

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 28 November 2012.

Present: Councillor Stuart Curtis (In the Chair)

Councillor Owen Bierley
Councillor David Cotton
Councillor Ian Fleetwood
Councillor Giles McNeill
Councillor Jessie Milne
Councillor Roger Patterson
Councillor William Parry
Councillor Judy Rainsforth

Apologies Councillor Chris Underwood-Frost
Councillor Alan Caine
Councillor Richard Doran
Councillor Malcolm Leaning

Membership: Councillor Parry substituted for Councillor Underwood-Frost

In Attendance :
Grant Lockett Head of Strategic Growth
Simon Sharp Senior Growth Strategy and Project Officer
George Backovic Senior Area Development Officer
Zoe Raygen Planning Officer - Lincoln City Council
Dinah Lilley Governance and Civic Officer

Also Present Councillor Jackie Brockway
Councillor Sue Rawlins
Councillor Lewis Strange
Councillor Jeff Summers
Councillor Geoff Wiseman
61 members of the public

40 CHAIRMAN'S ANNOUNCEMENT

The Chairman announced his intention to vary the order of the agenda. Item 5 Normanby by Spital would be considered as the second item given the amount of public present.

41 PUBLIC PARTICIPATION

There was no public participation.

42 MINUTES

Meeting of the Planning Committee held on 17 October 2012.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 17 October 2012 be confirmed and signed as a correct record.

43 MEMBERS' DECLARATIONS OF INTEREST

Councillor David Cotton declared a non-pecuniary interest in item 6 as being a serving magistrate.

Councillor Giles McNeill declared a non-pecuniary interest in item 5 as being employed by Edward Leigh MP who had commented on the application.

44 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

The Senior Growth Strategy and Project Officer informed the meeting that the Fees Regulations 2012 had completed their passage through both Houses of Parliament and as such from Thursday 22nd November, all planning fees were being raised by 15% in line with inflation since 2008.

Members asked about the status of the Energy Bill and The Senior Growth Strategy and Project Officer affirmed he would check on this for the next committee meeting.

45 PLANNING APPLICATIONS FOR DETERMINATION (PL.09 12/13)

RESOLVED that the applications detailed in report PL.08 12/13 be dealt with as follows:-

Item 1 - 128044, 128045, 128047 and 128048 - South Kelsey

Planning application for erection of a livestock building (Building A)
Planning application for erection of a livestock building (Building B)
Planning application for erection of a livestock building (Building C)
Planning application for erection of a livestock building (Building D)
at Holme Hill Farm, Waddingham Road, South Kelsey.

The Planning Officer reminded the Committee that the application had been previously deferred for assessment of the comments from the highways

department. The applicant had asserted that the lorries were using the correct route and there would be a minimal increase in the number of vehicles. It was possible that vehicles from another farm could be passing through the village however there were no restrictions on these. There was no evidence of breach of the unilateral undertaking. The Planning Officer also noted that there was an error in the report as the word 'not' was missing from the sentence in the penultimate paragraph on page 12. The sentence should read "... the smells released would not be so pungent ...".

Jenny Stimson of South Kelsey Parish Council addressed the committee and expressed doubts that the traffic would continue to use the correct route. Mrs Stimson also noted that the change to Condition 7 was not acceptable, and emphasised that the odour from the existing establishment was not addressed or acknowledged by Environmental Health officers. Fields were currently under water exacerbating the problem. The pigs on site were kept on slats, and the lorries being used were articulated, not eight wheelers. The Parish Council felt that the District Council was treating it dismissively and the farm was allowed to do as it liked. The Parish Council were proposing to take the matter to the Ombudsman.

Frank Tobin, the applicant then spoke on the application, stating that the additional buildings would bring pig breeding onto the site and would actually result in fewer animals. Mr Tobin had complied with all legislative requirements and had no problems with other neighbours. Heavy Goods Vehicles had been directed appropriately and if any were contravening the instructions this would be addressed. Slurry disposal had been applied according to the requirements.

