



**Guildhall Gainsborough
Lincolnshire DN21 2NA
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This meeting will be recorded and published on the website

AGENDA

**Planning Committee
Wednesday 12 November 2014 at 6.30 pm
The Council Chamber, Guildhall, Gainsborough**

Members: Councillor Stuart Curtis (Chairman)
Councillor Ian Fleetwood (Vice-Chairman)

Councillors Owen Bierley, Alan Caine, David Cotton,
Richard Doran, Malcolm Leaning, Giles McNeill, 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.
 - i) Meeting of the Planning Committee held on 15 October 2014, 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

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

6. Planning Applications for Determination
(Summary attached at Appendix A)
Print herewith PL.10 14/15

PAPER A

7. To note the following determination of appeals:

- i) Appeal by Mrs G Krause against the decision of West Lindsey District Council to refuse to grant planning permission for a balcony to the rear of property at 36 Melrose Road, Gainsborough

Appeal allowed and planning permission granted - See copy letter attached as Appendix Bi.

Officer decision to refuse.

- ii) Appeal by Mrs Betty Watson against the decision of West Lindsey District Council to refuse to grant planning permission for a domestic dwelling with all matters reserved on Land to north of Westmoor Lane at junction with Kettlethorpe Lane

Appeal dismissed - See copy letter attached as Appendix Bii.

Officer decision to refuse.

- iii) Appeal by Mr Jim Davy against the decision of West Lindsey District Council to refuse to grant planning permission for two 4-bedroom dormer bungalows, new private drive access and new single storey double garage at Romalyn, Saxilby Road, Odder.

Appeal dismissed - See copy letter attached as Appendix Biii.

Officer decision to refuse.

M Gill
Chief Executive
The Guildhall
Gainsborough

4 November 2014

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

Item 1 – 131377 - Westrum Park, Westrum Lane, Brigg

Proposal: Planning application for change of use of land for siting of 6 permanent Gypsy and traveller pitches and 4 transit pitches for a total of 24 additional caravans. Also, the change of use of dayroom building to dwelling.

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions is delegated to the Chief Operating Officer upon the resolution of the issue pertaining to the discharge of foul water from the development and if such an issue is not resolved within 6 months from the date of this meeting, the matter will be reported back to the next available meeting of the Planning Committee.

Item 2 – 130886 – Queensway, Sturton By Stow

PROPOSAL: Planning application for the demolition of 20no. garages and the construction of 8no. affordable dwellings

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Chief Operating Officer upon the signing and completion of an agreement under the amended section 106 of the Town & Country Planning Act 1990 to ensure that the housing is occupied as affordable housing for those people identified as being in need and that the open areas of the site are maintained as public open space.

In the event that the section 106 agreement is not completed and signed within 6 months of the date of this Committee then the application be reported back to the next available Planning Committee following the expiration of that 6 month period.

Item 3 – 131507 – Birch Holt Farm, Woodcote Lane, Burton

PROPOSAL: Planning application for construction of a solar farm generating up to 20MW and associated works.

RECOMMENDED DECISION: That the application be delegated to the Head of Development and Neighbourhoods to Grant subject to the following conditions and the receipt of no objections from NATS.

Item 4 – 131496- Land off Middle Street, Burton-by-Lincoln

Proposal: Planning application for construction of a 20MW solar farm and associated works.

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Head of Development and Neighbourhoods subject to the following conditions and subject to the LCC Historic Environment Team confirming in writing that they have no objection to the development proposed.

Item 5 – 131364 – 89 Gainsborough Road, Lea

PROPOSAL: Outline planning application for erection of 4no. dwellings - access to be considered and not reserved for subsequent applications.

RECOMMENDED DECISION: To delegate authority to the Head of Development and Neighbourhood Services to grant permission subject to conditions and the signing of section 106 agreement securing the following:

A contribution of £48,434 towards the provision of affordable housing in Lea.

Item 6 - 131757 - Land adj to South Dene, Off Langworth Road, Scothern

PROPOSAL: Planning application for erection of 8no. dwellings.

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions be delegated to the Head of Development and Neighbourhoods upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

A contribution of £80,000 towards the provision of affordable housing within a five mile radius of the application site.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Item 7 – 131842 - Land at Burton Waters, Lincoln

PROPOSAL: Planning application to vary condition 6 of planning permission 130050 granted 8 August 2013-increase park home units to 65.

