

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 27 June 2012.

**Present:** Councillor Stuart Curtis (in the Chair)

Councillor Owen Bierley  
Councillor Alan Caine  
Councillor David Cotton  
Councillor Richy Doran  
Councillor Paul Howitt-Cowan  
Councillor Malcolm Leaning  
Councillor Jessie Milne  
Councillor Jeff Summers

**Apologies** Councillor Ian Fleetwood  
Councillor Roger Patterson  
Councillor Judy Rainsforth  
Councillor Chris Underwood-Frost

**Membership:** Councillor Jeff Summers substituted for Councillor Fleetwood, and Councillor Howitt-Cowan substituted for Councillor Underwood Frost.

### **In Attendance :**

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

**Also Present:** Councillor Lewis Strange  
24 members of the public

## **8 PUBLIC PARTICIPATION**

There was no public participation.

## **9 MINUTES**

Meeting of the Planning Committee held on 30 May 2012.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 30 May 2012 be confirmed and signed as a correct record.

## **10 MEMBERS' DECLARATIONS OF INTEREST**

Councillor Alan Caine declared a personal interest in items 1 and 2 as a member of Caistor Town Council and the Caistor Development Trust.

Councillor Paul Howitt-Cowan declared a personal interest in papers B and C as he had been a member of the Renewable Energy Task and Finish Group.

Councillor Jeff Summers declared that as he had previously expressed support for the applicant for Item 4, he would speak as a visiting Ward Member and not take part in the Committee deliberation.

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

There were no recent Government updates to report.

## **12 PLANNING APPLICATIONS FOR DETERMINATION (PL.02 12/13)**

**RESOLVED** that the applications detailed in report PL.02 12/13 be dealt with as follows:-

### Item 1 - 128389 – Caistor

Planning application to vary condition 1 of planning permission 120746 granted 26 January 2009, at Wolds Retreat, Brigg Road, Caistor,

The Senior Area Development Officer updated the Committee on comments received from Caistor Town Council, who had stated that they wished the site to remain as holiday accommodation.

David Queripel, agent for the applicant, addressed the Committee stating that the planning permission was for 59 holiday lets and one for warden's accommodation. Officers had claimed that some chalets were being used as permanent residences, but the owner had challenged this, and was informed that he would have to reapply for planning permission. The previous conditions had been clumsily worded, and subsequently a Lawful Development Certificate had been applied for. A notice of unlawful occupancy had been served, and an application had been submitted for interim permanent residency until such time as they were vacated, when they would revert to holiday accommodation.

Councillor Strange spoke as a neighbouring Ward Member stating that the site was actually closer to Grasby parish than Caistor. Grasby Parish Council

favoured option 1 of those set out in the report, that permission be granted with new conditions.

Councillor Caine spoke as the Ward Member for Caistor and set out the history and background to the site, and stated that it would not be appropriate for the site to become a residential extension to Caistor.

Members discussed the complexities of the report and the proposed conditions at length. Questions were asked about why breaches of original conditions had not been enforced, and it was clarified that these had been investigated but that there had been insufficient evidence to prosecute. Two of the original conditions no longer met the tests of circular 11/95 and therefore this was why officers were recommending approval with these conditions omitted but with the holiday occupancy conditions retained. It was suggested that, because the matter was so complicated there was a certain amount of confusion, a letter accompany the planning permission, if granted, to clarify to the applicant the exact accommodation status of the chalets.

The Lincolnshire Legal Officer affirmed that evidence of any breach would be needed and prosecutions would be undertaken. The Head of Development and Neighbourhoods assured Members that new ways of working within the service area would mean that more officers would be alert to enforcement issues.

It was **AGREED** that permission be **GRANTED** subject to conditions as set out in the report.

#### Item 2 - 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, at Caistor Hospital Site North Kelsey Road Caistor

The Senior Growth Strategy and Projects Officer updated the Committee on comments that had been received from Councillor Angela Lawrence, Ward Member. "I have received a phone call from a member of Caistor Society and been approached by two other members of the public regarding the application to demolish the chapel at the old Caistor Hospital site. They are all gravely concerned that unscrupulous builders are allowing this building to fall into such a state and that now it may be lost completely. This site was of significant importance in Caistor's history and all that remains is the graveyard and the chapel. With every planning application for this site there has been an important emphasis on retaining this chapel and using it. Initially it was proposed to be used as some sort of community venue and I believe that use as a dwelling has been proposed. Unfortunately I cannot attend the planning committee meeting tonight but wish to add my views to those who have spoken to me. I wholeheartedly disagree with the demolition of this unique

piece of Caistor's history. I would urge the committee to refuse the application and insist that this building is not only retained but put to some good use.”