Martin Glenn, a local resident stated that there had not been an odour problem initially, this had started with the slurry spreading. Mr Glenn had been advised to keep a diary of instances and had recorded many days throughout the summer when odour had been evident. The model was not for pigs on slats as this created increased smell. A proper assessment of the problem was requested. Correct deep injection of slurry was not problematic, however shallow spreading was made worse by the recent flooding. There was also a smell from passing lorries covered in slurry. The local MP had expressed support for residents.

The Planning Officer noted that the slurry management plan had been in place at the last meeting and there were conditions to restrict the days of spreading. Complaints had been investigated and no nuisance had been determined so no enforcement applied. Planning permission was not required for slurry disposal, but the conditions attached to the application would give control to this.

Councillor Strange spoke as Ward Member, noting that the odour could be a problem for a nearby holiday park. Slurry injection should be carried out correctly and it was felt that the organisation was too big for the area. Councillor Strange was fully supportive of local farmers, but this was a large

agri-business. Cllr Strange suggested that only two units be permitted and that these be closed if conditions were not adhered to.

The Committee discussed the applications at length, questioning the different methods of slurry disposal, and also the historical problems, whilst acknowledging that the application must be considered on its own merits. Complaints had been investigated but no breach found. To refuse the application would necessitate valid reasons based on hard evidence that expert opinions were disagreed with. It was not possible to pre-suppose that conditions would not be adhered to.

The Head of Strategic Growth assured Members that he would ask Environmental Health officers to check that appropriate measures were being carried out.

It was moved and seconded that the application be refused in order for the applicant to request two units instead of four. On being voted upon the votes were four for the motion and four against, with one abstention. The chairman used his casting vote and voted against the motion. **The motion to refuse was therefore lost.**

The recommendation to approve the application subject to conditions was subsequently moved, seconded and voted upon. It was then **AGREED** that for applications 128044, 128045, 128047 and 128048:-

Permission be granted, subject to conditions and a Unilateral undertaking requiring the owner of the adjacent land to undertake disposal of the slurry in accordance with the Waste Management Plan dated May 2012 and restricting HGV routing. If the unilateral undertaking has not been signed within three months of the Committee then the application be reported back to Committee

Item 5 – 128606 - Normanby by Spital

Planning application to install two 50kw wind turbines and ancillary works - 35m height to tip of blade at Heath Farm Normanby Cliff Road Normanby-By-Spital.

Note Councillor Jessie Milne declared she had been requested to lobby Edward Leigh MP, she had declined to do so.

The Senior Growth Strategy and Project Officer stated that the applicant's agent had prepared a four page representation to Committee. There was not time to circulate this to members of the public for comments and therefore, he opined that it was considered not fair and reasonable to circulate to members prior to the meeting. However, he reported that he had read the contents and it reminded West Lindsey of the financial cost of energy per year, the contribution green energy made to energy need, national government objectives and consultee responses. All of this, he confirmed, was addressed in the officer's report and it was his understanding that the applicant's agent

had registered to speak and may refer to these matters in their verbal presentation. He advised members that he could distribute the agent's paper to Members whilst they were listening to the address if the Chair permitted but he would also need to distribute it to other persons present as well. The Chair agreed and copies were distributed to Members and the public gallery immediately before the agent started addressing the Committee.

Steve Catney, the agent, then addressed the committee stating the need for renewable energy to meet rising costs and to secure the future of employees. Many alternatives had been considered, the application was fully compliant with policy and there were no objections from statutory consultees.

Richard Armstrong, representing the views of local residents addressed the committee and showed slides. Over 100 objections had been submitted including a petition and the support of the local MP. There would be no benefit to the community from the proposals, only the applicant, and it was suggested that the turbines could be sited closer to the farm and at a reduced height. The current proposed location was adjacent a riding club, and the club had not been consulted on the application, which would be to the detriment of the horses and riders. There would be road safety issues, a visual impact upon listed buildings and an ancient monument. A summary of reasons for refusal were set out in the presentation and a proposed compromise which would be to the benefit of all.

Councillor Jeff Summers spoke as Ward Member. Councillor Summers noted that he was torn between supporting residents and an esteemed local business. Renewable energy should be supported, but in an appropriate location. The Localism Act gave powers and a voice to communities, and this community was using its voice to object. Councillor Summers asked that if the turbines were closer to the farm buildings and of a lower height would this be acceptable to the MOD?

