

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 11 December 2013.

Present: Councillor Stuart Curtis (Chairman)
Councillor Ian Fleetwood (Vice Chairman)

Councillor Owen Bierley
Councillor Alan Caine
Councillor David Cotton
Councillor Richard Doran
Councillor Paul Howitt-Cowan
Councillor Malcolm Leaning
Councillor Giles McNeill
Councillor Jessie Milne
Councillor Roger Patterson
Councillor Judy Rainsforth

Apologies Councillor Patterson had given notice that he may arrive late.

In Attendance:
Zoë Raygen Acting Area Team Manager
Dinah Lilley Governance and Civic Officer

Also Present three members of the public

54 MINUTE'S SILENCE

The meeting commenced with one minute's silence for the late Councillor William Parry who had sat as a substitute on the Planning Committee on several occasions.

PUBLIC PARTICIPATION

There was no public participation.

55 MINUTES

Meetings of the Planning Committee held on 30 October and 13 November 2013.

- a) **RESOLVED** that the Minutes of the meeting of the Special Planning Committee held on 30 October 2013 be confirmed and signed as a correct record, subject to the minor clarification regarding Blyborough Grange.

- b) **RESOLVED** that the Minutes of the meeting of the Planning Committee held on 13 November 2013 be confirmed and signed as a correct record.

56 MEMBERS' DECLARATIONS OF INTEREST

Councillor Cotton declared a personal interest in agenda item 7, Notification of Appeals, as he knew the appellant's husband.

All Members of the Planning Committee declared a personal interest in the Planning Application on the agenda, as the applicant was a Member of West Lindsey District Council.

57 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

There were no updates to report.

58 PLANNING APPLICATIONS FOR DETERMINATION (PL.11 13/14)

RESOLVED that the applications detailed in report PL.11 13/14 be dealt with as follows:-

1 – 130564 - Fenton

Planning application for demolition of existing workshop and office building and construction of seven new small business units at 40 Lincoln Road, Fenton.

Note Councillor Patterson arrived at this point of the meeting.

The Acting Area Team Manager updated the Committee by circulating and reading out additional representations which had been received from a local resident, the Parish Council and the Council's Economic Development Officer. The Parish Council had suggested that if the application was approved, one of the units be set aside for community use.

An additional condition regarding a habitat survey was proposed, and also amendments to conditions 3 and 9 regarding materials and landscaping.

The Acting Area Team Manager then went through the presentation showing slides which depicted the site plan and drawings, and showed photographs of the site in relation to the neighbouring properties and clarified that the number of the adjacent property was 38 not 28. It was noted that there was an existing permission for three business units, and clarified that the proposed additional units would use the same access as the original proposal.

Tony Longmate of Fenton Parish Council then addressed the Committee stating that there was a lot wrong with the application and that some objections had been excluded from the officer's report which was a breach of the principles of public participation. Following the approval of the previous permission objections had been maintained, and the applicant instructed his agent to work with the community to establish an acceptable use for the site. Negotiation had taken place with residents and an alternative scheme was agreed, so it was a surprise to see the amended application for an additional seven units.

Local residents had also been denied representation by their elected Ward Member which was contrary to the Councillor's Code of Conduct. Mr Longmate then went on to note that the Design and Access Statement contained no positive aspects and the report was lacking in details regarding protected species, traffic, security and floodrisk. The proposals would see an industrial estate within the village boundary which would be detrimental to the health and well-being of the nearby residents.

Mr Newton, a local resident then spoke in objection to the application, citing many objections and the risks that the development would impose on the residents. Mr Newton then stated that he had written to the Council's Chief Executive and the Director of Regeneration and Planning to express his concerns regarding the management of the planning process in terms of the length of time of the public consultation process. Mr Newton then appealed to the Committee to defer consideration of the application in order to correct the failure of democracy as Ward Member representation had not been available. It was then stated that contact would be made with the Local Government Ombudsman to address the matter.

The Acting Area Team Manager clarified the points which had been raised regarding flood risk, highways and materials. It was affirmed that there had been an issue with the consultation site notice not being dated, and because of this additional time had been allowed for representations, and updates had been circulated to all. Regarding the issue of Ward Member representation officers had attempted to find a solution, however Ward Members were not obligated to support objectors and no Member was found able to undertake this. The Council's legal department had been consulted and were happy that procedures were correct.

The Chairman also clarified that the application was to be determined on its merits as submitted to the Committee and the Parish Council's request for community use would be a matter to be addressed with the applicant.

Some Members of the Committee noted that they were neighbouring Ward Members, but that their Committee membership precluded participation with objectors.

The Committee then debated the application noting that if the statutory consultees had raised no objections then it would be unwise of the Committee

to raise issues of concern. It was affirmed that had the applicant not been a West Lindsey District Councillor the application would have been delegated to officers to decide if permission was to be granted.

It was moved and seconded that the application be granted and on being voted upon it was **AGREED** that permission be **GRANTED** with the additional and amended conditions as set out below.

7. No development shall take place until a Phase 1 Habitat and Protected Species survey at the site has been carried out, submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out by a suitably qualified person. The report shall include measures for the protection of species and habitats during the development and for the retention of those existing or provision of alternatives if agreed with the Local Planning Authority. The approved measure shall be implemented in strict accordance with the approved details.

Reason: To safeguard wildlife in the interests of nature conservation and biodiversity in accordance with section 11 of the National Planning Policy Framework 2012.

Amended Conditions

3. No development shall take place until details of all external facing materials on the hereby approved buildings and details of all hard landscaping including the proposed colour and finish to be used, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate quality of external facing materials to help the development integrate within this open countryside setting in accordance with Policy STRAT1 of the West Lindsey Local Plan First Review 2006 (saved policies) and the provisions of the National Planning Policy Framework 2012.

9. the development shall be carried out using the external walling and roofing materials and hard landscaping details as agreed by the Local Planning Authority and referred to in Condition 3.

Reason: To ensure an appropriate quality of external facing materials to help the development integrate within this open countryside setting in accordance with Policy STRAT1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the provisions of the National Planning Policy Framework 2012.

59 DETERMINATION OF APPEALS

Members of the Committee noted the appeal notice appended to the agenda, and made reference to a further decision notice, which had been circulated by email the previous day, regarding The Aviary at Hall Yard, Burton. Members were dismayed to see that the Planning Inspector had allowed this appeal and felt that many important considerations had been overlooked.

The Acting Area Team Manager informed the Committee that a letter could be drafted to the Planning Inspectorate raising their concerns. Whilst an overturn of the decision was unlikely it was useful to keep the Inspectorate informed of decisions which were not well received.

A new appeal had been submitted for the site at The Rookery in Scotter, so it was agreed that Councillor Curtis would liaise with officers to prepare the Council's case.

RESOLVED that the determination of appeals be noted.

60 CHANGE OF DATE OF NEXT MEETING

The Chairman informed the Committee that owing to the lack of applications requiring committee consideration at the present time it had been agreed with the Chief Executive to combine the January and February Committees and the next meeting would therefore take place on 22 January 2014.

The meeting concluded at 7.08 pm.

Chairman