

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 15 October 2014.

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

Councillor Owen Bierley
Councillor Alan Caine
Councillor Malcolm Leaning
Councillor Giles McNeill
Councillor Jessie Milne
Councillor Roger Patterson
Councillor Judy Rainsforth

Apologies The Revd Councillor David Cotton
Councillor Richard Doran

Membership No substitutions were given.

In Attendance:
Mark Sturgess Chief Operating Officer
Simon Sharp Principal Area Development Officer
Russell Clarkson Principal Development Management Officer
Jonathan Cadd Principal Development Management Officer
Dinah Lilley Governance and Civic Officer

Also Present 33 members of the public
Councillor Jackie Brockway
Councillor Chris Darcel
Councillor Geoff Wiseman

34 PUBLIC PARTICIPATION

There was no public participation.

35 MINUTES

Meeting of the Planning Committee held on 17 September 2014.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 17 September 2014, be confirmed and signed as a correct record.

36 MEMBERS' DECLARATIONS OF INTEREST

Councillor Patterson noted that at the previous Committee he had stated that his interest in Item 3 had been pecuniary, however he had meant that it was non-pecuniary.

Councillors Milne and McNeill declared that they worked for Sir Edward Leigh MP who had commented on some applications, however they had not been involved themselves.

Councillor Rainsforth declared that she had a personal interest on Item 4, however, in order for there to be no perception of prejudice, she would not take part in the discussion or deliberation.

Councillor Rainsforth also noted that, as she had not been able to attend the site visits for Items 1 and 2 and did not know the sites well, she would not take part in these items.

Councillors Leaning and McNeill declared that, following advice from the Monitoring Officer regarding previously made comments on the application at Item 5, they would leave the room and not take part in the determination of the item.

Councillor Fleetwood declared that as he was a fellow County Councillor of the applicant for Item 5, in order for there to be no perception of prejudice, he would not take part in the deliberation.

37 CHANGE TO THE ORDER OF THE AGENDA

The Principal Area Development Officer declared that as he was shortly leaving the authority to work for JH Walter, and as the firm had given advice on Item 1, although the Principal Area Development Officer had not been involved in this, to avoid any perception of prejudice, he would leave the room for consideration of this item.

With regard to the above declaration the Chairman agreed that the order of the agenda be changed to allow the Principal Area Development Officer to present Item 2 first, and then leave the room for Item 1.

RESOLVED that the order of the agenda be changed to allow Item 2 to be heard before Item 1.

38 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

There were no updates to report.

39 PLANNING APPLICATIONS FOR DETERMINATION (PL.09 14/15)

RESOLVED that the applications detailed in report PL.09 14/15 be dealt with as follows:-

2 – 131496- Land off Middle Street Burton-by-Lincoln

Planning application for construction of a 20MW solar farm and associated works on land off Middle Street, Burton-by-Lincoln.

The Principal Area Development Officer informed the Committee that further representations had been received, however no new issues had been raised which were not already covered in the report. No update had yet been received from the County Council's Historic Environment Team.

Oliver Kirkham, the agent for RGE Energy, addressed the meeting, noting that the recommendation was for approval, as there had been no objections from any statutory consultees, which was a positive reflection on RGE's efforts to have due regard for the impact on the community. Brownfield land had been looked at and also lower grade agricultural land, but the main consideration was grid connectivity and there were no other suitable sites. 93% of land in West Lindsey was of grade 1-3 agricultural quality and some of the remainder was in the AONB. The site would be well shielded from view from roads and houses and would only be visible from the bridleway. The land would remain agricultural as it would be used for sheep grazing alongside the solar panels.

Caroline Platts spoke in objection to the application, citing the cumulative impact of the two proposals on the agenda, either one of which would be greater in size than the neighbouring settlements. The Public Right of Way would become an enclosed dark corridor, with a potential for crime and antisocial behaviour. The site was in a green wedge which should be protected from industrialisation. The land was currently productive agriculture, and alternative brownfield sites were available, such as disused MOD bases, and roof mounted panels would be preferable. The Secretary of State and Planning Inspector had supported refusals, and government advice in the NPPF advised the use of brownfield land unless absolutely necessary.

