

**WEST LINDSEY DISTRICT COUNCIL**

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 18 November 2015.

**Present:** Councillor Stuart Curtis (Chairman)

Councillor Owen Bierley  
Councillor David Bond  
Councillor David Cotton  
Councillor Paul Howitt-Cowan  
Councillor Hugo Marfleet  
Councillor Jessie Milne  
Councillor Giles McNeill  
Councillor Roger Patterson  
Councillor Judy Rainsforth  
Councillor Thomas Smith

**Apologies** Councillor Ian Fleetwood (Vice Chairman)

**Membership** Councillor Howitt-Cowan substituted for Councillor Fleetwood

**In Attendance:**

Mark Sturgess	Chief Operating Officer
George Backovic	Principal Development Management Officer
Jonathan Cadd	Principal Development Management Officer
Stuart Tym	Lincs Legal Adviser
Dinah Lilley	Governance and Civic Officer

**Also Present** 30 members of the public  
Cllr Jeff Summers Visiting Ward Member

**37 PUBLIC PARTICIPATION**

There was no public participation.

**38 MINUTES**

Meeting of the Planning Committee held on 27 October 2015.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 27 October 2015, be confirmed and signed as a correct record.

### **39 MEMBERS' DECLARATIONS OF INTEREST**

Councillor Patterson declared a personal interest in Item 4 (130739 – Ingham) in that he knew the applicant.

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

The Housing and Communities Project Officer had been unable to attend the meeting but had sent a briefing note on the Greater Gainsborough Housing Zone which was read out.

“Gainsborough has been allocated Housing Zone status as the Greater Gainsborough Housing Zone under the Government’s Housing Zone Initiative.

One of the key objectives is the regeneration of Gainsborough with the redevelopment of hard to deliver brownfield sites resulting in greater housing choice and population growth in Gainsborough.

The area runs from the north to the south of Gainsborough including much of the 'downtown' area which is located on the riverside (map attached). 13 sites are included in the zone which has sites ranging from those under construction through to those with no planning permission. The sites are mainly focussed on residential development although a number of them have mixed use potential. There are 4 larger strategic sites and 9 smaller ancillary sites.

This note is to remind Members of the Housing Zone status and specifically bring their attention to the ancillary sites some of which may be brought before this Committee over the coming months.

As sites come forward different options will be considered to ensure delivery. Some will be delivered by the market others could be by the council or in partnership with landowners and developers. The sites are in various ownership either WLDC, private landowner, investor or developer. WLDC are working with several landowners on acquisition or bringing sites to market.

There are a number of risks associated with the delivery of these smaller sites; Some have potential viability issues due to their brownfield nature and sometimes below average sales values. Although house prices in Gainsborough are improving they remain below the regional average which depresses development values.

Much of the riverside area of Gainsborough is located within flood zones 2 or 3. Without development in this area it will be very hard to regenerate the parts of town close to the river therefore discussions are ongoing to seek a strategic solution for all of downtown Gainsborough.

It is important that the Council continues to take a pragmatic approach to planning applications and that Officers are willing to negotiate with developers to aid delivery. The

important message in relation to the Housing Zone is that the Local Authority is enabling its delivery and needs to fully understand the constraints and that there is an important role in the delivery for both Officers the Members of the Planning Committee.”

#### **41 PLANNING APPLICATIONS FOR DETERMINATION (PL.08 15/16)**

**RESOLVED** that the applications detailed in report PL.08 15/16 be dealt with as follows:-

##### **1 – 132286 - Saxilby**

Hybrid planning application to include outline planning application for the erection of up to 133 dwellings with all matters reserved and change of use of agricultural land to cemetery on land Off Sturton Road, Saxilby

The Principal Development Management Officer updated the Committee on the application which had been considered at the previous meeting and deferred for a site visit. Comments had now been received from Historic England and had been incorporated into the report. A further letter of representation had been received which reiterated previously made comments regarding access and egress, septic tank run-off and the loss of open space.

Simon Sharp, agent for the applicant addressed the meeting, noting that there were no objections from statutory consultees. Paragraph 14 of the National Planning Policy Framework (NPPF) stated that development should be approved without delay unless there were adverse impacts. Any adverse impacts of this application were outweighed by the numerous benefits. It was also noted that the site was an arable field not in the AONB nor the AGLV The current Local Plan was out of date and the five year housing land supply statement was not relevant.

