

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 25 July 2012.

Present: Councillor Stuart Curtis (in the Chair)

Councillor Owen Bierley
Councillor Alan Caine
Councillor David Cotton
Councillor Richy Doran
Councillor Ian Fleetwood
Councillor Paul Howitt-Cowan
Councillor Malcolm Leaning
Councillor Jessie Milne
Councillor Roger Patterson
Councillor William Parry
Councillor Judy Rainsforth

Apologies Councillor Chris Underwood-Frost

Councillor Roger Patterson had sent apologies that he may arrive late.

Membership: Councillor Parry substituted for Councillor Underwood-Frost

In Attendance :

Suzanne Fysh	Head of Development and Neighbourhoods
Nick Ethelstone	Team Manager Area Development
Simon Sharp	Senior Growth Strategy and Project Officer
George Backovic	Senior Area Development Officer
Dinah Lilley	Governance and Civic Officer

Also Present: Councillor Jackie Brockway
Councillor Paul Howitt-Cowan
Councillor Stuart Kinch
Councillor Lewis Strange
Councillor Jeff Summers
Councillor Geoff Wiseman
29 members of the public

Note The Committee requested that their best wishes be passed to the Chairman, Councillor Underwood-Frost during his illness.

16 PUBLIC PARTICIPATION

There was no public participation.

17 MINUTES

Meeting of the Planning Committee held on 27 June 2012.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 27 June 2012 be confirmed and signed as a correct record.

18 MEMBERS' DECLARATIONS OF INTEREST

Councillor Ian Fleetwood declared that he had not taken part in any of the site visits for the wind turbine applications, so he would not participate in the deliberation of these applications.

Councillor Alan Caine declared a non pecuniary interest in item 1 as he was a member of Caistor Town Council, and in items 2 to 6 as he was a member of the Lincolnshire Wolds Management Committee.

19 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

The Senior Growth Strategy and Project Officer informed the meeting that the Core Strategy for Central Lincolnshire had been published for consultation. However, as this was still at an early stage, minimal weight should be afforded to the policies within it and the East Midlands Regional Plan 2009 and the saved policies of the West Lindsey Local Plan First Review 2006 remain part of the development plan. Nevertheless, the weight afforded to the development plan is likely to reduce given the context with the National Planning Policy Framework.

20 PLANNING APPLICATIONS FOR DETERMINATION (PL.05 12/13)

RESOLVED that the applications detailed in report PL.05 12/13 be dealt with as follows:-

Item 1 - 127782 – Caistor

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.

The Senior Growth Strategy and Project Officer noted that the application had been deferred from the previous meeting, since which the applicant had responded to the Committee's requests, and a revised heads of terms had

been drawn up which included the provision of community facility and the offer of the Chapel building.

The Ward Member, Councillor Caine, thanked officers, Members and the developer for their work to obtain a satisfactory outcome to the application, and stated that he was pleased with the resulting report. Councillor Caine did request that the 12 month obligation not commence until the valuation on the Chapel had been received.

Members questioned the value and subsequent ownership of the chapel and sought assurance that West Lindsey District Council would not then have liability for the building. It was affirmed that the intention was to pass ownership to a local organisation.

On being voted upon it was **AGREED** unanimously that:-

That the decision to grant permission subject to the following conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of a section 106 agreement which includes:-

- The securing of affordable housing either on or off the site.
- The securing of a financial contribution towards the provision of community facilities within the town of Caistor commensurate in scale to that reasonably required by the development.
- An obligation requiring the developer to offer the existing chapel building within the site to West Lindsey Council for a sum to be established by an independent qualified chartered surveyor, that obligation expiring after 12 months of the completion and signing of the section 106 agreement.

but that all of the obligations above do not collectively amount to more than the value of the provision of 11.33 affordable homes which is evidenced as being the maximum viable contribution that can be secured from the developer following an assessment of viability by the Council .

Note The Chairman reminded Committee Members that site visits had taken place for the following five applications, and that in considering the applications each one had to be determined on its own merits. If Members were minded to go against the officer recommendation and refuse any of the applications then valid planning reasons had to be given.

Item 2 – 128502 – Kettlethorpe

Planning application for installation of wind turbine - 50 metres to hub and 77 metres to blade tip.

The Senior Area Development Officer gave two verbal updates on the application, one of which was the response from the MoD who had raised no objections subject to an additional condition:-

8. No development shall take place until the following information has been submitted to the Local Planning Authority

- The construction start and end date
- Maximum height of construction equipment
- Latitude and longitude

Reason: In the interests of aviation safety in accordance with circular 1/03

The second additional response had been from G Newton who had queried the time limit for objectors' responses.

