

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Development Management Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 1 June 2011 commencing at 6.30 pm.

Present: Councillor Chris Underwood-Frost (In the Chair)
Councillor Stuart Curtis (Vice-Chairman)

Councillor Owen Bierley
Councillor Alan Caine
Councillor David Cotton
Councillor Richard 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
Development Management Team Leader
Development Manager Officer
Senior Democratic Officer

Also Present : Councillor Malcolm Parish

Also in Attendance : 12 Members of the Public

6 CHAIRMAN'S WELCOME

This being the first meeting of the newly constituted Development Management Committee, the Chairman welcomed all Members of the Committee, particularly those newly appointed, members of the public and visiting Members to the meeting. A welcome was also extended to Officers, and brief round the table introductions were made.

7 PUBLIC PARTICIPATION

There was no public participation.

8 MINUTES

- (i) Meeting of the Planning Committee held on 20 April 2011.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 20 April 2011 be confirmed and signed as a correct record.

- (ii) Meeting of the Development Management Committee held on 23 May 2011.

RESOLVED that the Minutes of the meeting of the Development Management Committee held on 23 May 2011 be confirmed and signed as a correct record.

9 MEMBERS' DECLARATIONS OF INTEREST

Councillor David Cotton declared a personal interest in Planning Application 125929 (Item 3 of report DM.02 11/12) as a serving Member of Saxilby Parish Council.

Councillor Jessie Milne declared a personal interest in Planning Application 127085 (Item 2 of report DM.02 11/12) as she had been contacted by the applicant but had not discussed with them the application for determination by the Committee this evening

Councillor Judy Rainsforth declared a personal interest in Planning Application 127001 (Item 4 of report DM.02 11/12) as she had been approached by the Applicant, but this had not been in relation to the application for determination by the Committee this evening

Councillor Chris Underwood-Frost declared a personal interest in Planning Application 127001 (Item 4 of report DM.02 11/12) as he had been approached by the Applicant, but this had not been in relation to the application for determination by the Committee this evening

10 UPDATE ON GOVERNMENT CHANGES IN PLANNING POLICY

The Development Management Team Leader stated that the Department of Communities and Local Government had issued a consultation paper on Planning for Traveller Sites. The closing date for comments is 6th July 2011 which would enable the paper to be considered at the 29th June Planning Committee. *1

The Development Management Team Leader also reported on the intention of the Council to be in the first tranche of local planning authorities to set their own fees for planning applications. It was expected that legislation would receive royal assent before the parliament's summer recess.

11 PLANNING APPLICATIONS FOR DETERMINATION (DM.02 11/12)

RESOLVED that the applications detailed in report DM.02 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 – Greystones 22 Sudbeck Lane, Welton, Lincoln.

Note: Members had earlier in the day undertaken a site visit in relation to this application.

The Development Management Team Leader advised of an additional letter of representation which had been received from a neighbouring property east of the development site, in which objections relating to the siting of the garage and its resulting effects on the residential amenities of the neighbouring property had been raised.

Furthermore indication had been received from the applicant they considered it only reasonable to wait until members had considered the application before engaging further survey work to be undertaken relating to bats.

Mr Tim Matsell addressed the Committee and raised objections to the application, specifically the garage element of the proposal, and explained in detail his reasoning for having objected.

With the aid of slides to demonstrate his opinion Mr Matsell expressed concerns that the garage would significantly and adversely affect the charm and character of the village. In order to accommodate the garage a number of trees would need to be removed, resulting, in Mr Matsell's opinion, in a terracing effect, not in keeping with the surrounding area and thus considered to be contrary to Policy RES 11. The detrimental effect to the residential amenities of his property were outlined. He felt that the extension was not acceptable in terms of the impact it would have on his own property, particularly regarding loss of light. The natural light levels on the affected aspect were demonstrated with the use of photographs. Mr Matsell further explained the efficient heat source this generated.

Challenge was offered to the accuracy of the height of the boundary fence detailed in the report, which Mr Matsell stated did not accurately reflect the true impact of the garage on his property nor did he consider either the plans or supporting photographs demonstrated accurately the garage's overbearing nature, thus considered to be contrary to Policy STRAT 1.

Councillor Malcolm Parish, Local Ward Member, indicated that he too shared all of those concerns expressed by Mr Matsell. He also raised concerns in respect

of vehicular access and made reference to conditions which had been imposed on other recent development along Sudbeck Lane.

In the ensuing debate there was a general consensus that, whilst Members had no opposition to the barn conversion element of the application, they did share those previously expressed concerns regarding the siting of the proposed garage.

RESOLVED that consideration of the application be **DEFERRED**.