Liz Hillman, spoke in objection to the application on behalf of the Saxilby Village Action Group. Saxilby wanted development in suitable locations in keeping with the village. This was an important local rural aspect which was cherished by residents of Saxilby. This would change it to a residential estate totally destroying this important landscaped character of this entrance of Saxilby. Photographs were shown of the village depicting the existing traffic congestion which would be exacerbated by the proposals, with a potential increase of over 200 cars. Slides were also shown of the sewage and flooding problems experienced in 2007 – the proposed development being only 100 yards away from this. Lorries currently transported sewage from the village. The land farmed outside the village boundary contributed to the rural character of Saxilby, which would be destroyed. If this and the application on Church Lane were both allowed there would be a 20% increase in housing. The village would be swamped by development if the proposal were to proceed.

Gordon Allen also spoke against the application noting that a previous application had been refused due to the potential damage to the visual amenity and rural character of the village. What had changed...answer nothing. This proposal would totally destroy the character of this important and attractive entrance to the village.

The Principal Development Management Officer informed the Committee that Anglian Water were satisfied that there was adequate capacity for management of sewage, and that each of the pending applications proposed funding for improvements but each was not reliant on each other

Councillor Cotton, noted that he was speaking as a Member of the Committee and not a Ward Member, and commented that harmful impacts were subjective and dependent on the perception of residents. Reasons given for refusal of the Church Lane application were around infrastructure issues, such as health, education and sewage, these were all still relevant for this application. Particular concern was raised with respect to the sewerage situation with Anglian Water tankering out waste to Washingborough Waste Treatment Works. The loss of agricultural land was also noted as being a key issue upheld in the dismissal of an appeal recently.

Lengthy debate ensued with Members of the Committee balancing the proposed benefits against the negative impacts of the planned development. This included the character of the area, the impact on historic assets in the area and again the sewerage situation. The Principal Development Management Officer reminded the Committee that whilst existing problems were acknowledged no application could act as a panacea to resolve these issues. The issue was mitigating the impacts of the proposal only. The applicant had negotiated, through the planning process with service providers and agreed sums of money to be contributed towards some alleviation of any direct impact the proposal would have on the services in the area. The Education Authority had agreed that the contribution towards additional classrooms was acceptable. The facility to be improved was directed to the Local Planning Authority due to their knowledge of what was needed not something which the Council or the Applicant thought was required. A scheme had been agreed with Anglian Water to provide oversize pipes for sewage removal, and it was noted that the provision of additional housing could enable services such as the Post Office to be more sustainable. In the face of professional advice provided by statutory consultees that the proposal, subject to mitigation, would be acceptable it would be very difficult to sustain a reason for refusal at appeal. Of particular note was the highway impact which had been assessed both on the impact from the current proposal but also the potential impact from the appeal proposal. The NPPF stressed the importance of providing more housing and this need outweighed the loss of the agricultural land. An assessment had been undertaken by professional highways officers and improvements proposed. Both the sewage and highways improvements had to be deemed acceptable and completed before development could commence, as set out in the conditions attached to the proposed permission. Refusal on these grounds would be difficult to defend should the applicant submit an appeal.

Committee Members remained unconvinced by the arguments put forward and sought appropriate planning policy reasons for refusal. It was acknowledged that given the commuted sums offered in the s106 agreement it would not be possible to cite the infrastructure problems as defensible arguments, even if the Committee felt the solutions proposed were inadequate.

It was proposed that policies NBE10 parts 1, 3 and 4, and NBE20 which referred to the loss of the landscape character, the rural approach to the village and the detrimental effect on the skyline and the setting of the church, be given as reasons

for refusal. Whilst it was acknowledged that limited weight could be given to the Central Lincolnshire Local Plan as it had not yet completed consultation and public inquiry, the NPPF policy 17 points 5 and 10 referred to loss of visual amenity.

It was formally moved and seconded that the application be refused and on being voted upon it was **AGREED** unanimously that the permission be **REFUSED** on the basis of policies NBE10 and NBE20 and the provisions of the NPPF paragraph 17 for the reasons as set out below.

#### Reasons

*The proposal would represent an unacceptable visual intrusion into the open countryside on the northern entrance of the village, by compromising both the rural setting of the village by introducing development into an otherwise open area. Additionally it would have the effect of reducing important views of the parish church, Ingleby and landscape skyline when the village is approached from this direction detracting from visual amenity contrary to Saved Policies NBE10 and NBE20 of the West Lindsey Local Plan (First Review) and the provisions of the NPPF particularly paragraph 17.*

#### **2 – 133025 – Normanby by Spital**

Planning application to erect three dwellings on land rear of Bottle and Glass Public House, 46 Main Street, Normanby by Spital.

