

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 16 December 2015.

Present: Councillor Ian Fleetwood (Vice Chairman – in the Chair)

Councillor Owen Bierley
Councillor David Bond
Councillor Mick Devine
Councillor Jessie Milne
Councillor Giles McNeill
Councillor Roger Patterson
Councillor Judy Rainsforth
Councillor Thomas Smith

Apologies Councillor David Bond
Councillor David Cotton
Councillor Stuart Curtis
Councillor Hugo Marfleet

Membership Councillor Mick Devine substituted for Councillor Bond

In Attendance:
Jonathan Cadd Principal Development Management Officer
Russell Clarkson Principal Development Management Officer
Stuart Tym Lincs Legal Adviser
Dinah Lilley Governance and Civic Officer

Also Present 30 members of the public
Cllr Malcolm Parish Visiting Ward Member
Cllr Chris Darcel Visiting Ward Member
Cllr Sheila Bibb Visiting Ward Member

43 CHAIR'S ANNOUNCEMENT – CHANGE TO THE AGENDA

The Chairman, Cllr Fleetwood announced that due to administrative issues it had been necessary to defer Item 4, application 132418, Cherry Willingham, from the agenda to a future meeting.

44 PUBLIC PARTICIPATION

There was no public participation.

45 MINUTES

Meeting of the Planning Committee held on 18 November 2015. The Principal Development Management Officer sought agreement for an amendment to the wording on minute 41, Item 4 – application 130739, Ingham. The minute had stated that the previous application had been granted subject to a S106, however this should read (the Committee) had resolved to grant permission subject to a S106 (...) and brought back for further consideration.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 18 November 2015, be confirmed and signed as a correct record subject to the above amendment.

46 MEMBERS' DECLARATIONS OF INTEREST

Councillor Smith declared that he was the Ward Member for Item 6, application 133014, North Owersby, but had not been involved in any discussions on the application. Councillor Milne declared that she had been involved in arranging meetings between representatives and Sir Edward Leigh MP regarding Item 5, application 133463, Newtoft but had not been involved in the meetings.

47 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

There were no government updates to report.

48 PLANNING APPLICATIONS FOR DETERMINATION (PL.09 15/16)

RESOLVED that the applications detailed in report PL.09 15/16 be dealt with as follows:-

1 – 132932 – Greetwell Fields

Outline planning application for residential development of up to 500 dwellings, highway works including two new access points from St Augustine Road, landscaping, ground works and ancillary works-access to be considered and not reserved for subsequent applications on land to South of St Augustine Road, Greetwell Fields, Lincoln.

The Principal Development Management Officer read out a number of updates. Additional comments had been submitted raising concerns regarding an increase in traffic and suggesting reconsideration of the access. The County Archaeology department had confirmed that no further archaeological input was required. Clarification was given on the S106 education contributions – which should be three payments in proportions of 30%, 35%, 35% (total 100%).

Revisions to conditions 1, 2, 3, 5 and 11 were proposed and read out.

Nolan Tucker, agent for the applicant addressed the meeting describing how the site had been identified for housing for several years, through many Local Plans and North East Quadrant proposals. Public consultation had been undertaken including the holding of workshops. A total of 26% open space was planned, which was in excess of the 10% local policy requirement, a SUDS scheme was proposed and all dwellings were to be at least 30 metres from the quarry. The access road had been sited to improve amenity and the proposals were supported by the developing Local Plan and National Planning Policy Framework.

Councillor Chris Darcel spoke as Ward Member for the application, stating that many residents had complained to him that this application would add extra traffic to already over-crowded roads. The Church Commission's application was exemplary, but it would raise traffic levels, and also there was insufficient provision for open space either within the application zone or within the parish of Greetwell and no financial contribution to the parish to provide ongoing services and facilities that would be required. Cllr Darcel went on to describe the benefits of open space in terms of healthier living and social cohesion and reducing the cost burden of the negative impact of the lack of open space.

Note Councillor Fleetwood declared a personal interest in that he was a Lincolnshire County Councillor for the adjacent Ward, and following the next boundary review, could have the area within his ward.