Councillor Lewis Strange as the County Councillor reiterated previously raised objections and felt that the report did not give consideration to the needs of residents. Councillor Strange suggested that turbines were not economically viable without the current government subsidy.

The Committee Chairman noted that there were finely balanced considerations and the visual impact needed to be assessed so moved that the Committee undertake a site visit prior to consideration of the application. The motion was seconded and voted upon and it was **AGREED** that the application be **deferred** to enable a site visit to take place.

Members also requested that the MOD be requested to engage in discussion prior to formal consultation. Officers would look into this but advised that the Mod only provided comment on formal application submissions and did not take part in discussions or comment on informally tabled developments.

Item 2 - 128778 - Wickenby

Planning application for proposed replacement hangars, ancillary workshops and offices, at Wickenby Airfield, Watery Lane, Wickenby

The Senior Growth Strategy and Project Officer noted that the application had previously been deferred for a site visit which had subsequently taken place during which Members visited several aspects of the site and also looked at the airfield from various viewpoints in the surrounding area at Wickenby, Lissington and Holton cum Beckering.

Jonathan Roberts, agent for the applicant reiterated the salient points in the application, noting that there would be no increase in aircraft, jobs would be provided, the proposal would be nearby similar buildings and be a supervised, purpose built facility.

Councillor Sue Rawlins spoke as Ward Member noting that the site visit had been very useful. Councillor Rawlins had few concerns with this application and supported the requirement for aircraft not to be stored in the hangar after three months.

The Committee questioned the security of access to the site noting that a van had been seen to drive across the site during the site visit. Members also raised the matter of delineation between airside and landside. Officers suggested that this could be addressed through an amended condition.

Note Councillor Milne declared that she had been requested to lobby the local MP, but declined.

The recommendation with the additional condition was subsequently moved, seconded and voted upon. It was then **AGREED** that:-

The decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the signing and completion of a section 106 agreement obligating the applicant to not use the part of the existing North Hangar, subject to the application 128788, for the storage of aircraft following the expiration of three months from the date of first use for storage of aircraft of the two hangars granted by this permission.

Additional Condition (condition 13).

13 Before the first use of the hangars hereby approved, a fence shall be erected between points A and B and between points C and D as annotated on the approved layout plan, drawing No. 6948W-103-2 Rev D, the details of which shall have previously been submitted to and approved in writing by the Local Planning Authority and that fence thereafter shall be retained.

Reason: In the interests of aircraft safety, in accordance with Circular 01/03: Safeguarding aerodromes, technical sites and military explosives storage areas.

Item 3 - 128788 and 129059 - Wickenby

Planning application for change of use of existing aircraft hangar to B8 Storage and Distribution, storage facility, with a replacement modular office building, and Hazardous Substance application for the storage of oil and gas, fuel, oil, under very toxic, toxic, oxidising, flammable, highly flammable, highly flammable liquid, extremely flammable, dangerous for the environment and any classification substances, at Wickenby Aviation Ltd, Wickenby Airfield, Watery Lane, Wickenby.

The Senior Growth Strategy and Project Officer referred to the site visit as per the previous application, noting the sight of the van and a lorry crossing the end of the runway. He also confirmed that, with regard to the fire-wall between the part of the T2 hangar subject to the application and that used by Cooper aerial surveys, Building Regulations would require a 60 minute fire wall as proposed. He also confirmed a 675mm high bund wall allowing for approximately 1.5m litres of storage based on 1m in containers) was being proposed to COMAH specification.

In addition, insulation was proposed to be applied to internal faces and 1000mm thick 60 minute fire insulation around other walls. He also advised Members that there were already several thousand litres of high octane aviation fuel in the aircraft parked in the T2 hangar and that the existing separating wall between this area and Cooper Aerial Surveys' maintenance workshop had no fire resisting properties whatsoever.

Finally, he read out the e-mail from the Health and Safety Executive that had been received in the last two hours

“The assessment is almost complete – (The HSE) still have one series of calculations to complete. Based on the information provided so far and on the basis of a preliminary assessment, the initial indication is that it would be unlikely that HSE would advise against the hazardous substances consent application. The advice is subject to the final series of calculations and is based on the current site set-up only. If the landlord of the site changes the operations of the adjacent workshops / storage areas, this may affect our advice”.