Reason for deferral:

to allow for negotiations to be had in relation to the relocation of the proposed garage in order to reduce its impact on the neighbouring property and to allow on-site turning area for vehicles.

Item 2 – 127085 - Welton

Planning application for change of use from domestic dwelling to residential care home, including alterations to provide 10 no. Bedrooms, some external alterations and reinforcement of boundaries.– The Brownlow Arms, Lincoln Road, Faldingworth, Lincoln.

The Senior Development Management Officer advised that, since having written the report, a further statement had been received from the County Council's Highways Department, the contents of which were shared with Members, but in summary, confirmed that all aspects of the proposal were acceptable to them. Officers indicated the need, in the event of planning permission being granted, for a further condition relating to the boundary fencing and the requirement for details of its type and finish to firstly be submitted for approval.

Councillor Trevor Howard, speaking on behalf of Faldingworth Parish Council, addressed the Committee and raised numerous objections to the application.

The Parish Council had significant concerns and serious reservations regarding the location of Faldingworth and the site chosen therein, The Brownlow Site, for such a development and considered that neither were in the best interests in terms of welfare, development nor safety of any person residing at the care home in the future. The Parish Council considered siting such a development alongside the busy A46 raised significant highway safety risks to both pedestrians and vehicular traffic arising from the proposed access route and additional vehicular movements arising from the development. Furthermore, the lack of local amenities and service; unsustainable location; and close proximity of the site to a primary school, were all considered factors, which made the site unsuitable for its proposed use and thus grounds on which the Parish Council considered planning permission should be refused.

Councillor Malcolm Parish, Local Ward Member, indicated that he too shared all of those concerns expressed by Parish Councillor Howard. He shared with the Committee the long history of accidents and near miss incidents which had

occurred along the A46 and considered the site and indeed the village in general were inappropriate for such a development, in view of it having little to offer any person residing in the residential home in the future.

In the ensuing debate Members questioned the resulting effects to the streetscene, presently green and relatively open in nature. Members also questioned both the chosen site and the settlement, particularly when taking into consideration the needs its residents would have. Several Members were of the opinion that, in view of Faldingworth not being classified a primary rural settlement and it having very few amenities, particularly a lack of health services, the proposal was contrary to Policy CRT14.

At the request of Members, Officers provided advice on the requirements of policy CRT 14 (i) and (ii) and on the possible differing requirements which could be evident between one proposal and another within use class C2 (residential institutions) and in turn the possible effects these individual needs could have on the interpretation of part (ii) of policy CRT 14. Examples were provided to Members. It was suggested gaining an understanding of the specific location needs may be of assistance. Furthermore, Officers indicated by using a Section 106 Agreement, it may be possible to secure additional services and facilities for the community. Following this clarifications motions were put forward to refuse the application on the grounds of a lack of services and facilities (referencing policy CRT14(ii) of the West Lindsey Local Plan First Review 2006) and also to defer the application to allow officers to seek information from the applications as to whether there were any specific circumstances that would support the Faldingworth location. Both motions were seconded.

On the first motion being put to the vote it was:

RESOLVED that permission be **REFUSED**.

Reason for Refusal:

The proposal is not located close to existing services and facilities as there is a lack of such services and facilities, including health facilities, in the village of Faldingworth. As such it would not accord with saved policy CRT 14 (ii) of the West Lindsey Local Plan First Review 2006 which states that, "all developments for residential and nursing homes shall be located close to existing services and facilities, including public transport and health services."

Note: Councillor Malcolm Leaning requested that his vote against the above decision be recorded.

Note: Councillor Chris Underwood-Frost declared a personal interest in the above planning application as he had a relative with Down's syndrome who resided in an establishment similar to that of the proposed residential care home.

Note: Councillors Cotton, Doran and Leaning left the meeting at this point returning at 7.55, 7.56 and 7.58 pm respectively.

Item 3 – 125929 - Saxilby

Planning application for conversion and change of use of existing public house (Ship Inn) to single dwelling house and erection of 9 additional dwelling houses to rear with associated vehicular accesses and landscaping – The former Ship Inn, Bridge Street, Saxilby Lincoln.

The Development Management Team Leader advised that a full bat survey had now been undertaken. Arising from the results thereof, Officers indicated a need, in the event of permission being granted, for an additional condition to be applied, requiring the applicant to provide roosting sites as way of mitigating any effects the development would have on the protected species.

Councillor David Cotton, as Local Ward Member, spoke to the application, providing background to the site's history, its former uses and its current delapidated state. This state was considered to be of detriment to both the community and the streetscene, especially as the site was located within a conservation area. Councillor Cotton fully welcomed and supported any re-development of the site so long as the streetscene and its character were protected. Mention was also made of the real need for affordable open market housing in Saxilby and many other villages across the District.