Juliet Savage of Caistor Town Council addressed the Committee stating that the original S106 agreement had included financial provision for educational facilities, car parking and a community facility. It seemed now that not only was there to be no money, but the old chapel would be lost, and the Town Council were concerned at the weakness of the S106. The permission had been for 148 houses, which would introduce many more people into the area but no additional facilities were to be provided. The Chapel is basically sound and of great historical interest to the town.

Councillor Alan Caine, Ward Member for Caistor, set out the history of the chapel and described its cultural and historic relevance to Caistor, even though English Heritage had determined that it was not of architectural importance. Councillor Caine felt that the community was being poorly served by the S106, and proposed that the Chapel could be gifted to the Town Council who could then attempt to preserve it.

The Senior Growth Strategy and Projects Officer clarified the six tests that were required for conditions to be imposed as set out in circular 11/95 and the three tests for S106 obligations required to be met by Reg 122 of the Community Infrastructure Regulations 2011; an on-site community facility provision could not be justified for a development of 148 houses. The retention of the Chapel could not be conditioned as its retention was not required on the existing permission, but it was agreed that officers could investigate if there were other ways that the Council could help community could help to save the building outside of the sphere of Planning.

Members discussed the application at length and generally felt that Caistor was missing out. It was suggested that the affordable housing provision could be reduced and the remaining money be allocated for community provision. Some Members also felt that the ‘ghettoing’ of the affordable housing was wrong and that they should be more integrated into the development. It was explained by officers that clustering the dwellings together reduced the management costs.

**Note** Councillor David Cotton declared a personal interest at this point, regarding the chapel.

Councillor Cotton asserted that the Chapel was of no architectural significance and subsequently moved the recommendation to delegate the granting of permission to the Director of Regeneration and Planning Subject to the conditions set out in the report and the signing of the S106.

On being voted upon the **MOTION WAS LOST.**

The committee then appeared to have reached an impasse on the application. The Senior Growth Strategy and Projects Officer suggested that if Members so wished they could agree to defer the application whilst officers negotiated

with the developer regarding the affordable housing and community provision. It was however important to reach a conclusion on this application at the soonest possibility as the site was currently in limbo, and the Council's Corporate Plan aim was to facilitate growth.

It was therefore moved, seconded and voted upon, and subsequently **AGREED** that the application be **DEFERRED** in order to allow for further negotiation with the developer, and also that officers would investigate ways that the community could preserve the Chapel building.

**Note** Councillor Cotton wished for it to be recorded that he had voted against the motion to defer.

Item 3 - 128609 – Caistor

Planning application for the erection of 1no. dwelling, together with new access on land adjoining Laburnum Cottage 15 Grimsby Road Caistor

The Senior Growth Strategy and Projects Officer reminded the Committee that applications for this site had been presented for consideration previously. There had been two refusals to grant, and a subsequent appeal had also been dismissed. An amended application was now presented for the Committee to determine.

Following a short discussion, the Ward Member moved that the application be granted.

It was **AGREED** that permission be **GRANTED** subject to conditions.

Item 4 - 128553 – Snitterby

Planning application for conversion of one dwelling into two at Bridge Farm, Snitterby.

The applicant, Miss Phillips, addressed the committee, setting out the context for the application. Miss Phillips described the history of the building's occupation and its outhouses which had previously been used as offices, but which now provided employment and a wide range of rural diversification and ecological skills workshops. No external alterations were proposed to the buildings, merely the blocking of one internal door. The main part of the house, previously occupied by a large family, was too big for the applicant who wished to remain on site in the smaller part of the dwelling. The Nature reserve was home to many varied and rare species and it was important to retain this facility.

Councillor Jeff Summers, spoke as Ward Member for the applicant and reinforced much of the evidence put forward by Miss Phillips, and asserted that there were special reasons to grant permission, common sense and compassionate flexibility should prevail.

Councillor Lewis Strange, spoke as the County Councillor, and agreed that this should be an exception site, and although within flood zone 3, there had been no instances of flooding in 100 years.

Members of the Committee gave consideration to the evidence heard, and were assured that precedence should not be an issue in this case. It was suggested that certain Permitted Development Rights could be withdrawn from the main part of the dwelling to prevent excess extensions being built.

It was moved and seconded that permission be granted and upon being voted on, unanimously agreed.

Therefore permission be **GRANTED** subject to the following conditions and for the reasons set out below.

Reason for granting permission.