Prior to consideration of the application Martin Price, the applicant, addressed the Committee. Mr Price informed Members that there would be no significant adverse impact, but there would be benefits to the local and regional economy. Major supermarkets demanded green credentials from their suppliers, and there were no planning reasons to refuse the application. Whilst there had been a number of objections, consideration of the application was not a referendum, it was the strength of the argument which carried weight. The proposal was not a money making scheme, but an attempt to reduce running costs and secure the viability of the business whilst reducing its carbon footprint. Solar panels were already installed.

Paul Chetter responded on behalf of local residents, and questioned the installation of photovoltaic (PV) panels, and also the amount of local people employed by the business. It was stated that there would be an adverse impact on residents' sleep due to the noise, and it was noted that the massive size of the turbine was a significant consideration. Mr Chetter then gave reasons for refusing the permission, such as the detrimental impact on residents and the visual impact on the landscape.

Christopher Fowler also addressed the Committee in objection to the application, claiming that to approve would go against the Local Plan policy which sought to protect the landscape. Planning applications for residential development had been refused due to their visual impact. The chicken processing already caused problems for residents, so they should get Council Tax reduction.

Note At this point in the meeting it was realised that this application and the subsequent one met the criteria approved by the Committee on 27 June 2012 for a variation to speaking procedures on wind turbine applications, and that each category of speaker was entitled to 15 minutes rather than five.

Therefore Mr Fowler was allowed to continue, and he stated that he understood the need for green energy but that PV panels would be preferred.

Gillian Nunn then addressed the Committee as a local resident, stating that the Members' site visit had taken place because of the scale and likely impact of the proposals and the fact that the turbines would be seen over a wide area and have a significant impact on the district. The conservation officer had described the turbine as monolithic, and Ms Nunn questioned the impact on

protected species. The applicant had offered to engage with residents and stakeholders, so it was requested that the application be deferred to allow for the engagement to take place.

Martin Price was then permitted to speak again within the extended time allocation. Mr Price stated that the issues for consideration were not about a preferred alternative, the application as it stood must be assessed against any fundamental reasons to refuse. The long distance views of the area were already littered with structures, there would be no adverse impacts on heritage assets. The solar panels which had already been installed did not provide enough power.

Richard Elliot spoke on behalf of the Parish Council and emphasised the size of the proposed turbine, which would be significantly higher than the one at Torksey. It was felt that the applicant was seeking to earn an income from the feed in tariff, and surely a smaller turbine would produce enough power for the business. Mr Elliot also questioned how removal could be enforced once the turbine was no longer functioning.

Councillor Stuart Kinch spoke as Ward Member for the area, stating that whilst he echoed the objections raised he could not come up with valid planning reasons to object to the turbines, and felt that should the Committee refuse the application an appeal would be upheld.

Members questioned to what extent cumulative impact could be considered but it was clarified that the application for a wind farm at Hemswell Cliff had not been a valid application, so could not be taken into account. It was also clarified that the statement from Lincolnshire County Council could not be afforded significant weight as the County was not the determining authority.

Members pointed out that on the site visit the PV panels had been seen on the buildings, but that these were not visible from a passing car. Members who had previously been on a visit to a wind farm commented that noise from turbines had been minimal. It was agreed that there were many emotive reasons for refusing the application, however there were no justifiable planning reasons. If the applicant won at an appeal then the ability to impose conditions would be lost. Members also expressed disappointment at the County statement.

Note Councillor Ian Fleetwood declared an interest as being a County Councillor and also the Chairman of the County Planning Committee.

It was suggested by the committee that if the colour of the turbine was altered it could be visually less intrusive. Rather than a bright white against the agricultural landscape a green base gradually fading to light grey would mitigate its impact. This was a matter which could be conditioned.

Some Members still had concerns as to why turbines were the only proposed method of energy production when other alternatives were available.

Note Councillor Patterson arrived at this point of the meeting.

Councillor Kinch suggested that the application be deferred to negotiate for a smaller turbine, however it was pointed out that a deferral would leave the potential for a claim of non determination.

The application was then moved, seconded and voted upon and it was **AGREED** that the application be **GRANTED** subject to the conditions set out in the report with the additional conditions required by the MoD and regarding the colour of the turbine.