The Principal Development Management Officer acknowledged the benefits of open space and reminded Members that the application proposed 26% which was more than twice the required amount, albeit a proportion of this was to be sited around the edge of the development as a buffer to the quarry and proposed Lincoln Eastern Bypass.

The Committee debated the application at some length. Whilst the higher level of open space was acknowledged, this would subsequently increase the density of the dwellings. The outline proposals afforded the opportunity to create a distinctive and desirable development, and it was suggested that environmentally friendly considerations should be heeded, such as light facing, insulation and rain water harvesting.

Some concerns were raised regarding the level of contribution to the Lincoln Eastern Bypass (LEB), particularly as without the inclusion of a road bridge this would effectively cut off the development from many roads, diverting traffic through less suitable routes. A decision on the LEB was imminent following Public Inquiry, however the application had to be considered in its current status. The Principal Development Management Officer explained that the LEB was necessary to alleviate existing capacity at junctions to accommodate the proposed development and that Condition 4 of the proposed permission did restrict the number of dwellings to 150 prior to completion and operation of the LEB for this reason.

It was moved, seconded and voted upon that the recommendation be **AGREED** along with the revised conditions proposed:

That the decision to **GRANT PLANNING PERMISSION**, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- To provide 10% of the dwellings on the site as Affordable Housing. Of that 10% of dwellings, 80% are to be Affordable Rented units (rents capped at 80% of OMR) and 20% are to be Shared Ownership Units (NPPF definitions);
- The provision of not less than 10% of the total site area dedicated for use as Public Open Space and measures to ensure its ongoing management and maintenance;
- To make the following financial contributions (index linked to Retail Price Index):
 - (i) Contribution of £892,800 towards the Lincoln Eastern Bypass (LEB). 50% payable prior to the occupation of the 149th unit; 50% payable prior to the occupation of the 301st unit;
 - (ii) In the event the LEB is not delivered, an alternative traffic mitigation scheme shall be submitted to and agreed with the Local Planning Authority, and include measures to enable the delivery of the agreed scheme in accordance with an agreed timetable;
 - (iii) A contribution of £110,000 towards Public Transport, payable prior to the occupation of the 301st unit;
 - (iv) A contribution of £85,000 towards cycling/walking provision, payable prior to the occupation of the 149th unit;
 - (v) A contribution towards education (primary) provision of £895,700, in lieu of on-site provision. 30% payable prior to the occupation of the 149th unit, 35% payable prior to the occupation of the 301st unit, 35% payable prior to the occupation of the 450th unit; and
 - (vi) Contribution towards health care provision of £210,800 in lieu of on-site provision, payable prior to the occupation of the 450th unit.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Revised conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority for each phase or subphase of development. Application for approval of the reserved matters for the first phase shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. Application for approval of reserved matters for all further phases or sub-phases of development must be made not later than the expiration of 10 years beginning with the date of this permission. No development shall commence on each phase unless approval of the reserved matters for that phase has been obtained from the local planning authority. Development shall be carried out in accordance with the approved details
2. The development of any phase or sub-phase must be begun not later than the expiration of eighteen months from the final approval of reserved matters for

that phase or sub-phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.

3. No development (other than enabling works) shall commence until a phasing plan for all phases and sub-phases of development has been submitted to, and agreed in writing with the Local Planning Authority. Development shall thereafter proceed in accordance with the approved details.

Replace condition 5 with:

5(a) No development (save for Enabling Works which for the purposes of this permission shall include site preparation and remediation works, construction of temporary access roads, diversion and laying of services, works associated with archaeological, biodiversity and ecological surveys) shall take place until a site wide high level drainage strategy has been submitted and approved in writing by the Local Planning Authority. The strategy shall include:

- A plan at 1:1000 scale showing the layout of proposed site-wide drainage system including principal storage and attenuation ponds/detention basins;
- Parameters for proposed sustainable drainage techniques to manage the rate and quality of surface water run-off;
- An overall site greenfield run off rate to be agreed including allowances for climate change, during the critical storm events; and
- Details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangement for the adoption by any public body or statutory undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

5(b) Any subsequent reserved matters application shall be supported by a detailed surface water drainage design, which demonstrates that it complies with the approved site-wide surface water drainage strategy. This drainage design and accompanying justification for any part or phase of the development shall be submitted to and agreed in writing by the Local Planning Authority prior to that part or phase commencing and the development shall be carried out in accordance with the approved details.

