

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 6 March 2013.

Present: Councillor Chris Underwood-Frost (Chairman)
Councillor Stuart Curtis (Vice Chair)

Councillor Owen Bierley
Councillor Alan Caine
Councillor David Cotton
Councillor Ian Fleetwood
Councillor Malcolm Leaning
Councillor Giles McNeill
Councillor Jessie Milne
Councillor Roger Patterson
Councillor Judy Rainsforth

Apologies Councillor Richard Doran

In Attendance :
Mark Sturgess Director of Regeneration and Planning
Nick Ethelstone Acting Head of Development and Neighbourhoods
George Backovic Senior Area Development Officer
Diane Krochmal Communities Project Officer
Dinah Lilley Governance and Civic Officer
Rebekah Smith Communications Officer

Also Present 44 members of the public
Councillor Irmgard Parrott
Councillor Malcolm Parish

63 PUBLIC PARTICIPATION

There was no public participation.

64 MINUTES

Meeting of the Planning Committee held on 6 February 2013.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 6 February 2013 be confirmed and signed as a correct record.

65 MEMBERS' DECLARATIONS OF INTEREST

Councillor Patterson declared a personal interest in that he knew one of the objectors on Item 2.

Councillors Cotton, Curtis and Underwood-Frost declared personal interests in Paper B as they were Members of the Joint Lincolnshire Strategic Planning Unit.

Councillors Fleetwood and Underwood-Frost noted that they had been unable to attend either of the site visits that had taken place for Items 1 and 2, and asked whether or not they should take part in the deliberation. The Governance and Civic Officer advised that it was up to individual Members to consider whether they already knew the area well enough to be able to take part in the decision making.

Councillor Milne noted that she had not been able to attend the site visit for Item 2, but not being familiar with the site, would not take part in the decision making.

66 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

There were no recent updates to report.

67 PLANNING APPLICATIONS FOR DETERMINATION (PL.14 12/13)

RESOLVED that the applications detailed in report PL.14 12/13 be dealt with as follows:-

Item 1 - Planning Application No: 128964

Planning application for the demolition of five poultry sheds and the erection of four new poultry sheds, plus the erection of two new poultry sheds as a replacement for two previously permitted, farm office and balancing ponds plus the change of use of two existing poultry sheds from egg laying to broiler production, at Hill Top Farm, Torrington Road, Lissington.

The Senior Area Development Officer updated Committee Members on additional representations which had been submitted. Objectors had raised issues of health and submitted scientific articles including a paper from the Journal of Infectious Diseases. The Senior Area Development Officer advised that this was not a matter for Planning Committee consideration. The Environment Agency (EA) who regulated the current site under the permitting regulations was considered to be the most appropriate body. The application proposals would not be able to be implemented on site unless the EA granted a variation to the existing permit. As part of this process they would consult the Health Protection Agency (HPA). They were not normally consulted in the consideration of the application but in this case given the proximity of the dwellings WLDC formally consulted them.

Comments received from the HPA had been included in the officer's report.

Five additional objections in total were reported. Two primarily focused on the need to consider new scientific evidence on the health risks of Intensive Livestock Units before making any decision. One repeated objections already in the officer's report, and an objection on highway safety grounds had also been received. One objection requested deferment of the application as the Committee reports had not been available on the Council's website on the day indicated. The Governance and Civic Officer read paragraphs from the Council's Constitution and also the Statutory Framework neither of which stipulated that reports must be on the website for five working days. The Committee papers had been available by other means for the required five days.

Documents and photographs had been circulated to the Committee by objectors. The photographs had been included within the officer's presentation, and one of the documents referred to a similar development at Scothern, in response to which it was noted that all applications had to be determined on their own merits. A further document from Globe Consultants on behalf of the objectors highlighted their concerns about what they perceived to be shortcomings in the officers report and the Environmental Statement. It raised a number of issues including:- drainage; ecology; odour; noise; particulates; landscaping and highways. Each point was responded to by the Senior Area Development Officer who confirmed that there were no new matters raised which would prohibit determination of this application in line with the officers report

Four letters of support had also been received, noting that the farm had been on the site longer than some of the houses and that the proposals would improve the buildings and also the processes undertaken.