8. No development shall take place until the following information has been submitted to the Local Planning Authority

- The construction start and end date
- Maximum height of construction equipment
- Latitude and longitude

Reason: In the interests of aviation safety in accordance with circular 1/03

9. No development shall take place until details of the colour and finish to the hereby approved turbine shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To help reduce the prominence of the turbine in the open countryside in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

Item 3 - 128536 – Kettlethorpe

Planning application for installation of wind turbine - 50 metres to hub and 77 metres to blade tip.

The Senior Area Development Officer gave updates on comments received from Natural England, in that they had no objections following receipt of the survey results from the Lincolnshire Wildlife Trust.

Martin Price the applicant firstly stated that he was delighted with the granting of the previous application, and that this application was virtually identical. There were no valid planning reasons to refuse, there was no cumulative or adverse impact, and the economic issues were equally applicable in this case to ensure commercial viability.

Stuart Williamson spoke as a local resident and stated that as with the previous application, residents opposed the proposals. Having lived in the area all their lives they did not want the views blighted by man made eyesores, which would be visible from all angles. It was accepted that turbines were a good form of power but why couldn't solar panels be used in this instance.

The Parish Council had nothing to add to their previous comments.

Members who had been on the site visit reiterated that they had seen the PV panels in situ, and it was agreed that, like the previous application there were no valid planning reasons to refuse the application, however the Committee agreed they would like the same condition regarding the colour of the turbine to be attached to the permission.

It was moved, seconded and upon being voted upon it was **AGREED** that the application be deferred and approval delegated to the Director of Regeneration and Planning subject to the conditions set out in the report, completion of a legal agreement in relation to the use of the manager's bungalow, and the additional condition set out below.

8. No development shall take place until details of the colour and finish to the hereby approved turbine shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To help reduce the prominence of the turbine in the open countryside in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

Item 4 - 128559 – Torksey

Planning application for proposed siting of 1no. 36.4m high wind turbine.

The Senior Area Development Officer updated the Committee on the response received from the MoD, stating they raised no objections to the proposal, subject to being informed of the date construction work starts and ends, the maximum height of construction equipment and the latitude and longitude of the turbine.

Officers therefore proposed an amendment to the recommendation which was as follows;

Grant planning permission subject to the conditions contained within the Committee report and the following additional condition.

- No development shall take place until the applicant has notified in writing the Local Planning Authority and the Ministry of Defence of the following information; the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of the turbine.

Reason: In the interests of air safety.

It was also clarified for Members why there had been no MoD comments on the previous application, in that each case merited specific consideration.

There being no public speakers on the application, the Committee debated the matter, and agreed again that there were no valid planning reasons to refuse the application. It was questioned whether the turbine was classed as being for agricultural use, as if not, would STRAT12 be applicable, it was confirmed that the application was to provide renewable energy to service an existing farm.

It was then **AGREED** that planning permission be **GRANTED** subject to the conditions contained within the Committee report and the following additional condition.

- No development shall take place until the applicant has notified in writing the Local Planning Authority and the Ministry of Defence of the following information; the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of the turbine.

Reason: In the interests of air safety.

Item 5 - 128608 – Waddingham

Planning application to install 2no. 50kw wind turbines and ancillary works.

The Senior Growth Strategy and Project Officer informed the Committee that this site was closer to Hemswell Cliff, but as previously mentioned the application for a wind farm on that site was not currently valid, so little weight could be afforded to cumulative impact. Nor, as before, should anything more than minimal weight be afforded to the policy from LCC.

The Senior Growth Strategy and Project Officer explained that the photo montages provided by the applicant had been adjusted to show the turbines more clearly, the lighting applied to the turbines was not representative of the natural lighting onto the turbines for the weather in the background photographs.

Further comments had been received from residents. However, no new issues had been raised. Comments included: the overshadowing of the village; proximity to dwellings; inappropriate focal point for traffic; proliferation of turbines, and the suggestion that it was merely a way for the applicant to make a profit from feed in tariffs.

Meryl Ward, the applicant, addressed the Committee, and stated that there had only been three objections from Waddingham parishioners and that when Councillor Strange had requested feedback from residents, this had led to support being received. There would be no adverse effect on the community, but there was a desire to improve the business sustainability. Sixty nine people were employed and the business produced several million pounds worth of trade. Other forms of renewable energy were in use, including PV panels, but these did not provide energy 24 hours a day which the business

required. The proposed location had been carefully considered, but limited options were available.

