

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 17 September 2014.

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

Councillor Owen Bierley  
Councillor Alan Caine  
The Revd Councillor David Cotton  
Councillor Richard Doran  
Councillor Malcolm Leaning  
Councillor Giles McNeill  
Councillor Jessie Milne  
Councillor Roger Patterson  
Councillor Geoff Wiseman

**Apologies** Councillor Judy Rainsforth

**Membership** Councillor Wiseman substituted for Councillor Rainsforth.

**In Attendance:**  
Zoë Raygen Acting Area Team Manager  
Simon Sharp Principal Area Development Officer  
Diane Krochmal Housing and Communities Project Officer  
Dinah Lilley Governance and Civic Officer

**Also Present** 19 members of the public

### 27 PUBLIC PARTICIPATION

There was no public participation.

### 28 MINUTES

Meeting of the Planning Committee held on 20 August 2014.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 20 August 2014, be confirmed and signed as a correct record.

### 29 MEMBERS' DECLARATIONS OF INTEREST

Councillor Patterson declared that he knew the applicant well for Item 3 and had attended meetings but did not take part.

Councillor Patterson also declared that he and several other Members had a non-pecuniary interest as they knew the speakers on Paper B, this was generally agreed.

Councillors Milne and McNeill declared that they worked for Sir Edward Leigh MP who had had involvement regarding Paper B, the Hemswell turbines. Councillor McNeill also knew the landowner for this item.

Councillor Wiseman declared that he had attended the VOCAT meeting regarding Item B.

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

There were no updates to report.

### **31 PLANNING APPLICATIONS FOR DETERMINATION (PL.06 14/15)**

**RESOLVED** that the applications detailed in report PL.06 14/15 be dealt with as follows:-

#### **1 - 131498 - Manor Farm, Bardney**

Hybrid application for up to 170 dwellings - phases 3a, 3b and 3c - of which full planning is sought for 44 dwellings - phase 3a - and outline permission is sought with all matters reserved except for access for up to 126 dwellings - phase 3b and 3c - together with a secondary temporary access for construction traffic off Horncastle Road Bardney.

The Principal Area Development Officer informed the meeting that there had been no further representations which were not covered in the report. A site visit had been undertaken for this application, which was one of a number of proposed developments on greenfield land outside of development boundaries, this was due to the lack of deliverable land supply for housing.

Neil Kempster, Director of Chestnut Homes, spoke regarding the application, noting that the local family firm was seeking to continue existing development in Bardney. Phase 2 was almost complete and had been well received. Consultation had been undertaken and there was support for the proposals, Bardney was a sustainable settlement and there was a presumption in favour of development that met the key tests.

Councillor Fleetwood addressed the Committee as Ward Member, noting that he had attended Parish Council meetings where concerns had been raised regarding construction traffic and ongoing issues with the number of right-angle bends on the estate. The use of greenfield land and the proximity to listed buildings were also issues to be considered. It was suggested that there were more appropriate brownfield sites such as the sugar factory. Councillor Fleetwood stated that it would be useful to have more details regarding the outline planning application.

The Principal Area Development Officer responded to Councillor Fleetwood's queries stating that there were parameters in place for the outline application, it was not carte blanche. Public consultation had taken place and viability of contributions assessed. It was proposed that the area closest to the listed buildings would be open space, for which a meadow was suggested. There was no indication that the sugar factory might leave Bardney and if it did this would mean not only the loss of an employment site, but it was also situated on a flood plain and would fail the sequential test.

**Note** Councillor Patterson declared a non-pecuniary interest at this point as he was employed by the public transport provider to Bardney.

Some Members spoke in support of the proposals citing the popularity of the completed phases, however further concerns were raised regarding the level of contributions. The Principal Area Development Officer affirmed that the levels had been set following a robust viability assessment, there was a possibility of negotiation which could perhaps reduce the level of affordable housing, however this was not well received. The education contribution was based on algebraic formulae and census projections, so was considered appropriate.

Committee members questioned the contributions to health and transport, and the impact on the existing infrastructure, particularly the existing road layout with a single proposed access with potential congestion and road safety.

It was then moved that the application be refused for a number of reasons. The motion was seconded and then voted upon.

