

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 23 July 2014.

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

Councillor Owen Bierley
Councillor Alan Caine
The Rev. Councillor David Cotton
Councillor Richard Doran
Councillor Malcolm Leaning
Councillor Giles McNeill
Councillor Jessie Milne
Councillor Roger Patterson
Councillor Judy Rainsforth

Apologies There were no apologies given.

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 69 members of the public
Councillor Jackie Brockway
Councillor Geoff Wiseman

PUBLIC PARTICIPATION

Gordon Allen addressed the meeting, after being reminded by the Chairman that his statements must be generic and not related to any of the applications on the agenda for this meeting.

Mr Allen emphasised that West Lindsey was a predominantly rural district and the decision to join the Central Lincolnshire planning committee was an unmitigated disaster as the city of Lincoln would use West Lindsey's rural villages as urban overspill. Decisions to build on greenfield sites would be the serial rape of the countryside.

16 MINUTES

Meeting of the Planning Committee held on 25 June 2014.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 25 June 2014, be confirmed and signed as a correct record.

17 MEMBERS' DECLARATIONS OF INTEREST

Councillors Caine, Bierley, Fleetwood and Milne declared a personal and non-pecuniary interest in Item 5 as they knew the applicant.

Councillor McNeill declared a personal interest as he knew several of the speakers on the applications, and also that Sir Edward Leigh (his employer) had commented on Item 6.

Councillor Milne also noted that Sir Edward Leigh had been lobbied by objectors on Items 1 and 6, however she had not been involved.

Councillor Curtis noted that he had attended various meetings in relation to Item 4, as the Ward Councillor, but had not expressed any opinions.

Councillor Fleetwood declared a personal interest as he knew several residents of Sudbrooke in relation to Items 4 and 5.

18 DETERMINATION OF APPEALS

The Acting Area Team Manager referred to the appeal for Dunholme which had been dismissed by the Planning Inspector. The Inspector had stated that whilst the unmet need for additional housing was of substantial weight, and that greenfield development would be acceptable, the preservation of the gap between the settlements was an overriding factor which meant that it outweighed the other considerations.

RESOLVED that the determination of appeals be noted.

19 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

There were no recent updates to report, however the Chairman noted that the Secretary of State had been requested to determine the appeal for the Hemswell windfarm.

20 PLANNING APPLICATIONS FOR DETERMINATION (PL.04 14/15)

RESOLVED that the applications detailed in report PL.04 14/15 be dealt with as follows:-

1 – 131174 – Land at Church Lane, Saxilby

Outline planning application for residential development, to include associated estate roads and open space. Access to be considered and not reserved for subsequent applications.

The Acting Area Team Manager introduced the report noting that five additional representations had been received, including one from Sir Edward Leigh MP, however no new issues had been raised. A statement from the County Highways department was read out noting that there were no objections to the proposal, which was in a sustainable location with existing links. A detailed scheme was to be submitted with the Reserved Matters application. It was acknowledged that there were some parking problems outside the school as was the case with most schools and alternative modes of transport were encouraged. The applicants had offered to provide two passing places on the narrow road even though this had not been a requirement.

An update from the doctors' surgery was read out which raised issues concerning the poorly located, and equipped, building. The doctors had self employed contracts with the NHS and the usefulness of the £97k contribution was questioned.

The Acting Area Team Manager reminded Members of the undersupply of housing and also the Inspector's comments on the Dunholme appeal, and that the officer recommendation was to approve the application.

Sue Speirs of Saxilby Parish Council addressed the meeting, noting that the main concern was regarding traffic. Over 60 letters had been received and many residents were present at the meeting for consideration of the application. The passing places offered would be of little use, agricultural vehicles regularly used the route and there was damage to verges. An accident had recently occurred at the junction of Mill Lane and the A57 due to the volume of traffic. There was also a shortage of policing, and more houses would bring more crime.

Tony Lawton, agent for the applicant, and resident of Saxilby, told the Committee that Lindum employed local people. There being no up to date Local Plan and with a shortage of housing supply, applications were acceptable if they could demonstrate they met a local need and were sustainable. This was a logical place to develop and all the statutory consultees, with specialist technical reports, supported the application. The problems around the school were common and due to inconsiderate parking. There were good facilities in Saxilby and the development would be an asset to the settlement.