Ben Healey, the applicant addressed the committee emphasising the benefits to the community and local economy. Frontier Agriculture supplied crop protection products to local farmers. There would be environmental benefits of fewer vehicle movements and the storage of volatile fertilisers would be limited.

Local resident and chair of the Wickenby Airfield Residents' Forum (WARF), Hedvika Fraser, spoke on the application and requested that the Airfield's management undertake liaison with the WARF group. WARF objected to the current application on grounds of safety, which did not seem to have been given much consideration. There had been recent accidents and with aerobatics taking place near to hazardous substances, it was only a matter of time before a serious incident.

Councillor Rawlins, Ward Member, asked for more consideration to be given to the security of access to the site and possibly a longer life of the firewall. Officers affirmed that the firewall was a Building Regulations matter, and if felt necessary the HSE could request more stringent conditions. The scope of the aerobatics taking place was also being looking at by officers.

Members discussed the application at length and felt that a better security system could be implemented at the barrier with either a checkpoint system, or even an alternative access. Officers could liaise with the applicant on the security of vehicular movements as set out in condition 9, but an alternative access could not be enforced for other businesses on the site. Members concluded that condition was sufficient in responding to their concerns but that the condition should only be discharged if the barrier system included barriers on both sides and that it could not be activated simply by the driver without some form of prior control by the airfield or Frontier, such as by the issuing of tokens.

The recommendation was then moved, seconded and voted upon. It was **AGREED** that :

Planning permission 128788 be granted subject to conditions.

The determination of the hazardous substances consent 129059 be delegated to the Director of Regeneration and Planning upon the receipt of the consultation response from the Health & Safety Executive.

Note The committee adjourned for a ten minute comfort break at 9.10pm

Item 4 – 128827 - Welton

Planning application for construction of a new community hall with associated hard landscaping and boundary treatments. Change of use from residential garden land at Welton Methodist Church, Cliff Road, Welton.

The Senior Area Planning Officer summarised comments that had been received further to the deferral of the application at a previous meeting in order for a travel plan to be assessed.

Roger Kuhnel representing Welton Methodist Church spoke on the application and noted that a questionnaire had been distributed on the details of the travel

plan. It was proposed that the extension to the hall would provide increased capacity and additional facilities to the village. Any new users would be bound by the terms of the travel plan and the church would welcome regular reviews of the plan. The traffic congestion in the village was pre-existing and it was not the responsibility of the church to rectify this.

Note Councillor David Cotton declared a non-pecuniary interest in the item as being a church minister.

Members discussed the application and agreed that the planning authority could not be responsible for traffic issues, as this was a County Highways matter, although it should not give cause for exacerbating the problem. Differing opinions were expressed as to the design of the building.

The recommendation was moved, seconded and voted upon, and it was subsequently **AGREED** that **permission be granted** subject to conditions.

Item 6 – 128996 - Gainsborough

Planning application for proposed KFC drive-thru restaurant, including erection of new building, creation of new vehicular access, new boundary wall and soft landscaping. Gainsborough Magistrates Court, Roseway, Gainsborough.

Vincent Ryan, agent for the applicant, addressed the Committee, stating that the application was for a town centre site and complied with the principle of acceptable use. Officers had been consulted with and a unique design for the building was proposed to enhance its setting adjacent the conservation area and listed building. Although English Heritage had objected there had been no further response to the statement submitted. The issue of competition in the town was not a planning consideration. Matters of litter, traffic and odour had all been addressed in the officer's report.

Mr Duzgun, owner of a small business in town, objected to the proposals stating that other small businesses would suffer and that other parts of the town were declining because of Marshall's Yard.

Councillor Judy Rainsforth, Ward Member, stated that she had nothing against KFC but she felt that this was the wrong location. The old Guildhall area would be better as it was this part of town which needed regeneration. All businesses wanted to be near Marshall's Yard which was to the detriment of the rest of the town. Traffic along Roseway was already a major problem which would be exacerbated. Councillor Rainsforth also raised issues of design, odour and litter.

