

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 30 May 2012.

**Present:** Councillor Chris Underwood-Frost (Chairman)

Councillor Owen Bierley  
Councillor Alan Caine  
Councillor David Cotton  
Councillor Stuart Curtis  
Councillor Richy Doran  
Councillor Malcolm Leaning  
Councillor Jessie Milne  
Councillor Malcolm Parish  
Councillor Roger Patterson  
Councillor Judy Rainsforth

**Apologies** Councillor Ian Fleetwood

**Membership:** Councillor Malcolm Parish substituting for  
Councillor Fleetwood

**In Attendance :**  
Simon Sharp Senior Growth Strategy and Project Officer  
Kirsty Catlow Senior Area Development Officer  
Dinah Lilley Governance and Civic Officer

**Also Present:** 18 members of the public  
Councillor Chris Darcel  
Councillor Reg Shore

### 1 CHAIRMAN'S ANNOUNCEMENT

The Chairman of the Council, Councillor Jessie Milne announced that she had been to see Councillor Ray Sellars and he had said that he was hoping to return to the Council soon and sent his best wishes to everyone. The Chairman of the Planning Committee responded with best wishes in return to Councillor Sellars.

### 2 PUBLIC PARTICIPATION

There was no public participation.

### **3 MINUTES**

Meeting of the Development Management Committee held on 2 May 2012 and the Planning Committee on 14 May 2012.

**RESOLVED** that the Minutes of the meeting of the Development Management Committee held on 2 May 2012 be confirmed and signed as a correct record.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 14 May 2012 be confirmed and signed as a correct record.

### **4 MEMBERS' DECLARATIONS OF INTEREST**

All Members of the Committee declared a personal interest in Item 4 as the applicant was a West Lindsey District Councillor.

All Members of the Committee declared a personal interest in item 5 as the Council was the applicant.

Councillor David Cotton declared a personal interest in Item 1 as he knew the objector, and as Councillor Cotton had not been able to attend the site visit, he would not take part in the deliberation.

Councillor Cotton also declared a personal interest, as a Minister, in Item 4 as the land is in church ownership.

Councillor Alan Caine declared a personal interest in Item 1 as he knew the objector.

Councillor Underwood-Frost declared a personal interest in Item 3 as he had been involved in discussions with individuals on the application.

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

There were no recent Government updates to report.

### **6 PLANNING APPLICATIONS FOR DETERMINATION (PL.01 12/13)**

**RESOLVED** that the applications detailed in report PL.01 12/13 be dealt with as follows:-

#### **Item 1 - 127804 – Rand**

Planning application for removal of existing agricultural shed and replace with new proposed agricultural shed.

Prior to consideration of the application the Senior Area Development Officer updated the Committee. Following the consideration of the application at the last Committee meeting, amended plans had been submitted to clarify the scale on the proposed block plan and to change the colour finish of the timber cladding to green on the proposed elevations. If Members were minded to grant planning permission an amendment was proposed to condition 3, relating to the approved plans, to read as follows;

3. The development shall not be carried out otherwise than in accordance with the amended application drawing numbers PW051-04 Revision F received on 17 May 2012 and PW051-05 Revision F received on 22 May 2012.

Additional emails and letters of representation had been received from Mr Richard Costall on behalf of Rand Parish Meeting and as a resident of Home Farm, raising issues such as procedural matters, existing storage buildings and justification of need, proposed floor levels and the lack of responses to questions.

Four letters of support had been submitted by residents of Rand on the grounds that the proposal would replace an old and tired building with a new one which would enhance the village. Furthermore additional landscape planting was proposed.

Mr O'Reilly, agent for the applicant, addressed the committee, acknowledging that Rand was a small hamlet rather than a village. Mr Ingalls the applicant had lived in Rand almost all of his life and had farmed the area for many years. As residents the family had a vested interest in maintaining the character and high aesthetics of the settlement. As the farm had expanded, more storage space was required, particularly as work was done in-house, not by sub-contractors who would be far more disruptive to the area. There had only been two objections from Mr Costall and his family and it was not felt that these were valid. Most residents were in favour of the proposals.

Mr Richard Costall then spoke on the application, he referred to Policy STRAT12 which supported agricultural development, but stated that there was no proven need for this development as there was plenty of existing storage facility. The planning history of the site had not been acknowledged. It was agreed that design, scale and massing were subjective issues but the proposal did not fit with the character of the settlement. If additional storage was justified, alternative sites could be found which would not impact on the area. Mr Costall requested that the application be refused.

Councillor Darcel, Ward Member for Rand, reiterated the comments he had made at the previous meeting, and thanked the Committee for undertaking the site visit.

The Senior Area Development Officer clarified that officers were satisfied that agricultural use was justified and that although bigger, the proposal was for a replacement building. Any future proposed change of use would require assessment. The siting and colour scheme had been amended in

consultation with officers. It was clarified that the proposal had been submitted for committee determination because it was within 3km of an aerodrome.

The Committee discussed the amended application and agreed that the site was well screened to the north and east and additional planting was proposed. There would be no detrimental impact on neighbouring properties and an unsightly shed would be removed. The proposal was then moved and seconded.