Councillor Jackie Brockway, Ward Member for the application site asserted that there were strong grounds to oppose the proposals. There were many parallels with a recent appeal decision, and comparison was relevant. Reasons to refuse comprised: industrialisation of the countryside; use of a significant food growing area; inadequate or inappropriate screening; the significant size of the development; no evidence to support the need to use high quality land. Greenfield land should only be used as a last resort and then clearly demonstrated.

The Principal Area Development Officer noted that the issues were finely balanced, however reminded Members that there benefits in terms of renewable energy supply were afforded significant weight and the lack of previously developed land and greenfield land of a poorer quality justified the need for the use of this land of good agricultural quality. Screening conditions had been proposed to mitigate the sight of the units, and also the land was still capable of being used for livestock grazing rather than crop growing. As crops and livestock were both agricultural uses, no change of use would be required to make the change.

Members of the Committee discussed the impact of the proposals on the green wedge which formed the separation between Riseholme and Lincoln, and also asked what comparisons were available for solar energy and growing crops for fuel. Questions were also raised regarding the impact on the Public Right of Way and its users.

No comparisons had been made regarding fuel crops, just solar versus wind. There was no physical impact on the Right of Way itself, just the views from it, which could be

mitigated by evergreen trees rather than deciduous, however these might not be native species and could also create a dark corridor.

It was confirmed by officers that the land would temporarily become previously developed land, however would revert to being greenfield after the 25 year life span of the solar units had expired.

It was moved and seconded, and on being voted upon, **AGREED** that the application be **DEFERRED** in order for the applicant to provide further details on proposed landscaping mitigation.

Note: the Principal Area Development Officer left the meeting for consideration of the following item.

1 - 131507 – Birch Holt Farm, Woodcote Lane, Burton-by-Lincoln.

Planning application for construction of a solar farm generating up to 20MW and associated works at Birch Holt Farm, Woodcote Lane, Burton.

The Principal Development Management Officer updated the meeting on further representations which had been received. The reduction in numbers had been welcomed, however original objections remained.

Mr Billington, on behalf of AEE, explained to the meeting that brownfield land was at a premium in the District and was primarily used for housing and commerce. Government guidance did not preclude the use of greenfield land but sought a mix of this, brownfield and rooftops. The land would revert to greenfield after its temporary use expired.

Steven Myers then addressed the Committee stating that he was the son of the landowner and lived nearby. The proposals would be of benefit in terms of farm diversification, increased income and biodiversity, and were supported by the NFU. Bio fuel crops had been grown on the farm for some years, but the current proposal was to be more efficient and cost effective.

Caroline Platts spoke in objection to the application, reminding Members that this was still development in the Open Countryside, and sheep grazing was no replacement for crop growing. The site would be very visible from the Public Right of Way and the proposed screening would create a corridor effect and create the potential for antisocial behaviour. Ms Platts did not feel that there was any evidence to demonstrate the need to use this particular piece of land, as opposed to a more suitable site.

Councillor Jackie Brockway, Ward Member for the site, reiterated her comments of the previous application, and stated that there was no demonstration of attempts to find alternative land.

The Principal Development Management Officer informed Members that there was no hierarchy of preferential uses of brownfield land. A biodiversity enhancement scheme had been submitted and was supported by Lincolnshire Wildlife. Security fencing would be set over 50 metres back from the Coach Road Public Bridleway.

He explained National Planning Practice Guidance encourages the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, but where a proposal does involve greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

Members felt that there was insufficient evidence to demonstrate that a sequential test had been undertaken to find suitable, preferably brownfield, land.

It was moved, seconded and voted upon that the application be **DEFERRED** in order to (i) Provide further details on landscape mitigation; (ii) allow the applicant to provide further information on why the proposed use of good quality agricultural land was necessary (and that previously developed land or land of a lower quality was not available), this was **AGREED**.

Note: the Principal Area Development Officer returned to the meeting

3 – 130773 – George Hotel, 15 Main Road, Langworth.