In the context of policy STRAT12 of the West Lindsey Local Plan First Review 2006, there were felt to be considerations which were afforded significant weight which supported the development. Specifically, notwithstanding the existence of a large dwelling within the site, the provision of a smaller dwelling on site allowed the applicant the potential to remain on site to continue her business which had allowed for diversification of the rural economy in sustainable manner and the enhancement of biodiversity.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. Notwithstanding the provisions of Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development)(Amendment) Order 2008 (or any order revoking and re-enacting that Order), there shall be no external alterations to the dwelling(s) consisting of an extension to the dwellings hereby approved unless authorised by a subsequent granting of planning permission following application to the local planning authority.

**REASON:** To ensure that two small dwellings remain in this open countryside location as it was the small size of the dwellings that justified the subdivision of the larger existing dwelling.

### **13 PROCEDURES FOR PUBLICITY AND FOR SPEAKING AT PLANNING COMMITTEES FOR PLANNING APPLICATIONS FOR WIND TURBINES AND WIND FARMS (PL.03 12/13)**

The report sought to determine procedures to be followed in terms of applications for wind turbines. Previous reports had been submitted to the Committee, one which set out the publicity procedures, and a second which sought to determine speaking procedures. Members had requested that the two matters be combined into a composite report and resubmitted for approval.

The Senior Growth Strategy and Projects Officer informed Members that it was necessary to reach agreement on this matter as soon as possible as there were applications imminent which would meet the criteria for the new arrangements.

Members agreed with the principles of the report, but debated some of the details. Some felt that the 50m height limit was too high and that applications for 35m turbines should instigate the revised procedures. It was pointed out that there were many applications for the smaller turbines and this would necessitate the special procedures being implemented more frequently.

Members were also concerned that turbines were not being sited close enough to the agricultural businesses they were serving, and this meant that they were to be in open countryside, and there was a fear of creeping development.

Discussion also ensued on the suitability of alternative venues, and it was felt that each instance be considered on its own merit dependent on the likely level of interest, and the size of the venue required, along with the technology provision available. It would not be appropriate to determine what would be a minimum required capacity, so it was felt that the paragraph 5.1.e was sufficiently explicit for officer discretion. Ward Councillors should contact officers with information on suitable venues in their locality.

**RESOLVED** that:

- a) planning applications submitted to West Lindsey District Council for wind turbine and wind farm applications meeting the criteria detailed in section 5 of the report be publicised in accordance with the methodology detailed in the same said section;
- b) the Planning Committee convenes for special meetings for consideration of applications that meet the criteria detailed in section 5 of the report, at a venue near to the application site where practicable to do so and that only that application be considered at that meeting; and
- c) the total time periods afforded to all supporters, all objectors and parish councils for addressing the Planning Committee for planning applications for determination relating to wind turbine and wind farm developments in excess of the thresholds contained within the report (section 5) are increased from 5 minutes for each group to 15 minutes for each group.

#### **14 COMMITTEE SITE VISITS RELATING TO APPLICATIONS FOR WIND TURBINES (PL.04 12/13)**

The Senior Growth Strategy and Projects Officer suggested to Members that determining wind turbine applications, which were subject to finely balanced issues, merely with the aid of photographs was not ideal and did not give a true sense of the surrounding area and its views, so it was proposed that as there were several turbine applications imminent for Committee determination a range of site visits be arranged for one particular date to assess the context of each application.

Details of each of the proposed site visits were set out in the report.

Members agreed with the principle and suggested that as on a previous site visit regarding an application for a wind turbine a blimp had been used to demonstrate the actual height of the turbine, and that this had been useful, so if a similar arrangement could be put in place for the proposed visits it would be appreciated. The Senior Growth Strategy and Projects Officer stated that he would look into the possibility.

It was also proposed that the five site visits be undertaken by bus, not only to reduce individual car mileage, but because it was useful to have Members travelling together and receiving the same information at the same time.

It was **AGREED** that a date be set for Members to undertake site visits for the following applications prior to them being reported to Committee for determination:

- a) application 128607 (Planning application to install 2no. 50kw wind turbines and ancillary works – 25m to hub and 35m height to tip of blade - "Grayingham Grange", Grange Lane, Grayingham)
- b) application 128608 (Planning application to install 2no. 50kw wind turbines and ancillary works- 25m to hub and 35m height to tip of blade, Waddingham Grange Farm, Waddingham)
- c) application 128559 (Planning application for proposed siting of 1no. 36.4m high wind turbine- Grange Farm", Station Road, Torksey)
- d) application 128502 (Planning application for installation of wind turbine - 50 metres to hub and 77 metres to blade tip - "Lodge Farm House", Kettlethorpe Lane, Kettlethorpe)
- e) application 128536 (Planning application for installation of wind turbine - 50 metres to hub and 77 metres to blade tip- "Ferry Farm", Ferry Lane, Kettlethorpe)

#### **15 DETERMINATION OF APPEALS**

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



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The meeting concluded at 9.15 pm.

Chairman