Alan Gardner spoke on behalf of Grayingham Parish Meeting, which whilst supporting the concept of renewable energy, had objected to the proposals. Mr Gardner proposed that Policy SUS11 would be applicable and provide grounds for refusal, along with policies NBE10 and STRAT12. The photographs shown did not depict other turbines already in existence in the locality.

The Senior Growth Strategy and Project Officer clarified that policy SUS11 was not a West Lindsey Local Plan saved policy.

Councillor Jeff Summers spoke as Ward Member for the application, and said that the planning authority should not restrict turbines provided that they are closely associated with businesses, specifically within 50 metres. Turbines of a height of 35 metres would be higher than buildings and generally only ran for 25% of the time. Turbines were industrial units and should not be located within open countryside, and proliferation was becoming a concern. Agriculture contributed the major part of the GDP of West Lindsey, and renewable energy production should be encouraged, however the Council was a custodian of the beauty of Lincolnshire and should protect the countryside.

Councillor Cotton requested that all Members be re-issued with a list of those policies from the West Lindsey Local Plan First Review June 2006 which were not saved.

It was noted that there had been no objections from the statutory consultees, but it was questioned whether the application site was in the Area of Great Landscape Value (AGLV). It was clarified that the site was in the vicinity of, but not within, the AGLV. The actual proposed siting of the turbines was also questioned, and whether they would be better placed elsewhere. It was acknowledged that gradation of the colour would be of no mitigation in this instance.

It was moved that the application be refused because it was to be within 10km of an existing wind farm, but subsequently pointed out that the nearby turbines did not qualify as a wind farm.

It was then moved and seconded that the application be refused on the grounds of being contrary to the criteria detailed in saved policy NBE10 of the West Lindsey Local Plan First Review 2006. Specifically the detrimental effect on the skyline, the lack of enhancement to local distinctiveness and the scale and design.

The motion to **REFUSE** the application was then voted upon and **AGREED** for the following reasons:-

1. The development by reason of the scale, design and materials used does not reflect local styles and the local environment, does not respect nor enhance local distinctiveness and will have a detrimental effect on the skyline. As a result it will be contrary to saved policy NBE10 of the West Lindsey Local Plan First Review 2006.

Item 6 - 128607 – Grayingham

Planning application to install 2no. 50kw wind turbines and ancillary works - 35m height to tip of blade.

The Senior Growth Strategy and Project Officer reiterated the points made on the previous application regarding the Hemswell Cliff application, the LCC comments and the photographs.

Meryl Ward, the applicant, also stated that her previous statements were still valid for this application. She emphasised that environmental considerations had been taken into account when considering the location. PV panels had been considered, but were not suitable. The turbines would produce 330Mw per annum which equated to almost all the business's total requirements. The particular models of turbine proposed produced minimal noise. An education centre was proposed to be sited at Uncle Henry's farm and this would use PV panels. The majority of the community supported the proposals, the main aim of which was to secure the 69 jobs at the business.

Alan Gardner spoke in objection to the application, reiterating his concerns on the previous application, and citing an £82k profit from feed in tariffs, and suggested that this application could be refused for the same reasons as the previous one.

Councillor Paul Howitt-Cowan spoke as Ward Member and said that he supported the application, but raised concerns about the view from residential properties at Hemswell Cliff. Councillor Howitt-Cowan noted that Lincolnshire was a working landscape which could not be preserved in aspic.

Committee Members questioned the lack of the response from the MoD and it was explained that a holding objection was normal procedure until a full assessment was made, thus the reason for the recommendation to defer and delegate to the Director subject to the MoD and archaeology issues being resolved.

Members noted that any income earned from a feed in tariff was not a planning consideration, and subsequently there were no valid planning reasons for refusal. It was a working environment, and very different to the previous application. Members specifically considered visual impact and referred to the views from key public vantage points all of which had been visited as part of the member site visit. Members specifically considered the impact on Grayingham village and on the Area of Great Landscape Value (AGLV).

It was moved and seconded and subsequently **AGREED** that the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the resolution of issues pertaining to archaeology and MoD safeguarding. In the event of these issues not being resolved within 3 months from the date of this Committee, the application be reported back to the next available Committee upon the expiration of the 3 month period.

Note the Committee adjourned for a comfort break at this point in the meeting.

Item 7 - 127704 – North Willingham

Application for variation of condition 2 of planning permission 124560 granted 04 June 2010- amended highways plan.

The Senior Area Development Officer informed members that there was a change to the recommendation, in that an amendment to condition 24 was proposed:-

24. No development shall take place until further details relating to the design of the proposed highway improvement works as shown on drawing NEA 1127-P-002E have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full prior to bringing the hereby approved development into use and thereafter retained in perpetuity.