On being voted upon, it was **AGREED** that Permission be granted, subject to conditions, and the amendment to Condition 3 set out below.

**Condition 3.**

The development shall not be carried out otherwise than in accordance with the amended application drawing numbers PW051-04 Revision F received on 17 May 2012 and PW051-05 Revision F received on 22 May 2012.

For the same reason as stated in the report.

**Item 2 - 128354 – Langworth**

Planning application for a woodland, 27no. holiday chalets and the conversion of the existing reception building to warden's accommodation.

The Senior Growth Strategy and Project Officer introduced the item and referred members to the fact that the other campsite in the village was Langdale Lakes on the north side of Station Road (A158) near to the railway level crossing (about 1km from the site)

The Senior Growth Strategy and Project Officer referred to the slides on screen and described the context of the site layout in detail, showing existing caravan storage, a rally area and the neighbouring residents. Photographs also showed the road and access to the site, which were the subject of many of the objections. It was acknowledged that some previous conditions had been breached, for example, the number of vans on site at a particular time.

He also advised that, as referred to in the assessment part of the report, that an additional condition was required relating to the provision of a package treatment plant.

Finally he advised that a representation has been received from the Lincolnshire Wildlife Trust relating to the update of the ecological survey. The trust state that they are satisfied that the development would be unlikely to impact on any habitats of significant conservation interest

John Epton, the applicant, addressed the Committee, stating that he had been in the caravan business for many years, and that customers these days preferred quiet countryside to coastal sites. Mr Epton had made a significant investment in the site and worked with many bodies and listened to advice and complied with policies. A tree planting scheme was proposed and there would be no overlooking of neighbouring properties. There had been no Highways objections and an award had been given for wildlife conservation.

Yvette Green spoke on behalf of residents, stating that there was a major problem with speeding on what was a very narrow lane on the approach to the site. The view of the site would be detrimental to residents and there were concerns regarding any further expansions. Additional concerns were raised regarding flooding and the presence of permanent residents.

Councillor Chris Darcel, Ward Member then commented that the officer's report had been good but that it did not reflect the concerns of the residents who did not want the expansion. At the Parish Council meeting 22 people had voted against it. Previous applications had been refused on highways concerns and if the proposal was for a new development an 80m sightline would be required. There had already been numerous accidents in the area and there were no differences to the access to what it had been in 1986.

Members of the Committee discussed the application at length, giving consideration to the highways issues. It was acknowledged that the lane was narrow, but clarified that two cars could pass carefully. West Lindsey District Council was not the highways authority and if Lincolnshire County Council highways officers had raised no concerns it would not be feasible for the Committee to refuse the application on grounds of highway safety.

References made to the breaches of previous condition could not be given weight in the consideration of this application, although the intensity of the resultant uses should be taken into consideration. The Senior Growth Strategy and Project Officer advised that it was his opinion that the continuous period of time that the current intensity of the existing uses had taken place had resulted in them being immune from enforcement because of the timescales, however the Chairman noted that in the event of any further breaches of conditions he would expect enforcement to take place.

Officers had discussed the flooding concerns with the Environment Agency and Internal Drainage Boards and considered the sequential approach and exceptions test. Future risks had been assessed and it had been determined that there would be no increased risk to neighbouring residents. Culverts beneath the roadways were to be created to mitigate any risk to the site and manage overland flows. Members questioned the maintenance of the culverts and requested that this be part of the conditions. Condition 12 could be amended to this effect.

The matters of the additional landscaping were addressed within the S106 agreement drawn up with the applicant so did not require conditioning.

The recommendation was moved, seconded and voted upon, and it was **AGREED** that the decision to grant planning permission be delegated to the Director of Regeneration and Planning subject to the conditions contained within the report and the amended and additional conditions set out below, and the completion and signing of a section 106 agreement pertaining to the implementation and subsequent management of a scheme for a landscaping belt adjacent to the western and northern boundaries of the site and an updated ecological survey being submitted showing no adverse effects to the ecology of the site and its surroundings.

**Amended condition 12**

The culverts referred to in condition 5 shall be installed beneath the roadways in accordance with the scheme approved prior to the first occupation of any of the holiday chalets hereby approved and subsequently maintained in accordance with a maintenance schedule that has been submitted to and approved in writing by the local planning authority prior to their installation.

**Reason:** To minimise flood risk within the site and adjoining sites and to accord with the principles of the National Planning Policy Framework (2012).

**Condition 18**

A package treatment plant shall be used to process all foul drainage from the chalets hereby permitted and the treatment plant shall be installed in accordance with details to have been previously submitted to and approved in writing by the local planning authority prior to the first use of any of the chalets hereby approved

**Reason:** In order to provide the most sustainable foul water drainage solution for this development in accordance with circular 3/99 and the National Planning Policy Framework (2012) and so as not to result in the contamination of groundwater or the adjoining Barlings Eau watercourse.

**Item 3 - 128382 – Willingham By Stow**

Planning application for proposed extensions and alterations.