RECOMMENDED DECISION: Grant with conditions.

Item 8 - 131713 – 14 Whitegate Hill, Caistor

PROPOSAL: Planning application for erection of 1no. dwelling.

RECOMMENDED DECISION: Grant permission subject to conditions.

Appeal Decision

Site visit made on 16 September 2014

by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM

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

Decision date: 10 October 2014

Appeal Ref: APP/N2535/D/14/2219618

36 Melrose Road, Gainsborough, Lincoln DN21 2SD

- 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 Mrs G Krause against the decision of West Lindsey District Council.
 - The application Ref 130341, dated 4 September 2013, was refused by notice dated 19 March 2014.
 - The development proposed is a balcony to the rear of property.
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Decision

1. The appeal is allowed and planning permission is granted for a balcony to rear of property at 36 Melrose Road, Gainsborough, Lincoln DN21 2SD in accordance with the terms of the application, Ref 130341, dated 4 September 2013, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Untitled plan showing rear elevation validated by the local planning authority on 18 December 2013.

Preliminary Matters

2. For reasons of clarity I have shortened the description to remove unnecessary wording for the purposes of this appeal.
3. As the development has already taken place, I consider the proposal to be an application for retrospective planning permission and have therefore dealt with the appeal on that basis.
4. I have taken into account the Government's Planning Practice Guidance, which came into force on 6 March 2014, in reaching my decision. The relevant content of this guidance has been considered but, given the facts of this case, it does not alter my conclusions.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of nearby residents with respect to privacy and outlook.

Reasons

6. The site is situated in a residential area characterised by high density, two storey, semi-detached and terraced properties with pitched, two storey rear projections. Many of the properties have been subject to post-construction

alteration, including the host property which has been extensively remodelled. It has been substantially extended at ground floor level along the entire length of the eastern boundary of the rear garden. This extension is joined, at a right angle, to an annex at the bottom of the garden comprising a two storey flat roof dwelling and a single storey, pitched roof structure. The proposal comprises a first floor, close boarded, timber balcony that spans the rear projection of the host property and the neighbouring semi-detached property, No 34 Melrose Road.

7. Notwithstanding the balcony, I observed from my site visit that the layout of the surrounding properties and intervening boundary treatments is such that the rear gardens of Nos 34 and 32 are already overlooked to a significant degree. The key point on which this issue turns is whether or not the balcony has led to a material change to the privacy of the users of these gardens.
8. Having visited the gardens of both properties, I note that the extent of overlooking is not entirely equal. This is because the garden of No 32 is overlooked by a greater number of surrounding properties in comparison to No 34, where this is largely confined to the neighbouring properties. As a result I find this issue to be primarily related to No 34.
9. I observed that the arc of view is greater when standing at the edge of the balcony, in comparison to the view that would otherwise be present from the balcony window. Although this enables a greater proportion of the neighbouring garden to be viewed, this is partially mitigated by the single storey, rear projection of No 34 which provides some screening of the top half of the garden.
10. Additionally, I observed that a significantly greater proportion of the neighbouring garden was visible from the attic dormer window of the host property and that no views beyond the immediate confines of the balcony are possible when users are seated. As a result, I am not persuaded that the balcony has led to any significant material change to the privacy afforded to the rear garden of not only No 34 but also No 32.
11. I note the concerns raised by the occupiers of No 32 in relation to potential views of their kitchen, which is situated in a single storey, rear extension. However, the extension would only be visible when users of the balcony deliberately lean over the side. I therefore find it reasonable to assume that such impacts would be minimal during the course of normal day to day use. Even if a deliberate effort was made, the obscure glazing on the kitchen door and window would provide effective screening in my judgement.
12. I now turn to the effect on outlook. I observed that whilst the density of development places the balcony in close proximity to the neighbouring garden, its positioning between the flanking rear extensions is such that it sits comfortably within the built form. As it does not project beyond these extensions and bearing in mind the considerable variation in the massing of the rear elevations of the surrounding properties, I do not find it to be over-dominant or unduly oppressive when viewed from nearby properties.
13. Given the above, I conclude that the proposal has not caused significant harm to the living conditions of nearby residents with respect to privacy and outlook and that it is therefore not contrary to paragraph 17 of the National Planning Policy Framework 2012 or policies STRAT1 and RES11 of the West Lindsey

Local Plan First Review 2006 that seek, among other things, to safeguard people's quality of life and protect the amenity of the residents of neighbouring properties by avoiding over-dominance and by ensuring an adequate amount of private garden space is present.