Reason: In the interests of safety of the users of the public highway and the safety of users of the site in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006

Christopher Martin, agent for the applicant, addressed the committee, stating that he had worked closely with officers and endorsed the recommendations in the report. All the benefits of the previous consent were being carried over.

Councillors recalled a site visit from the original consideration of the application, had no problems with the amended conditions, and agreed that the proposals were imaginative.

It was therefore moved, seconded and **AGREED** that:-

In line with officer recommendation the application be deferred and approval delegated subject to the completion of a variation to the Section 106 legal agreement and the addition of the following condition:

24. No development shall take place until further details relating to the design of the proposed highway improvement works as shown on drawing NEA 1127-P-002E have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full prior to

bringing the hereby approved development into use and thereafter retained in perpetuity.

Reason: In the interests of safety of the users of the public highway and the safety of users of the site in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006

Item 8 - 128343 – Saxilby

Planning application for construction of one bungalow, detached garage and summer house.

The Senior Growth Strategy and Project Officer gave updates on the application, noting that the summer house had in fact been delivered, so retrospective permission was sought within the application. Two representations had been received, Saxilby Parish Council had reiterated their original comments, and the residents of Whyalla had no objections.

Mr Hey, agent for the applicant, spoke to the Committee and thanked officers for the time to gather the information. The recommendation was in response to the NPPF. It was acknowledged that the site was currently an eyesore and the proposals would make a welcoming entrance to the settlement.

Mrs Boulton also addressed the committee expressing her wholehearted support.

Councillor Mrs Brockway, Ward Member, spoke in support of the application, clarifying that the site was not in open countryside and was in fact adjacent a busy road. There was negligible risk of flooding, but it was questioned whether Condition 3 was necessary, requiring a “sustainable drainage system”.

The Senior Growth Strategy and Project Officer verified that this was a safeguard against the contamination of groundwater.

Members agreed that the site had been an eyesore and that the proposals would be a big improvement. Clarification was sought as to whether it was in fact within the settlement boundary, and it was affirmed that while technically outside the settlement limit in the West Lindsey Local Plan First Review, visually the site was within the settlement and the site was surrounded by the A57 and a railway line. It was also noted that restricting permitted development rights was not necessary as the location of the building within the site would preclude any further development.

It was moved, seconded and unanimously **AGREED** that permission be **GRANTED** subject to the conditions as set out in the report.

Item 9 - 128487 – Marton

Planning Application for dry grain store and dry area.

Councillor David Cotton sought clarification as to the identity of the applicant and subsequently declared a non pecuniary interest as he knew the applicant, so he would not take part in the deliberation.

The Senior Growth Strategy and Project Officer acknowledged that the site was an emotive issue within the village and that there was a history of enforcement action and court cases, but that the Committee must determine the application on its own merits and not be influenced by its background.

Paul Dixon, a resident of Marton addressed the Committee, stating that he had known the applicant all his life and did not believe that there was any sound business sense for the application. It would take three years to grow willow to be a viable crop as a fuel supply, so storage for this would not be required until 2015. Additionally there was insufficient land for crop planting. The applicant had no regard to enforcement action and it was felt that conditions would not be adhered to. Mr Dixon suggested deferring the application until a grain store was actually needed.

Members felt that there were no valid planning reasons to refuse, but that conditions should be made as rigid as possible to restrict other non-agricultural uses. .

The Senior Growth Strategy and Project Officer noted that if the building were used for any other purpose than that proposed it would become an enforcement issue. It was not necessary for an applicant to provide a business plan.

Note Councillor Ian Fleetwood left the meeting at this point.

Councillor Patterson moved that the application be refused under Policy STRAT12 in that there was no essential need for agriculture. However it was clarified that it was not necessary to provide evidence to prove need.

Members subsequently felt that further clarification could be provided in the report and that a deferral would enable this to be undertaken.

Councillor Patterson withdrew his motion to refuse, and it was subsequently moved and seconded that the application be deferred for further information to be provided relating to the purpose of the building and whether it was reasonably required for the purposes of agriculture. .

It was then **AGREED** that the application be **DEFERRED** for further information.

21 DETERMINATION OF APPEALS

Councillor Leaning, Ward Member for Nettleham expressed his pleasure at the results of the appeals being dismissed, and it was also noted that the

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Committee was proud that its decisions were being reinforced by the Planning Inspector.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 9.30 pm.

Chairman