for the garage to be moved further back in the property. The matter of the resiting of the drain also needed to be resolved.

It was **AGREED** that the application be deferred pending further negotiation in an attempt to resolve the outstanding issues.

#### Item 2 – 127051 – Torksey Lock

Planning application for change of use of land to use for the siting of 32 residential park - falling within the definition of caravan - homes and 22 holiday static caravans and associated lighting, roadways, public open space, caravan camper van storage area, visitor parking and landscaping - resubmission of 125297.

The Development Management Team Leader stated that there was a history of existing permissions which should be afforded significant weight as a material consideration. Future development could be largely controlled through the submitted section 106 agreement. The proposed scheme provided for a better planned layout. Slides were shown of the site which was currently part residential, part holiday homes and partly undeveloped.

Mrs Janet Taylor spoke in support of the application and described how residents of the site were a vibrant community and made up a self sufficient village which supported local businesses and exerted low demand on facilities.

Members discussed the application and agreed that the economic development aspect needed to be considered and that it was necessary to encourage people into the area to make it more sustainable.

It was **AGREED** that the Planning and Development Services Manager be delegated powers to grant permission subject to conditions upon the completion and signing of the S106 agreement.

Item 3 – 126930 – Sturton by Stow

Planning application for drainage improvement scheme

The Development Management Team Leader informed Members that the application had been submitted for consideration by the Committee because of the financial interest of the Council in the project. The recommendation was to delegate powers to the Development Services Manager subject to the outstanding matters of protected species, and that this matter was nearing resolution. The elements of the wider scheme that involved alterations to existing watercourses were permitted development and the application before Members was solely for the new watercourse..

Councillor Ian Fleetwood declared a personal interest at this point in that he was a member of the Environment Agency Flood Defence Committee.

It was **AGREED** that the Planning and Development Services manager be delegated powers to resolve the outstanding matters relating to protected species and that the application be granted planning permission upon the resolution of that issue subject to the conditions contained in the report, and any further conditions that may be required relating to appropriate mitigation measures.

Item 4 – 127017 and Listed Building Consent 127047 – Sturton by Stow

Application for variation of conditions 2,3,4,5,6,7 and 8 of planning permission 124042 granted 19th January 2010. Conditions relate to matters to be agreed before commencement of the works (application under section 73) and application for variation of condition 2 of listed building consent 124043 granted 19th January 2010.

The Development Management Team Leader introduced the report stating that an application had been granted subject to conditions in 2010 as enabling development in order to secure the preservation of the building. Since that time the rectory had been subject to vandalism. One solution would be to board up the windows which could be required by the Council but the proposals contained within the report would be a more effective, medium term security measure. The proposals were to demolish the rear extensions, which were not part of the original building, and to block up the windows, to prevent vandal access. Such works constituted development which was precluded from commencing until many of the conditions had been discharged. Upon reflection, the conditions imposed were perhaps not reasonable and the advice was, under section 73 of the Planning Act 1990, that a fresh permission be granted to allow for the works to take place. The other conditions would still be valid and sufficient.

Members stated that it would be a tragedy to allow the building to deteriorate further and measures should be taken to preserve what is left.

It was **AGREED** that the Planning and Development Services Manager be delegated powers to grant planning permission and listed building consent subject to the conditions detailed in the report upon completion and signing of the agreement between the Council and the applicant pursuant to Section 106 of the Town and Country Planning Act 1990.

Item 5 – 126133 – North Owersby

Planning application for change of use and conversion of disused farm buildings to a live-work unit - resubmission of planning application 125080

The Development Management Team Leader updated the Committee on the application, a similar application having been refused last year. The Council were seeking a corporate approach to live-work units, and attempting to prevent abuse of these by restricting the expansion of industrial development on such properties and to impose conditions of sale, through the signing of a unilateral agreement. The application site was in a rural location but close to employment and customer bases. A further representation had been received but which raised no new issues to those contained within the report.

Members felt that the application should be supported as the scheme would improve the buildings and that rural economic development should be encouraged.

It was **AGREED** that permission be granted, subject to conditions and a unilateral undertaking.

Item 6 – 127132 - Langworth

Planning application to replace an existing bungalow and detached garage with a new dwelling with attached garage.

The Development Management Team Leader updated the Committee on a further representation which had been received from J Dearman which raised the matter of flooding. This issue was addressed in the report and it was clarified that it was proposed to raise the level of the house, not the whole site.

Mr Barry Warriner, the applicant, addressed the Committee. Mr Warriner described how the property had been flooded four years ago, but that it had not been repaired as it had not been insured. His circumstances had now changed and he needed a family home, he was currently residing in a caravan apart from his family. The property currently sat 350mm lower than its neighbour and the Environment Agency had considered the application and raised no objections. Other neighbours had been granted planning permissions, and he was not proposing to raise the ground level. Mr Warriner agreed that the proposed development was larger than the original but that the size of the plot had increased. His family needed their lives back on track.