Updated comments in relation to additional information submitted to the HPA were read out in full. This noted that the new information provided by the applicant supported the assertions made in the applicant's original planning application and also that the European Commission required the UK to undertake an annual survey for avian influenza in poultry. The Health and Safety Executive had produced guidance for people who worked commercially with poultry, which stated that H5 and H7 avian influenza infections were not normally present on UK poultry farms. Outbreaks of avian influenza were subject to compulsory disease control measures. The HPA did not consider intensive poultry farms to present a significant risk to nearby populations from avian influenza; therefore, it was not raised as an issue in the responses to planning and environmental permit applications for these installations.

The HPA also noted that the farm was subject to the requirements of the Environmental Permitting (EP) Regulations and, as such, the Environment Agency was responsible for its operational regulation. The use of Best Available Techniques (BAT) and good management would minimise

emissions from the site. The HPA's view was that a well managed intensive farm that was compliant with the requirements of the EP Regulations was unlikely to pose an unacceptable risk to public health

An additional condition was suggested which would require the implementation of a scheme for the disposal of foul and surface water as follows:

1. No development shall take place until, a scheme for the disposal of foul and surface waters have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT1 and NBE14 and the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework.

Christopher Reeve, representing the Parish Meeting spoke to the Committee, and questioned the veracity of the environmental statement, stating that the description of the proximity of the dwellings was misleading. Mr Reeve requested that the requirements of Policy ECON5 should be adhered to and asked the Committee to refuse the application, also quoting the site at Scothern and problems experienced there. There was new evidence that emissions from broiler units could travel by air. Evidence of great crested newts, badgers and owls had been found in the area. Mr Reeve also made reference to water disposal; road surface; noise; landscaping; impact on rural character and traffic movements.

Brian Barrow, agent for the applicant, addressed the meeting and described how the UK imports 40% of its chicken meat, and in the wake of recent media reports of inappropriate sourcing of meat products, Tesco had promised to sell only British meat, so farms were needed to supply shops. The obvious place for such a farm would be on the site of an existing farm. The proposals in the planning application improved all aspects of the existing processes and complied with best practice. All risks had been assessed and all statutory consultees were satisfied with the proposals. The application was for the construction of buildings, procedural aspects would be dealt with through a licence, which would result in prosecution if not complied with. There had been more objections to the site in the last few months than in the whole 60 years of its existence, and objectors who had noted that problems had ceased when the operation had shut down were mistaken in that work had still been ongoing at that time.

David Mills, representing the residents of Bleasby Moor, spoke in objection to the proposals. Mr Mills felt that the West Lindsey policy was ambiguous, and pointed out that the lives of the residents of Scothern had been blighted by a similar unit. The proposal was for an intensive livestock unit, not some rural farming idyll. There had been problems in the past with inadequate management on site. A new application for such a proposal would likely not be allowed, as there were residences less than 400 metres from the site.

Effectively the application was for a new facility, and Mr Mills was concerned for the health risks to Bleasby Moor residents. There were numerous documents available on risks associated with broiler units and pathogen transmissions. Traffic movements would increase, as would the noise emitted from fans in the buildings, and there were problems with drainage and manure disposal. Residents were prisoners in their own homes, unable to open windows. Mr Mills then stated that they were prepared to instigate a judicial review due to procedures not being followed appropriately.

The Senior Area Development Officer responded to some of the points which had been raised by objectors and the Committee then debated the application at length.

Note Councillors McNeill and Fleetwood declared a personal interest in that they knew one of the objectors that had spoken.

Members of the Committee considered many aspects of the proposals and asked what measures could be addressed through conditions, e.g noise from fans, landscaping, lighting, etc. Whilst it was agreed that the requirement for the operating hours be reduced slightly (although there were currently no restrictions in place), it was acknowledged that there could be no regulation restricting lorries waiting on the public highway.

Acknowledgement was made that the farm had been in existence for many years and that some of the houses were more recent. It was possible that an application for a new establishment on this site could be refused, but noted that the 400 metre guideline would not definitely preclude approval.

There had been a lot of emotionally based reasons put forward for refusal, but should the Committee refuse the application on this basis it would likely be allowed by the Planning Inspectorate if the applicant appealed against the decision. If allowed by the Planning Inspectorate, then West Lindsey District Council would lose the ability to apply conditions. To justify a refusal valid planning reasons had to be submitted, and Committee members could not find appropriate policies to enable them to recommend refusal. It was agreed that the proposals in the application would improve both the appearance of the buildings and the running of the operation, and any problems perceived in the past should be alleviated.