Simon Sharp, agent for the applicant addressed the Committee and gave statistics for the car park usage showing that there was more than enough capacity for the development and the continued usage of the space. Mr Sharp also pointed out that the site was within the village, on brownfield land, on a bus route, therefore sustainable development.

The applicant, Martin Merrigan, then described the history of the Public House and how he had had to step in with investment and refurbishment to ensure its survival. The pub was a centre of village activity but many pubs were struggling in the current climate. Young people in the village wanted to stay but could not afford to buy houses, and the development of the proposed houses would enable further investment in the pub. Mr Merrigan described how he allowed free usage of the car park for patrons of the shop and also school children being dropped off.

Councillor Jeff Summers spoke as Ward Member for Normanby, questioning the concept of building houses in a pub car park, particularly given the current five year housing land supply. Councillor Summers went on to describe the unsuitability of the site – too close to the shop and the school, the narrow main street, the industrial unit to the rear and associated noise impact. This application would not strengthen the settlement and a hierarchy existed for appropriate locations for development. No essential local need had been identified and the proposals would be harmful over-development of the site and would not be a satisfactory integration into the village setting. Councillor Summers cited a number of Local Plan policies for refusal of the application.

The Principal Development Management Officer reminded the Committee that the West Lindsey Local Plan had to take into account the NPPF. The five year housing land supply referred to relied on allocations in an untested Plan. The Committee had to determine what harm, if any, would be caused by this development. There were no highways objections and it was important to note that the car park was used by people who were not customers at no cost.

The Committee debated the application at length weighing up the appropriateness of dwellings in a pub car park, acknowledging the good design but questioning the location. The point was made that the arguments put forward in support referred to providing homes at more affordable prices to allow original residents of the village to live locally but the price could still be beyond what they could afford. The Principal Development Management Officer confirmed no conditions could be applied to restrict the occupancy of the dwellings as this was an application for open market housing not affordable housing. It was acknowledged that many of the constraints already existed, such as access/egress, the proximity of the shop and school, noise from the unit to the rear.

It was then moved and seconded that the application be allowed and on being voted upon it was **AGREED** to defer and delegate the granting of planning permission subject to the conditions set out in this report to the Chief Operating officer subject to the completion of a section 106 agreement in relation to an offsite contribution towards affordable housing

**Note:** the Committee adjourned for a comfort break at 8.24pm and reconvened at 8.36pm.

### **3 – 132401 – Moortown, Market Rasen**

Planning application for the erection of a boar stud and artificial insemination collection unit to house 150 boars at Watermill Farm, Station Road, Moortown, Market Rasen.

The Principal Development Management Officer updated the Committee on an additional representation which had been received, and which raised concerns for neighbours in terms of noise from extra vehicles, an increase in odour and an impact on the character of the countryside from increased industrialisation. The officer clarified that the scraping areas and loading of waste into lorries would be undertaken in the open.

Two emails had been received from Councillor Strange, the Ward Member, the first of which stated that if there were no highways objections he would be happy to support the application. The second email referred to three telephone calls he had received from local residents regarding odour from the unit and insisting on compliance with the Environment Agency conditions.

Sarah King, agent for the applicant, gave details of the application, stating that statutory consultees had expressed support for the proposals. The business was already in existence and would remain so and no complaints had been received.

The proposals would bring improvements to the present operation in that air conditioning units would be upgraded, there would be a reduction in noise, a manure storage cover and a negligible increase in transport movements. Whilst Policy ECON5 required such business to be 400 metres from the nearest property the business already existed and would be less onerous than before, with a neutral impact on the surroundings.

Members asked for further clarity regarding the increase in transport activity which was provided by the case officer. It was noted that the main increase in traffic related to the removal of boars from the site due to their extra weight which would lead to an increase in traffic movements from the current 8 per annum to 16 per annum. A further small increase in movement possibly equating to two additional vehicle movement per quarter to remove waste from the site. The conditions required by the Environment Agency were set out in the report. In addition the advice notes from the Agency have been noted and would be covered by other conditions in the report this addressed the concerns raised by the Ward Member. Committee Members noted that a certain amount of odour was to be expected in the countryside, it would only be a problem if this increased to an unacceptable level. Given the advice from the Environment Agency and Pollution Control officers this was not deemed to be an issue.

The proposals in the application were then moved, seconded and voted upon and it was **AGREED** unanimously to **GRANT PERMISSION** subject to conditions as set out in the report.

#### **4 – 130739 - Ingham**

Planning application for 31 dwellinghouses and 3 live-work units - mixed use of C3 dwellinghouses and B1 light industrial - associated roads, drainage and landscaping and footway on Stow Road at The Old Scrapyard, Stow Lane, Ingham.