The Senior Growth Strategy and Project Officer updated the Committee on further representations which had been received, including a petition containing 138 signatures in support of the application and one additional letter of support. The applicant had supplied images which had been included in the officer's presentation.

The applicant, Caroline Leek then spoke on the application describing the local distinctiveness of the area and their plans to return the property to its original style. The proposed alterations were at the rear of the property and

not visible from the front, but officers had advised that the massing of the roofscape was too big. To comply with officers' advice would mean demolishing part of a 200 year old property, and the suggested roof design would require concrete tiles rather than the characteristic red clay pantiles. Photographs of other properties in the area showed that the style of extension was common.

Simon Cannon, spoke on behalf of Willingham Parish Council in support of the application, pointing out that new build properties would not be allowed in such a small settlement, meaning that young people had to leave the area to find somewhere to live. The applicant sought to renovate and sympathetically restore an existing property which was currently an eyesore, and thus retain a young family in the area.

Councillor Reg Shore, Ward Member, echoed the comments made by the Parish Council representative, and stressed that the whole village was in support of the applicant, and he felt that on this occasion officers had made the wrong recommendation.

Committee members discussed the application at length and agreed that the argument was finely balanced between considerations of the size and design of the proposed extension against planning policies, and the desire of a young family to remain in their locality, support the community and restore a dilapidated building to a family home conducive to the character of the area.

The Committee adjourned for ten minutes to allow Members to better examine the paper plans and site drawings, in order to gain a clearer understanding of the issues involved.

Members agreed that the ethos of Localism was to encourage sustainable development, retention of local families, and listen to local opinion. It was however noted that to overturn the officer's recommendation to refuse the application valid planning reasons needed to be provided. It was put that the proposal mostly complied with policies STRAT1 and RES11, and suggested that there were extenuating circumstances for deviating from policies, but this could be mitigated by the removal of certain classes of Permitted Development Rights.

It was moved, seconded and voted upon, and unanimously **AGREED** that permission be granted subject to the conditions set out below

### **Conditions**

- 1.** The development must be begun not later than the expiration of three years beginning with the date of this permission.

**Reason:** Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until details of the materials to be used for the facing brickwork have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved plans, the approved brickwork and natural red clay pantiles shall be used for the roof covering.

**Reason:-** To preserve the character and appearance of the existing building to be extended and the wider area and to accord with policies STRAT1 and RES11 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework (2012).

3. Notwithstanding the provisions of Classes A and B 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 comprising of extensions to or alterations to the roof including the insertion of dormer windows other than as authorised by this permission or any subsequent permission expressly granted by the local planning authority.

**Reason:** The extensions hereby permitted were granted with weight afforded to the specific need to reuse and extend the dwelling to provide family accommodation. Any additional extensions would have the potential to adversely affect the character and appearance of the dwelling and its surroundings and the restriction of these rights enables the local planning authority to control any further extensions to protect these interests and to accord with policies STRAT1 and RES11 of the West Lindsey Local Plan First Review 2006.

**Reason for granting**

The application has been assessed against the provisions of the development plan in the first instance and specifically policies STRAT1 and RES11 of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. One such consideration afforded significant weight is the reuse and regeneration of a decaying building and the homing of a local family. These exceptional local circumstances outweigh the normal policy restraint provided in policy RES11 and on this basis the permission should be granted.

**Item 4 - 128427 – Caistor**

Planning application for change of use of agricultural land to form car park and play area and form new field access

There were no further updates to report, but photographs were shown which depicted the problems of on street parking experienced in the area. Councillor Alan Caine, Ward Member said that the sooner this matter was



resolved the better, and moved the recommendation to approve the application.

The new field access was clarified for Members, but concerns were raised that the site would subsequently become brownfield, which could leave the way open for future development. Therefore it was suggested that the car park and play area be conditioned to be in association with the existing use.

It was **AGREED** that permission be granted subject to the conditions set out in the report, and the additional condition set out below.

**Condition 9** - The car park hereby permitted shall only be used in conjunction with and ancillary to the kindergarten use at 14, Whitegate Hill, Caistor.

**Reason:** The car park use can only be justified in this open countryside, Area of Great Landscape Value setting because it improves highway safety by providing the potential for cars to safely park off the road. In the absence of such a justification the development would be unacceptable and contrary to policy STRAT1 of the West Lindsey Local Plan First Review 2006.

#### **Item 5 - 128555 – Gainsborough**

Planning application for change of use from B1 to B1 Business, Office and Light Industry and A2 Financial and Professional Service

The Senior Area Development Officer informed the Committee that since the publication of the Committee report, the following representations had been received; English Heritage had confirmed that the application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice. The Council's Conservation Officer, LCC Archaeology and LCC Highway had no adverse comments.

Assurance was given that as there were no proposed external alterations there would be no detriment to the nearby listed church building. The proposals would preserve the existing setting and secure the long term future and maintenance of the building.

It was then **AGREED** that permission be granted subject to conditions.

#### **7 DETERMINATION OF APPEALS**

Members were disappointed to note the appeal decision to allow the wind turbines at Thoresway, and hoped that no precedent was to be set.

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

The meeting concluded at 8.58 pm.

Chairman