Outline planning application, including means of access, for up to 36 dwellings, including affordable provision, ancillary convenience store A1, public open space, ecological reserve and landscaping at the George Hotel, 15 Main Road, Langworth.

The Principal Area Development Officer reminded Members that the application had been previously considered and approved in principle in April 2014. The proposed layout had proved to be unviable and solutions had been explored to address the proximity of housing to the road, and flooding. The new application did not include affordable housing, and the recommendation was that further consultation be undertaken with all parties and approved subject to no objections being received.

Councillor Chris Darcel, Ward Member for the application, sought reassurance regarding potential flooding, and also the possibility of overlooking into nearby properties. The Principal Area Development Officer verified that the outline application simply contained an indicative plan, details were still to be submitted, but that the proposal was to be the subject of further full consultation.

Note: Councillor Fleetwood declared at this point that he was the County Councillor for the area, and was also a member of the Environment Agency Flood Defence Committee and the Witham 3rd Drainage Board.

Following brief discussion, the recommendation in the report was then moved, seconded and voted upon. It was subsequently **AGREED** unanimously that the decision to grant permission subject to conditions be delegated to the Head of Development and Neighbourhoods upon the signing and completion of a s106 that delivers:-

1. no more than 50% of the dwellings granted by planning permission to be occupied until works to the public house, including creation of the shop, have been completed to the written satisfaction of the council.
2. no more than 60% of the dwellings granted by planning permission shall be occupied until the Shop use has been implemented.
3. implementation of flood mitigation measures before any dwelling granted planning permission being occupied (flood mitigation and drainage works).
4. ecology area and public open space implementation will occur before occupation of no more than 50% of the open market housing.

But subject to:-

- a) a further consultation period of no less than 14 days being undertaken to all previous consultees and representors
- b) the Environment Agency, Internal Drainage Board, Lincolnshire County Highway Authority and Anglian Water raising no objection in writing following consultation
- c) no written objections being received from representors raising new material considerations previously not considered by this Committee.

And that, if the s106 is not completed and signed within 6 months of the date of this Committee, then the application be reported back to the next available Planning Committee for determination following the expiration of the 6 month period.

4 – 131364 – 89 Gainsborough Road, Lea

Outline planning application for erection of four dwellings - access to be considered and not reserved for subsequent applications – at 89 Gainsborough Road, Lea.

The Principal Area Development Officer informed Members that the application had been submitted and refused previously, and appeals dismissed. There had been no changes in the context of the site, however there had been changes in policy since that time.

Carl Godley, the applicant, addressed the Committee, stating that the Inspector's appeal decisions had been conflicting and that he had not previously responded properly. The issues of sound levels had now been addressed and he had been informed that acoustic fencing was not necessary. The road access had been widened in response to comments. In response to flood risk concerns it was pointed out that the site was 8m above sea level and the flood risk assessment had been endorsed by the Environment Agency.

Susan Cooper, who grazed horses on the adjoining land, then spoke against the application and raised concerns of other residents, claiming that some had not been notified of the application. Ms Cooper then described antisocial behaviour problems that had been experienced, and questioned whether other existing properties would then be seeking planning permission if this one were approved. Ms Cooper also stated that the land had been flooded 11 years ago.

The Chairman reminded Members that this application had to be determined on its own merits, and any future potential applications could not be considered.

Councillor Milne, who was also Ward Member, stated that she had previously had discussions with officers to raise her concerns, and was surprised at the recommendation.

Cllr Milne noted that the gardens sloped downwards so the house would be at a lower level and susceptible to flooding. Other considerations were traffic generation and road safety, overlooking, screening, noise and disturbance. Lea was not included in the Central Lincolnshire Local Plan and residents did not want development. Cllr Milne strongly objected to the application and proposed a site visit for the Committee to appreciate the context.

The Principal Area Development Officer responded to some of the comments made by speakers. The site visit was then seconded. On being voted upon it was **AGREED** that a site visit be undertaken at a time and date to be agreed.

Note: Councillors Fleetwood, Leaning and McNeill, having declared interests, left the meeting for consideration of the following item.