The Chairman noted that although he had not been present on the site visit he felt that he knew the area well enough to be able to take part in the decision making.

The recommendation to grant with additional conditions was then moved, seconded and voted upon. It was then **AGREED** that permission be **GRANTED** with the conditions as set out in the report and the additional conditions set out below.

1. No development shall take place until, a scheme for the disposal of foul and surface waters have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT1 and NBE14 and the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework.

2. No development shall take place until a scheme for the lighting of the site has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in accordance

Reason: To minimise light pollution and potential glare in order to safeguard the amenity of residents and to reduce the prominence of the site which is located in the open countryside, and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

3. No development shall take place until details of all external and roofing materials, including the proposed colour and finish to be used, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance is provided that enhances the development within this open countryside setting in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

Condition 12 in the original report was amended to “There shall be no loading or unloading of vehicles and no commercial arrivals or departures from the site between the hours of 2200 and 0700.

Reason: To protect the amenity of the occupants of nearby dwellings and in accordance with policy STRAT1 of West Lindsey Local Plan First Review 2006 (Saved Policies).

Note Councillor Fleetwood requested that it be recorded that he had abstained from voting.

Item 2 - Planning Application No: 129269

Planning application for erection of 32 dwellings, including 24 affordable housing units, on land opposite 55-77 Waterford Lane, Cherry Willingham.

The Acting Head of Development and Neighbourhoods updated the Committee on the response that had been received from the County Highways department. Conditions that had been requested had been included in the report, and an additional condition requiring a 2 metre footway had also been proposed.

Michelle Scott of the Parish Council addressed the meeting stating that there was strong opposition to the proposal and residents of the village had many concerns. It was felt that the application was in contravention of Policy RES7 and that this did not qualify as an exception site in a primary settlement. The site was situated as far as it possibly could be from the centre of the village and its facilities. Once the Cherry Willingham Neighbourhood Plan was finalised a properly planned approach could be taken to agree where further development would be appropriate. Due consultation was being carried out in the formulation of the Local and Neighbourhood Plans and approval for this site would undermine this process. The impact on the landscape could not be underestimated and there would be encroachment into the open countryside. The proposals were not compliant with Policies STRAT1 or NBE20. Whilst residents were supportive of affordable housing needs this should be on the right site and not compromise the character of the village.

Andrew Rollinson, agent for the applicant then spoke on the application and welcomed the thorough officer report. It was acknowledged that there was some controversy, but the proposals were not unacceptable in planning terms. The applicants had engaged with the community and made changes accordingly, and also worked with officers for two and a half years following the identification of a need for local affordable housing. The legal agreement was almost complete and Lindum were committed to the site. Other sites had been considered but the land had not been made available to pursue development. It was considered that the development was sustainable and there would be no harm to the amenity of residents.

Hazel Larcombe and Phillip Pask both addressed the committee on behalf of residents who objected to the proposals. It was noted that the shape of Cherry Willingham meant that it was divided into two parts by the railway line and the history of the village's expansion was described. This application would be the beginning of an urban sprawl towards Lincoln. Concerns were raised regarding the access point in terms of traffic and the potential for accidents, the walking times to facilities were underestimated, and flooding issues should be a consideration.

Councillor Parrott spoke on the application as the Ward Member, stating that residents strongly opposed the proposals, principally in terms of flooding, traffic and the adverse impact on the character of the village. The emerging Neighbourhood Plan would ensure proper planning of the village, and this was not the right place. Councillor Parrott reiterated some of the points previously raised by the objectors and the Parish Council.

It was noted that the Neighbourhood Plan was not yet adopted so Members had to consider what was before them at the present time.

The Acting Head of Development and Neighbourhoods directed Members to pages 12 and 13 of the report which set out the process that had been undertaken in the formulation of the application. Two surveys a year were undertaken in settlements to assess housing need and to call for available land.

The Committee deliberated on various aspects of the proposals, specifically the affordable housing allocation. It was noted that as a percentage of the development the proposed number of units was high. Concerns were raised that S106 agreements could be renegotiated, but assurance was given that any renegotiation would not allow for open market dwellings. Members were pleased to note the number of one bedroom properties proposed as there was a distinct shortage of accommodation for single people, and changes to Benefit laws would probably mean an increase in demand.