Councillor Darcel speaking as Ward Member stated that he had no objection to the proposals for the house itself, but had concerns regarding the width of the water channels between neighbouring properties. A reduction of 40% width would mean an increase of 40% depth of any flooding. He suggested getting further advice from a consultant drainage engineer.

The Development Management Team Leader stated that a Flood Risk Assessment had been submitted as part of the application and that the Environment Agency had raised no objections to the raised floor levels. If the Committee so wished it further advice could be sought from the County Council's drainage engineers.

Members felt that if the Environment Agency and the Third Witham Drainage Board had no objections then there were no grounds to refuse the application. It was moved and seconded that approval be granted. The motion was then withdrawn following discussion regarding obtaining further advice, subject to there not being any significant delay in determining the application.

It was **AGREED** that further advice would be sought from the County's engineers and that subject to there being no further objections the Planning and Development Services Manager be delegated power to grant permission subject to conditions.

#### Item 7 – 127069 - Nettleton

Planning application for building a cattery containing 20 units.

The Development Management Team Leader informed the Committee that a further representation had been received from Burnside House but which had raised no new issues not contained within the report. The application had been submitted for determination by the Committee because the County's Highways department had requested that works be carried out to the site access. West Lindsey Council planning officers did not feel that the Highways condition was a reasonable request.

Mrs Ann Hamilton, the applicant spoke to the Committee and stated that she had undertaken much research and made all necessary enquiries in compiling her application. Neighbours of the property agreed that traffic was minimal, and the business proposal would be seasonal with less traffic in winter. Mrs Hamilton stated that if possible she would prefer longer opening hours should the application be granted.

The Ward member noted that the road access was not near other properties, there was very little traffic and there was no need for improvements to the highway.

The Committee discussed the opening hours and agreed that the recommendation of 09.00 to 11.00 and 15.00 to 16.00, not on Sundays and Bank Holidays were too restrictive for the nature of the business.

It was moved and seconded that the opening hours be extended to 09.00 to 11.00 and 15.00 to 19.00 every day.

It was **AGREED** that permission be granted subject to conditions and the alteration of condition 5 to change the opening hours of the business.

Item 8 – 127296 - Nettleham

Planning Application for a replacement dwelling design on plot 115 of planning permission W65-105-95 approved 9th May 1995..

The Development Management Team Leader clarified for the Committee that the application was for a replacement dwelling design to that previously approved and which was proposed to be completed in phases.

Mr John Evans, of Nettleham Parish Council spoke on the application stating that the Parish Council's views were based on the Nettleham Village Design Statement, which stated that new properties should be similar in size to neighbouring properties, and the proposal was twice the size of others nearby. The proposed garage entrance was at right angles to the property unlike the others and the proposed dwelling was a completely different style to neighbouring properties and inappropriate to the location. The Parish Council also requested that should the application be granted, the development take place in one phase rather than staged, to minimise disruption.

Councillor Sellars, Ward Member for the proposal, agreed with the Parish Council in that the design of the property did not fit with its surroundings, did not comply with the Village Design Statement and was not sensitive to the character of Nettleham.

Proposed reasons for refusal were Policies STRAT1 and RES1, size, layout, external design, impact on neighbours and the effect on the streetscene.



The Development Management Team Leader stated that it would not be possible to require completion in one phase, and the application should be determined on the final completed dwelling.

Following discussion it was **AGREED** that permission be refused for the following reasons:-

“The proposed dwelling by virtue of its size, design, layout, siting and external appearance would be out of keeping with other dwellings in the street scene. This would be detrimental to visual amenity and the character of Nettleham Village contrary to Policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006 and the guidance contained within Nettleham Village Design Statement 2010. “

**Note** Councillors Caine and Leaning left the meeting at this point.

Item 9 – 127230 - Lea

Planning Application for proposed kitchen extension to the front of property and proposed hobby/workshop at the bottom of rear garden.

The Development Management Team Leader stated that the application was for a domestic extension and had been submitted to the Committee for determination because the applicant was a relative of a Council officer, as was standard procedure.

It was **AGREED** that permission be granted.

**Note** Councillors Caine and Leaning returned to the meeting.

## **19 ATTENDANCE AT PLANNING SUMMER SCHOOL \_ SWANSEA UNIVERSITY – 3-5 SEPTEMBER 2011**

Members were asked for three nominations to attend the annual Planning Summer School which was to take place at Swansea University from 3-5 September 2011. Those members who had attended in the past noted that the experience had been very enjoyable and stimulating and was highly recommended.

**RESOLVED** that:

- a) Councillors Jessie Milne and Roger Patterson attend the Planning Summer School 2011; and
- b) Councillors not present at the meeting be canvassed for a further nomination for the third allocated place.

## **20 DETERMINATION OF APPEALS**

The Development Management Team Leader noted that Appeal decision iv), Fiskerton, endorsed the Council's position in terms of housing land supply and the weight afforded to the Regional Plan.

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

The meeting concluded at 8.40 pm

Chairman