11. No development (other than enabling works) shall take place until a Noise Impact Mitigation Strategy relating to any impact of traffic noise from the Lincoln Eastern Bypass has been submitted to, and agreed in writing with, the Local Planning Authority. This mitigation strategy will take account of the acoustic barrier proposed as part of the LEB construction. No dwelling positively identified by the Scheme as being likely to be affected by noise shall be occupied unless the agreed mitigation has been implemented.

2 – 133351 - Gainsborough

Outline planning application for the development of up to 80 dwellings - access to be considered and not reserved for subsequent applications on land south of The Belt Road, Gainsborough.

The Principal Development Management Officer informed the Committee of a number of updates. The proposed contribution to health under the s106 agreement to be reduced by 20% in accordance with the reduction in the number of dwellings, however an education contribution of £224,113.60p towards primary and 6th form provision, was now sought, and the applicant had agreed to these.

Further representations had also been received, some of which reiterated issues already addressed in the report, such as highway safety, the use of the Belt Road for access, the protection of children and wildlife, and the lack of need for social housing. Whilst Gainsborough Town Council had acknowledged the problems with the roads and on-street parking it agreed that the issues were not serious enough to merit refusal of the application.

Adam Key, agent for Thonock and Somerby Estates, summarised the salient points of the application. There was a housing shortage with a local need in the area. Gainsborough had the status of being the main town in West Lindsey, and given the lack of a five year housing land supply there was a need to meet the shortfall. The site sat comfortably adjacent existing development on the edge of the town. Consultation had been undertaken and suggestions listened to. The matter of access had been looked at exhaustively, and the original proposal had planned to use the Belt Road, but the County Highways department would not agree to this. The existing estate had been designed to cater for future development.

Emma Day, resident of the existing estate, spoke in objection to the proposals on grounds of highway safety, which already existed. The majority of housing had space for just one car when most residents had two vehicles, so had to park on the road or footpath. This created single file traffic and caused pedestrians to use the road. The area of block paving caused confusion regarding right of way and there had been several near misses.

Sean Madden, also spoke in objection, claiming that the layout proposals were bizarre. The photographs were misleading and did not show the existing congestion and the danger to residents. Mr Madden showed a plan which depicted the number of cars parked on the road at a particular time. Safety should be prioritised over profit.

Councillor Sheila Bibb, then addressed the Committee as the Ward Member, and submitted apologies from Councillors Boles and Bardsley, the other Ward Members who were unable to be present. The timing of the application was unfortunate in that the main issue was the access, this would be best from the Belt, so it would be better to wait until such time as the Belt Road was improved. The alternative access being proposed would exacerbate the problems for existing residents. The reduction in the number of houses was welcomed, as was the tree and hedge retention, and footpath conditions, although the need for affordable housing was questioned.

The Principal Development Management Officer acknowledged that highway safety was a key issue and sympathised with residents. The original application had proposed a limited amount of access via the Belt Road for a small proportion of the houses but this had been deemed unacceptable by highways officers. The speed limit was 60mph, there was no footpath or street lighting, and the brow of the hill,

close to the junction with The Avenue was a problem and would prohibit a reduction in speed limits. The estimated cost of alleviating the problems was around £26 million which was a considerable sum it was not considered appropriate or proportionate for an 80 dwelling estate to fund such improvements. The Local Highways Authority had indicated that the existing 5.5 metre wide road with lighting and pavements was considered sufficient and safe to accommodate additional development. This included the geometry of the roads and their width. Highways officers had visited the estate and Mr Madden's photographs of the parking issues had been forwarded to them for clarity. The lack of off street parking on the existing estate was noted and was in the main due to national planning policies at the time of determination which sought minimum dwelling densities much higher than now and maximum car parking levels. This policy was to encourage the use of public transport.