The Principal Development Management Officer reminded the Committee that the application had been granted in 2014 subject to a s106 agreement. This had not transpired so the application had been amended and brought back to the planning committee for consideration.

The applicant was unable to be present but has submitted a statement which outlined the reasons for the re-submission and setting out proposals for noise alleviation.

“As part of the consultation process in reaching a desired solution, the applicant is aware that mitigation measures would need to be incorporated to provide physical acoustic separation between the different uses. To fully safeguard any conflict, the applicant is prepared to offer (by way of Condition) a point of electrical connection, in turn allowing the existing commercial premises to operate in an enhanced and more sustainable environment, benefiting his own operations, potential adjacent land users and the wider community.”

Andrew Osmond spoke in objection to the proposals stating that the land was outside of the development boundary which had been cited as a reason for refusal of other applications. The site had been cleared and was no longer an eyesore, so did not require enhancement. It was not considered that screening would be a solution to the noise pollution, the generator could be heard up to 150 metres away. There were issues to consider regarding transport links, the speed of traffic on the main road and overload of the education capacity. The plans were unacceptable socially, environmentally and financially.

**Note:** Councillor Cotton sought verification of the identity of the applicants' consortium as he possibly knew one of them and needed to declare a personal interest. This could not be verified, however the declaration was noted.

It was clarified for the Committee that the previous s106 had not been completed as the owner of part of the site had withdrawn their land from the scheme, the reasons for which were not relevant to determination of the application. The scheme otherwise was the same as the one previously submitted and approved.

The Committee agreed that if potential house purchasers had reservations about the noise impact they had the choice whether or not to live there. The applicant had agreed to provide acoustic fencing and also install the electrical connection, so that in the event the Pollution Control Team felt that the noise from the generator unacceptable then mains connection was possible.

It was verified that the site was still brownfield, despite being cleared as there remained the potential for contamination.

Concerns were raised regarding the site's detachment from the village and its creation of an additional isolated hamlet, which could then lead to infill of the gap between the two settlements.

When the application had been granted previously the five year housing land supply was not in existence, however the land being brownfield was an important consideration in the planning balance. Whilst this was in open countryside, government policy did not require brownfield land to be in urban locations.

The Principal Development Management Officer informed the Committee that should they refuse the application an appeal would be determined on what changes there had been in the proposals and planning policy since the original decision, and given the mitigation measures proposed for the impact of the adjacent garage, it would be difficult to defend a refusal.

The application was then moved, seconded and voted upon and it was **AGREED** that the decision to **GRANT PERMISSION** subject to conditions 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 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.



The delivery of a residential travel plan.  
The delivery of on-site public open space unless adopted by Anglian Water.  
The occupancy criteria of the live-work units.

And, in the event of the s106 not being completed and signed by all parties within 3 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 3 months.

## **5 – 133450 - Gainsborough**

Planning application to erect single storey rear and side extension at 1 Ulster Road, Gainsborough.

It was verified that if the applicant had not been related to a West Lindsey District Council Officer granting of the application would have been delegated to officers.

It was therefore moved, seconded and being voted upon it was **AGREED** to **GRANT PERMISSION** subject to conditions

## **42 DETERMINATION OF APPEALS**

The Chief Operating Officer described the circumstances which had led to the appeal for Obam Lifts at Sturton by Stow being allowed.

Reasons given by the Committee for refusal had been:

- Loss of employment land
- Light pollution

The Planning Inspector had felt that there was insufficient evidence for either. The site had been marketed for employment use for many years but remained vacant. Regular reviews of employment land availability had not been carried out so no need could be proven and it was not possible to protect vacant sites indefinitely. Environmental Health officers had had no objections regarding light pollution which the Inspector felt could not be addressed.

Legal advice had been sought regarding the defensibility of the appeal. The application had been refused against the officer recommendation and protocol had been followed. The Ward Member had been unable to participate in the defence of the decision and the advice was that the defence would not stand up. Had a defence been pursued the applicant would likely have employed expert witnesses which would have increased the costs awarded against the Council.

The refusal had been assessed as unreasonable but mitigated by the lack of defence. The Vice Chairman (in the absence of the Chairman) had been consulted on not defending the decision.

The process of defending decisions at appeals had been covered in the training workshop which had been held on 11 November. Development Management

Officers would support Members in defence of an appeal and the Planning Inspectorate appreciated the importance of Member involvement.

**RESOLVED** that the determination of appeals be noted.

The meeting concluded at 9.30 pm.

Chairman