Members also noted that Paper B of the agenda was for the consultation of the Lincoln Eastern bypass, and this that once approved would have an impact on the number of homes required in West Lindsey.

Councillor Fleetwood proposed that the application be refused and this was seconded by Councillor McNeill. Reasons given were that the proposals were contrary to Policies STRAT1 and NBE20, on the basis of harm to the area and encroachment into open countryside. On being voted upon the motion was lost.

It was then moved and seconded that approval be granted as Members felt that there were no valid planning reasons to refuse.

It was subsequently **AGREED** that the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-

1. Which homes are affordable and when they are delivered in the context of the delivery of the open-market homes.
2. The criteria for the first and subsequent occupancy of the affordable homes.
3. The mechanisms for ensuring the affordable homes are affordable .
4. The provision and subsequent management and maintenance of public open space within the site.

Note Councillor Milne abstained from voting having not been present on the site visit.

Note The meeting adjourned for a short comfort break at 8.50pm.

Item 3 - Planning Application No: 128773

Planning application to erect 37 semi detached, terraced and detached dwellings on land adjacent 4 Hawthorn Road, Cherry Willingham.

The Senior Area Development Officer informed the Members of additional updates to the report. One of the objectors had reiterated their previous comments about the application not being in keeping with the area and the questioned the ability of the access to cope with the volume of traffic. Highways issues had also been raised in that whether the route was a road or a street as traffic movement had different implications for each. A response from LCC Highways to an independent engineers report commissioned by an objector to the proposals was read out. This concluded that the highway authority was satisfied that the proposed design met the requirements that would be expected of the planned development at this particular location.

Slides were shown which depicted the different phases of the development (some already with approval) with each meant to complement the other.

Charles Barnett, the applicant described the family history of the site, and told how the architect had been instructed to design the whole development holistically. Mr Barnett had worked closely with officers and was pleased with the resulting design and attractive mix of housing.

David Hutchison addressed the meeting as an objector stating that the grounds for his objections were factual and not based on 'nimbyism'. Mr Hutchison asserted that the site was contrary to the 1998 Local Plan in that it extended beyond the development boundary. The proposals did not address paragraph 17 of the NPPF and were contrary to paragraph 11. Mr Hutchison also presented a Civil Engineer's assessment of the highway and junction, and outlined the risks to cyclists.

Note Councillor Fleetwood declared a personal interest in that he knew the objector.

The Committee then discussed the application, weighing up the need for the housing, the contribution for off site affordable housing, the access and safety implications and gave consideration to future proposals.

On being moved, seconded and voted upon, it was **AGREED** that the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-

1. A contribution of £205,640 towards off-site affordable housing provision
2. The provision and subsequent management and maintenance of public open space within the site.

Note Councillor Fleetwood requested that it be recorded that he had voted against the application.

68 EASTERN BYPASS (PL.15 12/13)

The Acting Head of Development and Neighbourhoods introduced the report which was the Non Technical Summary of the Lincoln Eastern Bypass Environmental Statement. Reductions in government funding meant that the proposed bypass, rather than being a dual carriageway, was to be a single lane road. However the roundabouts and bridges would be constructed in such a way as to be capable of conversion to dual carriageway should funding be available in the future.

There was a 21 day consultation period, and the issue had been considered by the Central Lincolnshire Joint Strategic Planning Unit. It was agreed that there was little choice other than to accept the proposal and acknowledgement was made of the implications for housing allocations either side of the road.

RESOLVED that the Planning Committee support the proposals contained in the report.

69 DETERMINATION OF APPEALS

Acknowledgement was made of a typing error in the agenda which referred to the appeal being dismissed when it had in fact been allowed.

It was suggested that appeals were an important complex matter which needed further discussion, but that given the lateness of the hour, this could be addressed at another time. The Acting Head of Development and Neighbourhoods informed the meeting that the difficulties of defending appeals was recognised and that whilst officers could not produce a document on Members' behalf, support and guidance would be available. It was suggested that individual Members be nominated to work with officers on the defence of appeals, and noted that Ward Members for each application would be ideal. The importance of having valid planning reasons for overturning officer recommendations was emphasised.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 10 pm.

Chairman