Members noted that the site was an eyesore as it currently stood, and there were differing opinions as to the design of the KFC. The proposed opening hours were discussed, and it was affirmed that these were shorter than some

other similar businesses due to the residential area nearby. The company had a litter management policy, as had a similar establishment, and although not a planning consideration officers in the Localism team would work with the operator as it was currently doing with another national hot food retailer and that powers were available under other legislation to take action if it was considered necessary.

The recommendation was moved, seconded and voted upon. It was **AGREED** that **permission be granted** subject to conditions.

Note Councillor Rainsforth requested that it be recorded that she had voted against the recommendation.

Item 7 – 128577 - Marton

Planning application to erect timber cutting area and dry storage area, Village Farm Marton.

Note Councillor David Cotton declared a non pecuniary interest as he knew the applicant, so he would not take part in the deliberation or vote.

There were no updates to the report and no speakers to address the committee.

The recommendation was therefore moved, seconded and voted upon. It was **AGREED** that permission be **granted** subject to conditions.

Item 8 – 128979 – North Carlton

Planning application for ground floor extensions to existing care home, Cheyne House, Main Street, North Carlton.

Carolyn Knight, representing the North Carlton Parish Meeting described how local residents opposed the application. A previous application had been refused in April 2010 on the grounds that North Carlton was a small settlement with limited services. The proposed nine additional bedrooms would impose additional strain on the community and would be overdevelopment of the site, as per policies STRAT 1 and 3 and CRT 13. There were also issues with sewerage, surface water drainage and parking, and slides were shown depicting some of the existing problems.

Richard Mair, agent for the applicant stated that the officer's report dealt with all the issues raised. The proposed alterations were not just about extending the care home, they were to improve facilities for existing residents and to conform to current standards. The additional bedrooms would provide the funding to undertake the work.

Mr Mathur, the applicant, elaborated, describing how the facility had improved in quality over the last two years, and how there was a desire to provide the best care possible for dementia patients. No increase in traffic was anticipated.

Paul Wray, a neighbouring resident, raised several points of objection including those previously mentioned, and also queried the boundary measurements. Mr Wray reiterated that the proposals would be an overdevelopment of the site, a detrimental impact on surrounding properties and there had been no significant change to the previously refused application.

Councillor Jackie Brockway, Ward Member agreed that there would be a clear detrimental impact to neighbouring residents, and that necessary improvements to the building could be made internally. Councillor Brockway disagreed with the suggestion that there would be minimal increase in visitors and traffic. The previous application had been refused because it was considered unsustainable in North Carlton. Councillor Brockway's comments were reiterated by Councillor David Cotton, the other Ward Member.

Members of the Committee agreed that there had been no material change to the previous application and that this application should be refused for the same reasons.

It was then moved, seconded and voted upon, and **AGREED** that permission be **refused** for the reasons set out below.

“North Carlton is a small rural settlement which has only limited community services and facilities. In these circumstances the approval of 9 additional bedrooms will further consolidate development in a location unrelated to facilities and services and heavily dependent on the use of the private car. Furthermore it is considered that due to the size, scale and location of the proposed extensions it will result in over-development of the site which will have a detrimental impact on the character and appearance of the original building and the village of North Carlton. Accordingly the development is considered to be contrary to the provisions of saved policies STRAT1, STRAT3 and CRT14 of the West Lindsey Local Plan First Review 2006.”

Note Councillor Giles McNeill declared a non-pecuniary interest in the above item as family members visited residents on a voluntary basis.

46 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

Discussion ensued on a previous appeal decision which although had been dismissed, costs had been awarded against the Council on the grounds that reasons for refusal had not been defended. Officers clarified that if the

Committee chose to vote against an officer's recommendation, then whilst officers could assist Members they could not professionally defend their decision. However, Members may wish to discuss with officers how the existing system could be reviewed to better protect the Council from cost awards against them following the lack of Council submission to the Inspectorate following a member overturn. .

47 NEXT MEETING

Due to the date of current meeting having been moved because of the Police and Crime Commissioner Election, there were only two weeks before the next scheduled date of 12 December 2012. It was proposed that, in consultation with the Chief Executive, the December meeting be cancelled and that the next meeting take place on the scheduled date of 9 January 2013.

The meeting concluded at 10.40 pm.

Chairman