Gordon Allen then addressed the Committee stating that he still had little confidence and he disagreed with the highways assessment. Mr Allen had spoken to the Headteacher of the school who said that there had been no consultation, even though mobile classrooms were already being used. Site plans were shown of future housing proposals, but the principle of development on brownfield sites before greenfield must be enshrined in policy.

Liz Hillman also spoke in objection, pointing out that people moved to villages because they wanted to live in rural locations, once these had been lost they could not be retrieved.

The Acting Area Team Manager reminded Members that, in the absence of the five year housing supply, existing housing policies were superseded, and noted that the Local Education Authority had said that no contributions were required at this stage, but may be on future applications. The proposed development was on the edge of the settlement and the landscape was assessed as being of low value.

Councillor Jackie Brockway had attended the meeting as the Ward Member for Saxilby, and stated that she was concerned that the Government did not listen to local problems raised by residents with local knowledge. Councillor Brockway reiterated concerns that had been raised regarding the doctors' surgery, the school, traffic problems, flooding and the value of the s106 contributions.

The other Ward Member, the Reverend Councillor Cotton questioned whether the statutory consultee, the highways department, had perhaps got it wrong in the case of Saxilby. There was no policy of one size fits all that was appropriate. There had always been problems on Church Lane and traffic had got worse over the years. Cllr Cotton also noted that the sewage system was already inadequate as tankers were used to transport waste away. Concerns were also raised regarding the school, doctors and the potential for traffic accidents. This was a growth too far in the wrong part of the village.

Note The Reverend Councillor Cotton declared a personal interest at this point as being a registered patient at the doctors' surgery in question.

The Committee debated the application at great length, giving consideration to finding a balance between the undersupply of housing, the lack of objections from statutory consultees and the concerns raised by residents, the Parish Council and the Ward Members. The current status of, and the amount of weight to be afforded to, the Saxilby Neighbourhood Plan was discussed. Members acknowledged the lack of housing supply but felt that there would be other opportunities to meet this need without granting this application.

Officers reiterated the importance that was afforded to the delivery of housing land supply, the presumption in favour of sustainable development and the lack of statutory objections and stressed that valid evidence would need to be submitted to support a refusal.

It was moved and seconded that the application be refused, citing NPPF Paragraph 17, in relation to the impact on the health and education facilities, the inadequacy of the highway network, the role of open space and natural environment on the well-being of residents and the sustainability considerations not being met.

On being voted upon it was **AGREED** that permission be **REFUSED**.

The Committee then adjourned briefly to allow the Saxilby residents to leave the meeting. The meeting reconvened at 8.15pm.

2 – 130150 – Land east of Hackthorn Road, Welton

Outline planning application for erection of 63 dwellings - all matters reserved.

Stephen England, of Welton Parish Council addressed the Committee and asked Members to consider other pending applications, and questioned the commercial viability of this one. Other applications could provide more benefits and it was felt that the contributions offered through the s106 were inadequate and a Community Infrastructure Levy should be requested.

The Committee was reminded that it must determine each application on its own merits and could not give consideration to other applications, nor to the commercial viability of the proposals.

Steve Catney, agent for the applicant, sympathised with the Committee's deliberations but noted that the site was a natural extension to Welton and met all sustainability requirements. The level of the s106 contributions was high and would be directed to where it was needed.

No Ward Members were present on this occasion, having spoken at the last meeting, prior to the site visit. The Committee agreed that the site visit had been useful and felt that the development would offer benefits to the settlement of Welton, and there were no valid planning reasons to refuse the application.

It was moved, seconded and voted upon that the recommendation be **AGREED** and that delegation be given to the Chief Operating Officer to **GRANT** planning permission subject to conditions and the signing of a S106 agreement which delivers the following:

14% affordable housing
Contribution of £ 223,761 towards Educational facilities in the locality
Contribution of £26,755 towards Health facilities in the locality
Contribution of £100,000 towards Highway improvements

If the S106 agreement is not signed within 6 months of the date of Committee then the application be reported back to the next appropriate Committee for further consideration and determination.