The Development Management Team Leader confirmed that a site inspection had been undertaken by Lincolnshire County Council's Highways Officers. The development's proposed access had been fully appraised and no objections or concerns had arisen therefrom.

It was noted that there was no requirement for any obligations under section 106; the number of dwellings was under the threshold for an affordable housing requirement and no commuted sum for education provision as required. The lack of provision of public open space was considered carefully by Members but weight was afforded to the need to regenerate the site.

In closing, the Ward Member wished to place on record his thanks to the Development Management Team Leader for having formulated an acceptable regeneration proposal for the site, which had been in a run down state for a significant number of years.

RESOLVED that:

- (a) upon the expiration of the statutory consultation period and following the acceptable resolution of any outstanding relevant material planning consideration(s) reported to the Development Management Committee, authority be delegated to the Development Services Manager to grant planning permission, subject to the conditions as set out in, and in accordance with, the details contained in report DM.02 11/12, as well as an additional condition regarding bat mitigation; and

- (b) In the event of any relevant planning consideration(s) reported to the Development Management Committee not being subsequently resolved the matter be brought back to the next available meeting of the Committee for determination.

Item 4 – 127001 – Gainsborough South West

Planning application for proposed single garage– Plot 4, Foxby Warren, Foxby Hill, Gainsborough.

Mr Tony Clifton, (the applicant), spoke in support of the application and outlined at length the considerable amount of time he had spent working with the planning department to secure planning permission. Members were provided with a brief resume of the site's development and of its significant restraints due to its topography and the number of protected trees, which had dictated to a great extent the location of the proposed garage. Alternative positions had been considered but had been deemed unsuitable for one reason or another. He further outlined how differing advice from a number of planner officers, whom had now left the Authority, had resulted in a significant delay in the matter being determined and the additional costs which he had had to bear.

Councillor Judy Rainsforth, as local Ward Member spoke to the application and explained her reasoning for having requested the application be determined by Committee. However, having heard the representations made and fully understanding the limitations of the site, Councillor Rainsforth indicated that she would be happy for permission to be granted so long as the proposed garage could be screened in some way.

In response the Development Management Team Leader indicated reasons why screening the development may be difficult given the alignment of the access and also suggested that its visibility from public vantage points would be largely restricted. He also drew Members attention to proposed condition no.3 of the Planner Officer's report, which it was considered would address this matter in terms of securing the quality of finish to external surfaces.

Strong assurances were given to the Committee, by the Director of Strategy and Regeneration that, whilst accepting there had been a number of difficulties in the Planning Department in its recent history, it was stressed that this was not now the case and the experience had by Mr Clifton would not be repeated. These comments were echoed by the Chairman.

RESOLVED that permission be **GRANTED**, subject to conditions, as set out in, and in accordance with, the details contained in report DM.02 11/12.

Item 5 – 127060 – Market Rasen

Planning application for demolition of existing garage block – comprising of 3 no single domestic garages – and erection of pair of semi-detached dwellings on site of garages.

In response to a query raised, the Development Management Team Leader advised of the reason why determination of the application by the Committee was required; namely as a result of the newly adopted revised Constitution, the comments having been received from the Town Council and the issues being finely balanced..

RESOLVED that permission be **GRANTED**, subject to conditions and completion of a Section 106 Agreement, relating to affordable housing, as set out in, and in accordance with the details contained in report DM.02 11/12.

Note: (decision cannot be issued until the Section 106 Agreement (referred to above) is signed. In the event that the Section 106 Agreement is not completed, Officers have the authority to refuse permission).

12 PROPOSED STOPPING UP OF PUBLIC FOOTPATH, TRINITY STREET, GAINSBOROUGH (DM.03 11/12)

Members gave consideration to a report in which details of a public footpath stopping up application were contained, and which required determination by the Committee.

The site of the public footpath was clarified following which:

RESOLVED that the commencement of the statutory procedure for the stopping up of public footpath Gain/19/1 at Trinity Street in Gainsborough be approved.

13 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.36 pm.

Chairman

*1 Note: At the conclusion of the meeting the Director of Strategy and Regeneration made reference to minute 10, (Update on Government Changes In Planning Policy) in particular the consultation document relating to Gypsies and Travellers. Members were advised that in accordance with the Council's new Constitution, such matters no longer fell within the remit of the Development Management Committee but offered a number of alternative ways in which Members could provide feedback to inform the Council's formal response to the document.

It was not possible to report the matter to the Prosperous Communities Committee prior to 6th July and therefore the Development Management Team Leader agreed to send a link to the relevant web-page to all Members.