It was **AGREED** that the application be **REFUSED** for the reasons as set out below:

1. The proposed development is on a greenfield site that currently contributes significantly to the rural character and appearance of Bardney as a rural village and the tourism value of the Viking Way public footpath. The development of the site would significantly and adversely impact on this character and appearance, specifically as a result of the size and urban character of the development proposed and, as a result, it would conflict with policies RES1 and RES5 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.
2. The development by reason of its size and character would result in substantial harm and adversely affect the setting of the grade I listed Church of St. Lawrence and the grade II Manor, Church Lane and as a consequence would be contrary to the provisions of the National Planning Policy Framework 2012.
3. The proposed development would generate an unmitigated, increased demand on health and education infrastructure to the detriment of social sustainability and, as a consequence, would be contrary to the provisions of paragraphs 7 and 17 of the National Planning Policy Framework 2012.

4. The proposed development would be detrimental to highway safety as a consequence of using only one access and the restricted road widths and layout of the existing development through which the proposal would be accessed. As a consequence the development would be contrary to policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

## **2 - 131087 – Land north of Honeyholes Lane, Dunholme**

Outline planning application for erection of 49 dwellings, sports facility and additional car parking area - all matters reserved.

Simon Barrett, representing the Parish Council, addressed the Committee, stating that it was agreed that development was needed however facilities in Dunholme were at saturation point. There were fears for the loss of the green area between Dunholme and Welton. Concerns were raised particularly regarding the width of Honeyholes Lane which was particularly narrow on the approach to the village hall, subject to heavy traffic and roadside parking. It was stated that flooding was an annual event to the extent that some houses had their own pumping system.

Andy Booth, agent for the applicant, commended the thorough report on the application. The proposals had been carefully considered against National planning policy, and liaison undertaken with officers, statutory consultees and residents.

The Principal Area Development Officer assured Members that there were no objections from the Highways authority, the site had been subject to an assessment by Anglian Water, and all contributions had been set at the levels requested.

Approval of the proposed development was then moved, seconded and voted upon. It was subsequently **AGREED** that:

The decision to **GRANT PLANNING PERMISSION** subject to conditions be delegated to the Head of Development and Neighbourhoods upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- a. A contribution towards capital infrastructure for education necessary to serve the development.
- b. A contribution of £20,000 towards capital infrastructure for health services necessary to serve the development.
- c. A contribution of £20,000 towards off-site highways infrastructure specifically relating to improvements to the Lincoln Road/A46 (Centurion Garage) junction.
- d. 12 of the 49 dwellings to be delivered on-site as affordable housing.

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.

**3 - 130739 – The Old Scrapyard, Stow Lane, Ingham.**

Planning application for 31 dwelling houses and four live-work units - mixed use of C3 dwelling houses and B1 light industrial-associated roads, drainage and landscaping and footway on Stow Lane.

The Principal Area Development Officer introduced the report stating that, unlike the previous two applications, this was a proposed development on brownfield land.

**Note** Councillor Cotton declared a non-pecuniary interest in that he knew one of the speakers on the application.

Lloyd Hughes, of TT Partnership, described the history of the site, from RAF Nissen Huts to breakers yard, and the formation of the Tin Town Partnership. Mr Hughes circulated an aerial photograph showing the layout and condition of the site. The area had been on the market for several years and was prone to vandalism. The proposal was for a mixed scheme of housing and live/work units and had the support of all formal bodies.

Sarah Rose then spoke in objection to the proposals stating that the road was inadequate for additional traffic. Whilst there was a need to address the eyesore of the scrapyard, the highway required better lighting and signage, traffic monitoring and consideration of subsidence. There would be an impact on wildlife, there were sewage problems, and the site was outside of the village boundary.

Councillor Patterson spoke as Ward Member, and whilst agreeing to a certain extent with the previous speaker regarding the highways concerns there was very little that West Lindsey District Council was able to address. The application was welcomed, the scrapyard site would benefit from being cleared and the proposals for upgrades to the footpath and the sewage system would benefit Ingham. Councillor Patterson stated that if conditions were applied regarding the phasing of construction, and contributions to maintenance costs, he could support the application and move approval. The Principal Area Development Officer clarified that these would be covered in the section 106 agreement.