Note The Reverend Councillor Cotton abstained from voting as he had not been able to be present on the site visit.

3 – 131108 - Sudbrooke House, Church Lane, Sudbrooke

Outline planning application for development of five new detached houses - access to be considered and not reserved for subsequent applications.

Mark Robinson spoke on behalf of the applicant affirming that all advice given had been followed and consultation had taken place with neighbours and the church. Traffic had been monitored for a week and the average speed was recorded as being 17.2 mph. The bend was only blind because of overgrown shrubbery, if this were cut back as it should be in accordance with conditions on that application there would be clear sight. It was not felt that the majority of traffic would use that route and there had been an agreement with the church and village hall regarding parking.

Councillor Curtis, Ward Member for the application, noted that there had been no highway objections regarding the narrowness of the lane or parking/passing problems. The development would contribute to the five year supply of housing and Councillor Curtis was in support of the proposals.

The Principal Area Development Officer noted that Members of the Committee had been on a site visit nearby and looked at Church Lane at that time.

Members questioned whether the problem of the overgrown hedge could be addressed by enforcement, this was affirmed.

The recommendations were then moved, seconded and voted upon and it was subsequently **AGREED** that the decision to **GRANT** permission subject to conditions be delegated to the Chief Operating Officer upon:-

1. The completion of archaeological investigations and approval of methodology for any mitigation required.
2. The signing and completion of a s106 that delivers:-
 - Land and a commuted sum to provide a section of footway at and within the vicinity of the double bends to the west of Sudbrooke House on Church Lane.
 - The making available at all times of 12 car parkings spaces within the site for visitors to St. Edward's Church.

If the agreement is not completed and signed within 6 months, the application shall be reported back to the next available Planning Committee for determination.

Note Councillors Leaning and Milne wish for it to be recorded that they had voted against the recommendation.

4 - 131207 - Land off Poachers Lane, Poachers Lane, Sudbrooke

Outline planning application for proposed development of six detached dwellings with associated garages, plots and infrastructure including new passing places to Poachers Lane, new bridge crossing Sudbrooke beck and necessary works to existing road. Also, proposed new cycle, pedestrian pathway to parish boundary with Nettleham adjoining Church Lane - layout to be considered and not reserved for subsequent applications - resubmission of 128675.

The Principal Area Development Officer circulated confidential communications which had been received regarding the medical condition and needs of a resident, and noted that Residential Amenity is a material consideration, and the Committee had to give consideration to the Human Rights Act.

Brant Clayton, acting on behalf of Truelove Properties described how the proposals were intended to be sensitive to the impact on neighbouring residents, and the layout was designed to be low density. The hedgerow was to be retained and it was felt that there was a strong need for the footpath and cycle link. The applicants had worked hard with all parties and there were minimal objections to a much needed facility.

Brian Sutcliffe spoke in objection to the application stating that 99.9% of all journeys to Nettleham were by car and a footpath or cycleway was unlikely to be used.

Members gave consideration to the various aspects of the application in attempting to balance the benefits against the objections. It was affirmed by Principal Area Development Officer that if Members felt that the amended application did not address the concerns raised by the previous refusal it would be possible to afford significant weight to the Human Rights Act.

Differentiation was made between the disruptive impact during, and post, construction. Whilst it was acknowledged that the percentage increase of houses was significant the actual numbers were not high, (from four to ten), so some Members felt that after construction the impact would not be high. However other Members pointed out that the current residents had chosen the area due to its tranquillity in the countryside.

It was moved and seconded that the application be refused for the same reasons as given previously:-

1. The amenity of nearby residents (specifically the health of the resident at No. 4) would be adversely affected by noise and disturbance during the construction of the development.
2. The application is in contravention of the National Planning Policy Framework (2012) and the protection of the countryside as the site is outside of the development boundary and would have an impact on the settlement break between Sudbrooke and Scothern.

but with the addition that “the significant and demonstrable harm that would be caused outweighed the benefits that would be gained from the amended submission”.