The Committee discussed the application at length. It was suggested that the amount of affordable housing could be reduced in order to assist in addressing the parking problems by offsetting costs, however officers sought to resist such an approach given the need for affordable housing in West Lindsey and the requirement to provide a balanced community. Any additional parking for existing residents would have to be negotiated with the developer and legal advice was sought on how to address this through a permission. The precise requirements would need to be set out, or else the application deferred to facilitate further discussion.

It was proposed that two dwellings be taken out of the layout and replaced by a number of garages, however it was then pointed out that the adjacent residents would need to be re-consulted. It was therefore proposed and subsequently seconded and voted upon that the application be **DEFERRED** to allow for further negotiation with the developer and subsequent further consultation if necessary.

3 – 132259 - Gainsborough

Planning application to erect 24 apartments and associated access and parking at 22 North Marsh Road, Gainsborough.

The Principal Development Management Officer noted that whilst the report stated that it included a map of the Gainsborough Housing Zone this was not present. The map was therefore shown on screen and depicted the application site as being included. One further letter of objection had been received which reiterated already raised concerns, in that the revised plans were larger in scale and imposed more dominance on the street scene. The position of the proposed building line would create a greater sense of overbearing. A 75 signature petition had been received which noted the imposing scale of the proposed building, the parking problems and detrimental effect on the nursery school children to the rear of the site. This was due to overlooking, loss of light and the proposals' over bearing scale. An additional condition regarding obscured windows was proposed.

Steve Gelder, the applicant, presented his case to the meeting, pointing out that he was a local developer and employer. Mr Gelder had been working on the scheme for over a year and with the Economic Development team to secure investment for

Gainsborough and the proposals were dependent upon HCA funding of £3.5million. Despite the Environment Agency spending £50 million on flood defences the site was still within a flood zone, but the building design was planned to mitigate this. This included the need to have floor levels built up unfortunately increasing the building's size and its cost to build. The distance from the nursery was not considered an issue, and the parking provision was adequate and met the Council's own standards

Mr P Revill spoke in objection to the application, saying that it was difficult to understand, as other properties had been refused permission to build extensions beyond the building line. Recommending the approval of this application went against the Bacon family covenant which existed on the property. There were parking problems in the area and there were concerns regarding the height of the building as it would deprive the nursery and children of sunlight. Mr Revill requested that the Committee undertake a site visit to see for itself the scale and impact this building would have.

The Principal Development Management Officer affirmed that any issues with the Bacon family covenant were a private matter and not for the Committee to consider. Whilst building lines were important the proposal had been pulled back from the original proposed position, and the main part of the building, excluding bays, would line up with no. 24 initially although due to the line of the site in the road it may extend beyond slightly to the east. No parking standards currently existed for West Lindsey as the original policies were not saved.

Members of the Committee considered the parking aspects and the requirements of potential residents but acknowledged that the site was sustainable as being within walking distance to the town centre and close to public transport connections. Such properties were desperately needed for older people who wished to downsize their dwellings, but there was a shortage of one and two bedroom flats. All flooding issues had been addressed, and impact on the nursery was considered negligible.

The proposals were moved and seconded, and on being voted on it was **AGREED** that the decision to **GRANT PLANNING PERMISSION**, with the additional condition, subject to conditions and be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The provision of the site as affordable housing units,

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Additional Condition

Prior to first occupation of any of the flats the windows shown hatched in the approved plans shall be glazed in obscure glass and thereafter retained in perpetuity.

REASON: To safeguard the residential amenities of nearby residential properties and avoid overlooking in accordance with West Lindsey Local Plan First Review Policy STRAT1.

5 – 133463 - Newtoft

Planning application for proposed cattery and 3 bedroom detached dwelling-resubmission of 131057 at former RAF Sports Pavillion, Newtoft and Toft Next Newton.

Councillor Malcolm Parish, attending the meeting as Ward Member for the application, spoke to the Committee. Cllr Parish expressed concerns over how the application had been handled over the years, and also produced a letter from a veterinary establishment that verified that owners of a cattery needed to be resident on site. Cllr Parish also questioned some of the details within the report.