5 – 131768 – Land off Church View, Kirkby Cum Osgodby

Planning application for erection of two live work units consisting of two dwellings with garages with work space above on land off Church View, Kirkby Cum Osgodby.
Resubmission of Planning Application No.130937

The Principal Development Management Officer introduced the report and stated that 35 identical letters had been received, and eight others, none of which raised any new issues not covered in the report.

Vic Mason of the Parish Council spoke against the application requesting that it be refused as it did not conform to the West Lindsey Local Plan saved policies and sought to exploit the vacuum left by the Core Strategy. It would be an erosion of the green space between settlements which was determined as high value by English Nature. There were more suitable sites in Osgodby, and the heritage of the countryside must be protected. The Central Lincolnshire Local Plan sought appropriate development in the right places.

Note: Councillor Curtis declared a personal interest at this point as he knew the following speaker.

Barrie Truelove, spoke in support of the application stating that co-operation had been undertaken with planning officers and proposals amended accordingly. Of the two units proposed, one was to live in by a local family and the other to be sold. The live-work units would provide 4-5 jobs long term and some short term, as there was nothing else in the area for young people. The development would be of benefit to the settlement, not detriment, and there would be no increase of flooding problems.

Mike Ormian then showed photographs and spoke on behalf of over 50 residents, describing the lack of facilities in an unsustainable hamlet. An aerial photograph depicted an ancient monument on the site and several listed buildings. Whilst change was not objected to, this needed to be controlled and be located in the right place and of the right scale. The access road was single track and the land had a history of crop growing. The land was good but needed careful management. There was no West Lindsey Policy on live-work units.

Councillor Geoff Wiseman, Ward Member, agreed with objectors to the application, stating that the road was too narrow, the proposal was in an unsustainable location and would cause erosion of the gap between settlements, and more appropriate sites were available in Osgodby.

Members of the Committee, although generally in support of live-work units, agreed with the officer recommendation to refuse this application, as it was felt that the unsustainable location could not be justified.

It was moved, seconded and voted upon that permission be **REFUSED** as per the recommendation in the report.

Note: Councillors Fleetwood, Leaning and McNeill returned to the meeting.

6 - 130189 – Land at Stainton Lane, Near Stainton By Langworth

Planning application for erection of a two storey agricultural dwelling on land at Stainton Lane, near Stainton by Langworth.

The Principal Development Management Officer informed the Committee that although further representations had been received, no new issues had been raised. It was then clarified that whilst the proposal was for development in the open countryside there were exceptional functional and financial reasons to grant permission.

Councillor Chris Darcel, Ward Member, felt that the application was an encroachment of agricultural land, and disputed the need for workers to be constantly on site, when CCTV cameras could be used for monitoring. There were also environmental issues to be considered for turkey farms.

Mrs J Siddans, the applicant, then described the proposals. The land had been farmed for 40 years by four generations of the family, and four enterprises were currently in operation – arable, turkeys and two breeds of cattle. Explanations were given for the need to keep the two breeds of cattle separate and why extra supervision was required. The application was for genuine reasons and the family were passionate about farming. There were no turkeys on this particular site.

Members of the Committee gave consideration to the merits of the application and could appreciate the reasons put forward for the development and the need for an on-site presence. It was noted that Condition 9 in the report tied the dwelling to agricultural need.

It was moved and seconded, and on being voted upon, **AGREED** that permission be **GRANTED** subject to the conditions as set out in the report.

40 PROPOSED DIVERSION OF PART PUBLIC FOOTPATH NUMBER 76, GOLTHO (PL.10 14/15)

The Principal Area Development Officer introduced the report explaining that it was simply a realignment of boundaries due to development.

An application had been received for the diversion of (part) Public Footpath Number 76 crossing land in the parish of Goltho. This was as a result of a condition of the Planning Permission (Application Number 130860) approved on 2 April 2014 to divert the public footpath before works commenced on site to erect four residential dwellings.

No objections had been received in response to the consultation.

RESOLVED that approval be given for the statutory procedure to commence the diversion of (part) Public Footpath Number 76 Goltho.

The meeting concluded at 9.14 pm.

Chairman