On being voted upon the **MOTION WAS LOST**.

It was subsequently moved that the officer recommendation be agreed, this was then seconded and voted upon. It was therefore **AGREED** that the decision to **GRANT** permission subject to conditions be delegated to the Chief Operating Officer upon:-

The signing and completion of a s106 that delivers:-

- a) The proposed new pedestrian footway to the parish boundary between points Y and Z marked on the plan A appended to this report to an adoptable standard to enable adoption by the County Council but only following the completion of an adopted footway between points X and Y on the same said plan;
- b) The transfer of the hedge between points Y and Z to the Parish Council together with a commuted sum for its continued maintenance.
- c) The transfer of the playing field on Poachers Lane to the Parish Council marked hatched on Plan B appended to this report as community infrastructure for the village.

but enables 3 but no more than 3 of the 6 dwellings to be completed and occupied prior to a), and b) being delivered with c) having to be delivered prior to the first occupation of any dwelling.

That, if the s106 is not completed and signed by the applicant, West Lindsey DC, Sudbrooke PC and Lincolnshire County Council within 6 months, the application be reported back to the next available Planning Committee for determination.

5 - 130937 - Land off Church View Kirkby Cum Osgodby

Outline planning application to erect three detached dwellings, to include two live-work units, additional annex to one dwelling and materials store building for fencing business, together with associated garages and infrastructure. Access, layout and scale to be considered and not reserved for subsequent applications.

The Acting Area Team Manager had received a letter on behalf of the applicant setting out the details of the live/work unit and describing the sustainability of the location.

Peter Jordan of Osgodby Parish Council addressed the Committee setting out the objections of the Parish Council, which included the lack of evidence regarding the employment prospects, and the fact that the site was an

agricultural field in the space between Kirkby and Kingerby, which were small rural settlements with limited, or no, facilities. Alternative infill plots had been identified in Osgodby.

Brant Clayton, representing Truelove Property then spoke on behalf of the applicant to refute the reasons for proposed refusal. The proposal was not unsustainable and would bring advantages to the community through employment and increased population. The design had been carefully considered to enhance and maintain the rural break, and the housing would contribute towards the five year supply.

Councillor Wiseman, present at the meeting as Ward Member, noted that he supported the refusal.

Note Councillor McNeill declared a personal interest as he had previously acted as agent for County Councillor Turner, who was the applicant.

Whilst some Members were of the opinion that live/work units were often to be encouraged in rural locations, as these reduced carbon footprint and were being facilitated by the provision of wifi, others felt that the location of this proposal was inappropriate. Other sites had been identified and could possibly be supported, particularly for agricultural businesses, but there was also the impact on listed building and heritage assets to consider in the proposed location.

It was moved, seconded and voted upon that the application be refused, as the Council had a duty to protect its heritage assets.

It was therefore **AGREED** that planning permission be **REFUSED**.

6 - 131289 - Land to east of A1133, Newton-On-Trent

Planning application for erection of a 500kw wind turbine with a hub height of 50m and height to tip of blade of 77m, to include transformer station at base and all ancillary works.

The Principal Area Development Officer informed the Committee that two additional representations in support of the application had been received. The proposals were to be specific to the local business employing local people, and customers of agricultural businesses demanded green credentials. One turbine was in existence on the site so the cumulative impact could be considered, the context of which was shown on photo montages.

Note The Reverend Councillor Cotton declared that he knew some of the objectors.

Steve Catney, agent for the applicant, spoke on the proposals, setting out the requirement for a further turbine, in terms of customer requirements and rising

fuel costs. The infrastructure for the existing turbine had been costly but would support a further turbine. The impact on the landscape would be minimal and there had been much local support.

Baroness Hogg, of Kettlethorpe Hall, noted that whilst she was not objecting to the additional turbine, and supported the excellent small business, she was concerned regarding the future proliferation of further turbines.

Councillors noted that they were only able to determine this application on its own merits and should further applications be submitted in the future, the cumulative impact would be taken into account. There were some extant permissions already but these had been set out in the report.

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

The meeting concluded at 10.03 pm.

Chairman