Other Matters

14. Additional concerns have been raised by neighbours that include: the appearance of the balcony; trespass; degraded property value; non-compliance with a planning permission; and previous pollution arising from noise and dust. Whilst most of these are beyond the scope of this appeal, either because they are not planning matters or are dealt with under different legislation or procedures, this is not the case for the first concern. I accept that the balcony is an unusual feature in this setting. However, I do not find that it appears incongruous given the extent and heterogeneity of the other, albeit more traditional, alterations to the surrounding properties.

Conclusion

15. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Roger Catchpole

INSPECTOR

Appeal Decision

Site visit made on 16 September 2014

by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM

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

Decision date: 13 October 2014

Appeal Ref: APP/N2535/A/14/2222467

Land to north of Westmoor Lane at junction with Kettlethorpe Lane (Grid Ref 484670 Easting 375870 Northing)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Betty Watson against the decision of West Lindsey District Council.
 - The application Ref 131186, dated 27 March 2014, was refused by notice dated 29 May 2014.
 - The development proposed is a domestic dwelling with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on this basis.

Main Issues

3. The main issues are:
 - a) whether the proposal would result in a sustainable form of development, having regard to accessibility to local services and alternative modes of transport; and
 - b) whether the proposal would be at an unacceptable risk from flooding.

Reasons

Sustainable development

4. The site is in an isolated hamlet situated in open countryside some distance to the northwest of Lincoln. Limited amenities are present in the form of a parish church and a village hall. The hamlet is not linked by public transport to any of the surrounding villages or larger, more distant settlements.
5. I observed from my site visit that the two nearest villages of Laughterton and Fenton cannot reasonably be considered to be accessible on foot owing to a general absence of footways and street lighting along the intervening roads. Whilst they might be accessible to an able-bodied person on a bicycle, future occupants would be heavily reliant on the use of private motor vehicles to meet the majority of their daily needs.

6. The appellant has argued that Laughterton has a shop, post office and public house and that these services are used by the residents of Kettlethorpe. Whilst I have no reason to doubt this fact, they nevertheless represent a highly constrained range of services. Consequently, future occupants would need to travel to more distant, larger settlements on a regular basis to access an adequate range of services and amenities. I also find it reasonable to assume that local employment opportunities are limited and that the future occupants would most likely be entirely reliant on private motor vehicles for commuting to places of work.
7. Whilst the proposal would make a small contribution towards the supply of housing, paragraph 8 of the National Planning Policy Framework 2012 (the Framework) indicates that sustainable development can only be achieved where economic, social and environmental aims are sought jointly and simultaneously. It advises that the planning system has an active role to play in the delivery of sustainable solutions. Furthermore, paragraph 9 goes on to indicate that sustainable development involves seeking positive improvements, not only to the quality of people's lives but also the built, historic and natural environments. In this last respect I have found that the proposal would cause significant harm from the increase in carbon emissions that would result from the necessary reliance on private motor vehicles at this location.
8. I therefore conclude that the proposal would not result in a sustainable form of development owing to the lack of alternative modes of transport capable of accessing an adequate range of services and that it would therefore be contrary to policy STRAT1 of the West Lindsey Local Plan (First Review) 2006 (LP) that seeks, among other things, to ensure that development provides satisfactory access to public transport and reduces the number and length of car journeys. In my judgement, having had regard to the policies of the Framework as a whole, I also conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Consequently, it would not amount to a sustainable form of development and would thus also be contrary to paragraph 14 of the Framework.

Flood risk

9. The site is situated within Flood Zone 3a which is defined in paragraph 065 of the Planning Policy Guidance 2014 as a high risk area with a 1 in 100 or greater annual probability of river flooding. This risk is predominantly associated with the River Trent, to the west, but also from Foss Dyke, that runs to the north and east of the hamlet, and nearby land drains.
10. Paragraph 100 of the Framework advises that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. Paragraph 101 goes on to advise that a sequential, risk-based approach must be taken that steers development towards areas of lower risk. The Framework requires a Sequential Test to be applied to all development in high risk areas. Consequently, a Strategic Flood Risk Assessment, that evaluates the suitability of development on an individual site and considers alternatives, must be produced within areas where a high risk is indicated. As no such assessment has been undertaken, the proposal has failed the Sequential Test.