The Principal Development Management Officer reminded the Committee that they should determine the application as set before them.

Mr Kevin Washington, from the public gallery, asserted that he had wished to speak but had been informed that he did not have to register this. The Chairman used his discretion to allow Mr Washington to address the Committee.

Mr Washington informed the meeting that his was the nearest residence to the application site, and other than a private lane there was no access to the site. There were no drainage facilities and the business would offer no employment opportunities. Whilst the plans had been amended to reduce the number of bedrooms the proposed building occupied the same footprint. There was no power to the site and a 50ft wind turbine had been proposed.

The applicant was not present at the meeting. The recommendation to refuse was moved, seconded and voted upon and it was **AGREED** that permission be **REFUSED**.

6 – 133014 – North Owersby

Planning application for change of use from grass paddock to storing agricultural tractors, machinery and tractor parts at The Forge, Moor Road, North Owersby.

The Principal Development Management Officer proposed that an additional condition be included regarding the operating hours, being in accordance with the existing site.

James Young, the applicant, addressed the meeting and gave the background to the business which had continued operation since 1919 and had many customers all over the world. It was a family business which wanted to comply with all legislation. When the chance arose to purchase the additional land it was felt that it could be used to expand the business and enable the street scene to be improved, which would be better for everyone.

A number of local residents then spoke in opposition to the proposals. John Pope pointed out the narrowness of Moor Road and the problems of vehicles passing on

the verges which was a danger to pedestrians and the school bus. The business also created noise pollution.

Joyce Bellamy stated that she had moved to the area for cleaner air until the business had started polluting the area. The Church path was the only pedestrian walkway and this was not safe.

Sarah Mason asserted that a scrapyards had been imposed on residents without due process. There were toxic fumes from burning plastic and the road was dangerous and not safe for children.

Jacqueline Flint stated that the applicant had claimed that the business was for tractor parts sales, not that it was to be a mail order scrap dealer, and that this was unauthorised use of the site. Under CO103/2014 clause 104 granting the application would be ultra vires, and there were issues of concealment.

The Principal Development Management Officer affirmed that the Highways Department had raised no objections to the proposals. The application sought to use the site for storage and that was what the Committee was being asked to consider. It would be a rationalisation of the existing site, which already had external storage. If there were any issues of concealment then this would be an enforcement matter.

Members of the Committee raised concerns regarding the visual aspect, however there was screening on several sides of the site. It was affirmed that the environmental aspects of burning materials was being considered separately under permitting regulations by the Environment Agency, but no update was yet available. Any nuisance aspects would be enforceable by the Environment Agency and Environmental Protection. However, the Committee should consider the use of the site for storage as is proposed, and consider a robust condition to ensure this.

The recommendation to approve the application was moved seconded and voted upon and it was **AGREED to GRANT PERMISSION SUBJECT TO CONDITIONS.**

Additional Condition

1. The site shall only operate between the hours of 0800 – 1800 Monday to Friday 0800-1300 on a Saturday to match the operating times and shall be closed on a Sunday and Bank Holidays

Reason: To ensure that noise from the unit is not harmful to the amenities of the neighbouring residents and to accord with West Lindsey Local Plan First Review 2006 Policy STRAT 1.

49 DETERMINATION OF APPEALS

No comments were made on the Stow appeal, however Members of the Committee passed comment on the determination of the Saxilby appeal and expressed concerns that different Inspectors afforded different levels of weight to the emerging

Local Plan. Weight had not been afforded to the existence of the five year housing land supply.

The Chairman noted that it would be useful to have an update on the status of the five year housing land supply at the commencement of each meeting.

The Principal Development Management Officer informed the meeting that the new figures on the housing supply had been submitted during the hearing. This was a material condition but not significant enough at this stage to be tested.

The National Planning Policy Framework stated explicitly that if there was no current Local Plan then permission should be granted unless material conditions dictated otherwise.

It was suggested that Councillors attend the third round of consultation on the emerging Local Plan to suggest that Community Infrastructure Levy could be used to address highways issues. Highways problems had not been considered relevant to the Saxilby appeal.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 9.07 pm.

Chairman