Members sought assurance regarding the sewage capacity, Anglian Water and the Environment Agency had said there were no problems. It was affirmed that the proposed development would occupy the whole of the site, and the proposals to clean up the scrapyard were welcomed and the motion seconded. On being voted upon it was **AGREED** that:

The decision to **GRANT PLANNING PERMISSION** subject to conditions be delegated to the Head of Development and Neighbourhoods upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- a. The delivery and maintenance and management thereafter of the off-site enhancements to surface water drainage and the public footpath as marked on drawing 4151T/11/45 Rev A.
- b. The delivery of a residential travel plan.

- c. The delivery of on-site public open space unless adopted by Anglian Water.
- d. The occupancy criteria of the live-work units.

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

The Committee adjourned for a five minute comfort break at 8.25pm

### **32 REPORT ON THE 8-TURBINE ALTERNATIVE WINDFARM UNDER CONSIDERATION AT THE HEMSWELL WINDFARM PLANNING APPEAL (PL.07 14/15)**

The Report considered the material planning considerations of the eight turbine alternative windfarm being tabled by the appellant at the forthcoming Public Inquiry into the refusal of planning application 128940. It was proposed that the removal of two turbines did not address the detrimental impact cited for the original refusal. Local consultation had been undertaken and around 1500 comments had been submitted to the Planning Inspector.

Barry Dutton spoke on behalf of local Parish Councils citing the many letters of objection which claimed that the reduction of two turbines would only have a minor effect. The remaining eight would still affect the setting of the assets and listed buildings. The Lincolnshire heritage and important protected landscape should not be destroyed for commercial reasons.

Ernie Coleman, of VOCAT, then addressed the Committee stating that the archaeological case remained as before, that there would be substantial harm to heritage assets, and believed that the geophysical survey had been too small and there had been a lapse of professional judgement.

Members of the Committee all agreed that the removal of two turbines had made no difference to the impact caused by the turbines and given the importance of the site, it was still felt that none would be appropriate. Members asked if further archaeological investigation could be undertaken but officers indicated that an independent survey would need to be commissioned as the County archaeologist would not support further work. There were two existing strong reasons for the refusal, to introduce a third at this stage would dilute the case, and there was no guarantee that an investigation would produce the desired results. It was possible that other objectors may raise archaeology as an issue to be considered.

**RESOLVED** that the Planning Inspector be advised that West Lindsey District Council would, if considering an alternative planning application for eight turbines, have refused planning permission on the grounds of harm to the landscape character and setting of heritage assets, which is deemed to outweigh the benefits of the proposed development. For the following reasons:

1. The proposed development would, as a result of its scale, massing and juxtaposition, significantly intrude upon and dominate the setting of nearby heritage assets resulting in substantial harm to the detriment of their significance. These assets would include Norton Place, comprising a Grade I Listed Building of highest significance set within a locally designated Historic Park and Garden. This would be contrary to saved policies STRAT1 and NBE8 of the West Lindsey Local Plan First Review (June 2006), policies which are consistent with the National Planning Policy Framework aim to conserve and enhance the significance of the historic environment.
2. The scale of the development , number of turbines and their siting would have an adverse visual impact on the setting and appearance of local landscape character in particular the Cliff Area of Great Landscape Value contrary to part i, iii, iv of policy NBE10, STRAT 1 and para 7 and part 12 of the NPPF.

### **33 APPEAL AGAINST APPLICATION 131174 LAND AT CHURCH LANE SAXILBY (PL.08 14/15)**

The Acting Area Team Manager presented the report to advise Members on the appeal submitted for application 131174, land at Church Lane, Saxilby, and to seek instructions on the way to proceed regarding defending one of the reasons for refusal.

The Planning Committee of 23 July 2014 refused the application for the following reasons:

- Impact on health and education facilities
- Impact of increased traffic on already congested roads
- Greenfield development outside of the existing settlement harmful to the character.

It has since not proved possible to establish evidence to defend the argument regarding the impact on education facilities as the Local Education Authority has stated that there were places available. It was affirmed that if the appeal were lost costs could be incurred.

Councillor Reverend David Cotton, speaking as Ward Member for Saxilby stated that if it was not possible to find appropriate evidence to support the educational reason for refusal, then there was no alternative than to offer no defence.

**RESOLVED** that as no further information has been submitted, to adequately defend the part of reason one for refusal of application 131174 relating to the impact on education facilities in Saxilby, then the Council formally offer no defence.

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The meeting concluded at 9 pm.

Chairman