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11. The appellant has argued that the proposal is supported by the fact that permission was previously granted for a similar development on the site in 2002. She also contends that more recent permissions have been granted for a nearby barn conversion as well as a substantial residential development at Fenton, both of which she asserts are subject to the same degree of risk from flooding. In relation to the first point, it should be noted that significant changes in national planning policy have occurred since the permission was granted in order to better protect the property and lives of householders from flood events. Given the change in policy context I am not persuaded that any robust comparison can be made with the earlier permission. In relation to the second point, whilst I acknowledge that these developments have occurred, I do not have the full facts before me concerning site specific flood risk or the general circumstances of those permissions. As this appeal must be judged on entirely on its own merits and the evidence before me I am only able to give this matter limited weight in the balance of this appeal.
12. Given the above, I conclude that the proposal could lead to an unacceptable risk from flooding contrary to paragraph 101 of the Framework and STRAT1 of the LP that seek, among other things, to ensure that a sequential approach is taken in areas of high flood risk and that such areas are generally avoided.

Conclusion

13. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR

Appeal Decision

Site visit made on 13 October 2014

by B S Barnett BA MCD MRTPI

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

Decision date: 27 October 2014

Appeal Ref: APP/N2535/A/14/2223657

Romalyn, Saxilby Road, Odder, Lincoln, LN1 2BB

- 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 Jim Davy against the decision of West Lindsey District Council.
 - The application Ref 130875, dated 14 January 2014, was refused by notice dated 1 July 2014.
 - The development proposed is two 4-bedroom dormer bungalows, new private drive access and new single storey double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council acknowledge that it cannot demonstrate sufficient deliverable sites to accommodate five years of house building. Policies in the West Lindsey Local Plan 2006 (LP) relating to the supply of housing are, therefore, out of date. In accordance with paragraph 14 of the National Planning Policy Framework (NPPF) development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the NPPF taken as a whole. The main issue to be considered is whether such adverse impacts would arise.

Reasons

3. LP Policy STRAT 12 generally restricts development in the countryside unless it is essential for certain purposes none of which are relevant here. Although this Policy relates to housing, its aim is to protect the countryside and direct development to locations which are more accessible to shops, schools, places of employment and other urban facilities. It is consistent with the NPPF and in particular with the guidance that new isolated homes in the countryside should be avoided.¹
4. The appeal site adjoins a small complex of development comprising three dwellings and some commercial premises which appear to be in use for car repairs and as a café. There are some other buildings in the locality but the site is well away from the nearest substantial settlement. It is in the countryside.

¹ unless there are certain special circumstances none of which apply in his case.

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5. Because the site is behind existing buildings and flanked by woodland, the proposed dwellings would not be prominent in public views but nonetheless their presence would erode the rural character of the area making it more built-up.
 6. More significantly, occupants of the dwellings would have to travel a considerable distance to shops, schools, places of employment and other urban facilities and, even though bus services and a cycle route pass the site, this is likely to result in more travel by car than if dwellings were in a more urban location. For this reason, the development would be unsustainable and inconsistent with the NPPF and with LP Policy STRAT 12 which both indicate that development in the countryside should be restricted. Although it would make a small contribution towards resolving the current shortage of deliverable housing sites, the benefit of this would be significantly and demonstrably outweighed by the harm which would be caused to the rural character of the area and the increased travel by car which would result.
 7. The appellant has drawn my attention to the large amount of building taking place at Burton Waters about a mile away. The background to this is not known to me but it appears to be a major planned development. Its existence does not alter my assessment of the characteristics of the appeal site or the merits of the proposal before me.
 8. Although the appeal site is part of a Site of Nature Conservation Interest, the proposed dwellings would sit in the middle of a large area now maintained as lawn. I have no reason to believe that the development would affect ecological interests as asserted by the Council. However this does not alter my conclusion that the development would be unsustainable and inconsistent with the NPPF and with LP Policy STRAT 12. It would give rise to substantial adverse effects which would outweigh any benefit that it might produce. For this reason the appeal fails.

B Barnett

INSPECTOR