

This meeting will be recorded and published on the website

AGENDA

**Planning Committee
Wednesday 27 June 2012 at 6.30 pm
The Council Chamber, Guildhall, Gainsborough**

Members: Councillor Chris Underwood-Frost (Chairman)
Councillor Stuart Curtis (Vice-Chairman)

Councillors Owen Bierley, Alan Caine, David Cotton, Richard Doran,
Ian Fleetwood, Malcolm Leaning, Jessie Milne, Roger Patterson, Judy
Rainsforth

1. Apologies for absence.
2. Public Participation Period. Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. Minutes.
Meeting of the Planning Committee held on 30 May 2012, previously circulated.
4. Members' Declarations of Interest.

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. Update on Government/Local Changes in Planning Policy

6. Planning Applications for Determination
Print herewith PL.02 12/13
Summary attached at Appendix A **PAPER A**
7. Procedures for publicity and for speaking at Planning Committees for
planning applications for wind turbines and wind farms
Print herewith PL.03 12/13 **PAPER B**
8. Committee Site Visits relating to applications for wind turbines.
Print herewith PL.04 12/13 **PAPER C**
9. To note the following determination of appeals:

i) Appeal by Mr & Mrs E Field against West Lindsey District Council's refusal to grant planning permission for the erection of a dwelling on land to the rear of 32 Church Lane, Cherry Willingham.

Appeal dismissed – see copy letter attached as Appendix Bi

Officer's original recommendation to refuse permission.

ii) Appeal by Mr Greg Nasarczuk against West Lindsey District Council's refusal to grant planning permission for erection of flying freehold between 38 and 41 Manor Rise, Reepham to create office accommodation and storage for 38 Manor Rise and a roof terrace area for 41 Manor Rise, Reepham

Appeal dismissed – see copy letter attached as Appendix Bii

Officer's original recommendation to refuse permission.

M Gill
Chief Executive
The Guildhall
Gainsborough

19 June 2012

Appendix A

1. **128389** - Planning application to vary condition 1 of planning permission 120746 granted 26 January 2009
Wolds Retreat Brigg Road Caistor Market Rasen,

RECOMMENDED DECISION: Grant Planning Permission subject to conditions

2. **127782** - Planning application to carry out development without complying with conditions previously imposed - removal of conditions 14 and 22 and variation of conditions 3, 18 and 21 of planning application M05-P-0486
Caistor Hospital Site North Kelsey Road Caistor

RECOMMENDED DECISION: That the decision to grant planning permission be delegated to the Director of Regeneration and Planning subject to the conditions contained within this report and the completion and signing of a section 106 agreement pertaining to the provision of affordable housing.

3. **128609** - Planning application for the erection of 1no. dwelling, together with new access
Land adjoining Laburnum Cottage 15 Grimsby Road Caistor

RECOMMENDED DECISION: Grant planning permission, subject to conditions.

4. **128553** - Planning application for conversion of one dwelling into two
Bridge Farm Snitterby Carr Lane Snitterby

RECOMMENDED DECISION: Refuse permission

Appeal Decision

Site visit made on 21 March 2012

by Martin H Seddon BSc DipTP MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 May 2012

Appeal Ref: APP/N2535/A/11/2164520

32 Church Lane, Cherry Willingham, Lincoln, Lincolnshire, LN3 4AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs E Field against the decision of West Lindsey District Council.
 - The application Ref 127730, dated 5 September 2011, was refused by notice dated 2 November 2011.
 - The development proposed is the erection of a dwelling on land to the rear of 32 Church Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council's decision the National Planning Policy Framework has been published. This document introduces a presumption in favour of sustainable development. It supersedes PPS1: Delivering Sustainable Development and PPS3: Housing. These two documents were referred to in the Council's reason for refusal.
3. The Framework confirms that private residential gardens are not classed as previously developed land.

Main Issue

4. The Council considers that the proposal would have no adverse impact on the living conditions of neighbours, the character of the area or highway safety. The proposed dwelling would be of an appropriate height and design, with a safe access and there is no reason to disagree. The main issue is whether the proposal would be acceptable having regard to the supply of housing land for the District and policies aimed at promoting sustainable development.

Reasons

5. The proposed dwelling would be constructed in part of the rear garden of No.32 Church Lane. Cherry Willingham is identified as a primary rural settlement in policy STRAT 3 of the West Lindsey Local Plan First Review. Local plan first review policy STRAT 6 indicates that windfall housing and infill development
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- may be permitted in primary rural settlements provided that a number of criteria are met. However, the proposed dwelling would clearly conflict with this policy as all proposals must be on previously developed land. There is also conflict with local plan first review policies STRAT 1 and STRAT 9 that, amongst other things, seek to maximise and prioritise the use of previously developed land.
6. The Council's Annual Housing Supply Assessment confirms that there is a housing land supply in the District of 7.5 years compared to the housing provision figures stated in policy 13a of the East Midlands Regional Plan. This exceeds the required supply in the National Planning Policy Framework of 5 years' worth of housing against the District's housing requirements with an additional buffer of 5% (moved forward from later in the plan period). Regional strategies remain part of the development plan although it is the government's clear policy intention to revoke them outside London, subject to the outcome of the environmental assessments that are taking place.
 7. The appellants consider that the Council's wording, that the proposal may undermine achievement of its policy objectives, indicates a lack of clarity in the reason for refusal. However, there is a clear conflict with criterion (viii) of local plan first review policy STRAT 6 which indicates that proposals should not have a negative impact individually and cumulatively on the housing strategy of the local plan and the phasing and release of land set out in policy STRAT 9. Under local plan first review policy STRAT 9 the appeal involves 'other greenfield land' and therefore is afforded the lowest priority. This finding is consistent with that of the Inspector in dismissed appeal ref: APP/N2535/A/11/2148990 for the erection of a bungalow and double garage on part of the site of No. 7 Messingham Road, Scotter.
 8. The appellants contend that the Council has not adhered rigidly to its policy objectives and cite the example of an infill plot at 41 Manor Road, Saxilby permitted in March 2011. Nevertheless, the decision notice for that development indicates that the application, for one dwelling on a windfall site in a Primary Rural Settlement, was received before the then current housing supply figures were adopted for development control purposes. The Council considered that it would be unreasonable to refuse the proposal on the grounds that it would undermine the housing strategy for the district. However, the circumstances are different in the appeal before me.
 9. The appellants also refer to the large allocations of housing land within the district including numerous areas around Gainsborough and Lincoln, many of which are dormant. However, given the extent of the oversupply of land, that consideration would fail to override the conflict with development plan policies.
 10. The appellants refer to paragraph 50 of the National Planning Policy Framework and highlight the need for local authorities, amongst other things, to plan for the needs of different groups in the community, including people wishing to build their own homes. In this case the appellants wish to live close to their daughter. Reference is also made to the proximity of the land to local services.
 11. Nevertheless, none of these matters is sufficient to outweigh the conflict with development plan policies identified above. It is concluded that the proposal would not be acceptable, having regard to the supply of housing land in the

District and policies aimed at promoting sustainable development. All other matters raised have been taken into account. However, for the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR



Appeal Decision

Site visit made on 21 March 2012

by Martin H Seddon BSc DipTP MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 May 2012

Appeal Ref: APP/N2535/D/12/2170137

38 Manor Rise, Reepham, Lincoln, Lincolnshire, LN3 4GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Greg Nasarczuk against the decision of West Lindsey District Council.
 - The application Ref 128018 was refused by notice dated 25 January 2012.
 - The development proposed is for erection of flying freehold between 38 and 41 Manor Rise, Reepham to create office accommodation and storage for 38 Manor Rise and a roof terrace area for 41 Manor Rise – resubmission of 127124.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An application for the erection of flying freehold between 38 and 41 Manor Rise in order to create office accommodation and storage for 38 Manor Rise and additional bedroom with en-suite for 41 Manor Rise was dismissed on appeal (Ref APP/N2535/A/11/2158881). The proposed access and principle of an office use were found to be acceptable. However, the Inspector concluded that the proposal, because of its detailed design, scale and mass, would result in a harmful terracing effect and would appear incongruous in the street scene.
3. The proposal subject to the present appeal mainly differs because the part of the development next to No.41 has been omitted and replaced by external timber decking with a glazed balustrade supported on steel posts.

Main issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. Nos. 38 and 41 Manor Rise are modern detached and semi-detached dwellings, respectively. They are located in a cul-de-sac comprising dwellings of similar age, character and appearance. There is a wide gap between the dwellings which allows vehicular access to a communal parking area at the rear. The semi-detached dwelling adjoining No.41 is attached to the next pair of semi-detached dwellings by a pitched roof canopy. This closes the gap between the semi-detached dwellings of Nos. 35 - 41.

6. The appellant advises that there would be a clear gap of over 3 metres from the extension proposed for No.38 Manor Rise to the boundary wall of No.41. The ridge line of the extension to No.38 would be set down from the main building and the front elevation of the extension would be set in from that of No.38. However, the proposed glazed terrace would bridge the gap between the extension and No.41. The two dwellings would be physically linked at first floor level and there would still be an undesirable terracing effect.
7. Moreover, the terrace and balustrade would appear incongruous and out of keeping because of their form and materials and contrast with the general harmony in the design of houses in the vicinity. The development would have a significant harmful effect on the rhythm and balance of the street scene and on the character and appearance of the surrounding area. The proposed development would conflict with West Lindsey Local Plan First Review policies STRAT 1 and RES 11.
8. The appellant contends that the close spacing of other dwellings in the vicinity already provides a degree of terracing. Gaps between the flank walls of other dwellings in the cul-de-sac are generally around 2 metres in width, but less in some cases. However, these dwellings clearly appear as separate buildings and it cannot be construed that the planning authority had approved terracing as part of the original permission for the housing development
9. The appellant considers that the design of the proposal is sympathetic to the surrounding dwellings, although it is radical in its approach and, in the appellant's view, is in line with paragraph 60 of the National Planning Policy Framework.
10. Paragraph 60 indicates that planning decisions should not attempt to impose architectural styles or tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, whilst the proposal could be described as radical, it would fail to complement the character and form of surrounding development. It would conflict with the requirement in the National Planning Policy Framework for good design and would not promote or reinforce the local distinctiveness of the area.

Conclusion

11. All other matters raised have been taken into account, including the appellant's suggested transportation benefits from home/office accommodation, use of existing infrastructure and use of local sourced environmentally friendly materials. There would also be some benefit from the provision of amenity space for number 41 Manor Rise as a result of the glazed terrace. However, these claimed benefits would fail to outweigh the harm from the proposal to the character and appearance of the surrounding area. For the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR