

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 24 July 2013.

**Present:** Councillor Chris Underwood-Frost (Chairman)  
Councillor Stuart Curtis (vice chairman)

Councillor Owen Bierley  
Councillor Alan Caine  
Councillor David Cotton  
Councillor Richard Doran  
Councillor Ian Fleetwood  
Councillor Malcolm Leaning  
Councillor Giles McNeill  
Councillor Jessie Milne  
Councillor Judy Rainsforth

**Apologies** Councillor Roger Patterson

**Membership** No Substitution was given

**In Attendance :**  
Zoë Raygen Acting Area Team Manager  
Simon Sharp Senior Growth Strategy Projects Officer  
Dinah Lilley Governance and Civic Officer

**Also Present** 23 members of the public  
Councillor Lewis Strange  
Councillor Anne Welburn

### 19 PUBLIC PARTICIPATION

There was no public participation.

### 20 MINUTES

Meeting of the Planning Committee held on 26 June 2013.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 26 June 2013 be confirmed and signed as a correct record.

### 21 MEMBERS' DECLARATIONS OF INTEREST

Councillor Doran declared a personal interest in item 6 as he knew the applicant.

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

There were no recent government updates.

## **23 PLANNING APPLICATIONS FOR DETERMINATION (PL.04 13/14)**

**RESOLVED** that the applications detailed in report PL.04 13/14 be dealt with as follows:-

### 1 - 129426 – Cherry Willingham

Planning application for change of use of gamesroom to provide child care facilities at 64 Croft Lane, Cherry Willingham.

Prior to consideration of the application the Acting Area Team Manager provided updates to the Committee. One further letter of support had been received, and a statement from the Parish Council was read out. There were no objections regarding the change of use however there were concerns regarding the impact on the neighbouring properties. The application of conditions was essential, and it was felt that a reduction to the number of children permitted, say 18, would be more appropriate.

Mr and Mrs A Taylor, the applicants, thanked the Committee for having undertaken the site visit, during which the parking facilities were seen, which were described as working well. Every attempt had been made to address the objections from neighbours, and there had been no intention of deception. The business provided support and continuity for local families and was valued by its users. Clarification was given on the number of cars arriving and departing at any one time during the day.

Mr R Taylor, the neighbouring objector, stated that he was disappointed, and felt that the intention had always been for a nursery. The entrance to the business was immediately adjacent his kitchen door and would disturb his family life. There was an alternative access which could be used by the many adults and children which frequent the business. There were concerns regarding the volume of traffic and that it was not safe to reverse out of the property. The lights of cars entering the property would shine into his front windows. Mr Taylor requested four changes:- the entrance at the other side of the property; a higher dividing wall; a limit on the number of children and acoustic fencing.

The Ward Member, Councillor Welburn stated that she had already spoken at length on the application so would not repeat herself.

Members of the Committee then discussed the application, noting that the site visit had been useful. Questions were asked about the acoustic fencing and the numbers of children permitted, and it was clarified that these had both been addressed. It was noted that the dividing wall at the front of the properties was owned by the objector so it would be his choice to raise the height. Members felt that there were no valid planning reasons to refuse the application, therefore the recommendation was moved; seconded and voted upon.

It was **AGREED** that permission be **GRANTED** in accordance with the recommendation.

**Note** – Councillor Fleetwood abstained from voting as he had not been present on the site visit.

### 2 – 129581 - Blyton

Planning application for proposed residential development of 1no. pair of semi detached dwellings, 1no. detached dwelling and detached garages - resubmission of 128808 – on land R/O 30 Laughton Road, Blyton.

The Acting Area Team Manager provided the Committee with two further updates. Mr A Robinson who had attended the previous meeting and spoken on the application had stated that he was unable to attend on this occasion, but that all his previous objections still stood. He would have been happy with the original conditions on the outline planning application.

Slides were shown which depicted the site plans which had been amended. The footprint of the properties had been turned at an angle to alleviate the overlooking concerns.

Members again acknowledged the usefulness of the site visit as they had been able to put the height of the properties and the positioning into context. It was felt that the proposal would complete the development, and there were no valid planning reasons to refuse the application.

It was moved, seconded and voted upon and subsequently **AGREED** to **GRANT** with conditions subject to the signing of a unilateral undertaking securing a contribution towards affordable housing in the District.

**Note** – Councillor Fleetwood abstained from voting as he had not been present on the site visit.

### 3 - 128607 - Grayingham

Planning application to install 2no. 50kw wind turbines and ancillary works - 35m height to tip of blade at Grayingham Grange, Grange Lane, Grayingham.

The Senior Growth Strategy Projects Officer clarified to members that the ability to determine the application no longer rested with this Council; it rested with the Inspectorate. Nevertheless, it was right to seek a resolution from members as to what their decision would have been had the ability to determine the application still rested with the Council. The Inspectorate would then be informed of such a resolution.

The Senior Growth Strategy Projects Officer also advised that he had had written confirmation from the MoD in the last two weeks that they still objected and would maintain this objection during the appeal process.

In an e-mail from the MoD dated 16th July, they stated that:-  
“It is possible that this development would be suitable for mitigation. However it is the responsibility of the developer to put forward a suitable mitigation solution for the MOD to consider. On receipt of a technical mitigation report, a further technical and operational assessment is carried out to determine if the solution is acceptable to MOD operations. If it is deemed to be acceptable, then the MOD would discuss the removal of its objection subject to a suitable planning condition.”

In this context, in the absence of any mitigation offered, it was advised that the officer’s recommendation to members remained the same. Such a mitigation condition would need to pass the six tests detailed in Circular 11/95 which included being reasonable and precise. The level of mitigation may prove to be entirely unreasonable and in the absence of the knowledge of what would be required, a condition could not be precisely worded or reasonable at this juncture.

Geoff Boothby, representing Grayingham Parish Meeting, stated that refusal was supported, particularly in terms of air safety. It was noted that gliders were not able to alter their flight path so could collide with turbines. There were concerns regarding the proliferation of turbines in the area and their impact upon the countryside. If granted there would be 10 turbines within a 2.5 mile area granted within the last 10 years. Views from roads meant distractions for drivers, and the impact on a flat landscape was greater than on hills. The new Government Guidance stated that the need for renewable energy should not override local concerns.

David Wright, agent for the applicant claimed that the objection from the MoD was inconsistent and unreasonable. Other turbines in the locality which were higher than those proposed had not been objected to. Circular 1/03 was only relevant to aerodrome radar, not en route traffic. The Low Altitude Radar Service (LARS) petered out 2.5 km south of Uncle Henry’s and Grayingham was, at 31km from Waddingham, on the periphery of LARS. Aircraft will always be more than 150ft above ground unless landing or taking off. There had been no objections from either Humberside Airport or the Gliding Club, and there would be economic benefits to the community from the erection of the turbines.

Councillor Strange, County Councillor for the area, echoed the views of the Parish Meeting and noted that visual aspect was important and there was a massing of turbines in the area. The MoD cited interference to aircraft so the position was clear. Cllr Strange was disappointed that more businesses were not utilising solar technology.

Members gave consideration to the visual impact of turbines on local landscapes but acknowledged that as the application had been previously delegated for approval, it would confuse the matter to give weight to the issue at this time. The crucial issue at this time was the objection by the MoD in the context of air safety.

Whilst Members agreed that the application should be refused on the grounds of air safety, concerns were still expressed regarding the visual impact of the proliferation of turbines in the open countryside and the distraction caused to drivers on the A15, and felt that these concerns should still be recorded in the minutes. It was pointed out that Members could still submit third party representations to the Inspectorate if they wished.

It was therefore moved, seconded and upon being voted upon it was **AGREED** that had the decision to determine the application still rested with this Council, permission be refused on the grounds of unacceptable interference to air traffic control radar at RAF Waddington, and as such would conflict with guidance contained within circular 1/03 Aerodrome safeguarding.

#### 4 – 128961 – Bardney

Planning application for change of use of pub to 2no.dwellings and erect 5no. new dwellings on car park at The Bards, 2 Wragby Road, Bardney.

Sir Edward Leigh MP had written to the Chief Executive regarding this proposal. The Chief Executive had replied in writing to Sir Edward but for the purposes of members' consideration this evening it was confirmed that he state that :

“I am concerned about the threat to The Bards public house in Bardney and the application to change its use to private property....I very much hope that this application will be carefully considered given that this appears to be against the wishes of the local community which the Bards currently serves.”

The Senior Growth Strategy Projects Officer also informed the committee of additional comments received from 52 Station Road and 10 Wragby Road. The writers wished to emphasise the slow nature of the housing market in Bardney, the fact that people who used the Bards may not choose to use the other public house in Bardney, that 10 Wragby Road will be overlooked and that the Nags Head currently does not have a dart board. They also emphasised the ageing nature of the population and the need to protect services such as pubs to serve such the population, an issue highlighted recently by Age UK and Defra.

The Senior Growth Strategy Projects Officer felt that the officer assessment addressed such issues. The one issue not addressed in this report is the alleged presence of Japanese Knotweed at the property.

Under the Environmental Protection Act (EPA) (1990), Japanese Knotweed is classed as 'Controlled Waste' and consequently it should be disposed of at a licensed landfill site under the EPA (Duty of Care) Regulations (1991). If Japanese Knotweed is not disposed of in the correct manner, a civil offence would occur and can be prosecuted by the Environment Agency. This legislation covers this matter and the owners would be made aware of the issue as well as the Environment Agency. However, it was acknowledged that some Councils had attached planning conditions requiring a method statement for its removal to be agreed. If the Environment Agency recommended that this occurs in this case then members are requested to delegate such responsibilities to the Director of Regeneration and Planning. Such a resolution would ensure that, if such a condition was deemed necessary, then permission would be issued with this additional condition following the signing of the s106 agreement relating to the affordable housing provision.

The application has been brought to Committee not only due to the public interest but also because of the finely balanced issues that it presented. Officers acknowledged that this was an emotive issue and the proposal would affect the livelihoods of some people. The case officer had deliberated over what the recommendation should be for a considerable period of time. Weight had been afforded to the national and local policy position relating to housing growth and the existence of other facilities in the village.

Tony Castle spoke in objection to the application, noting that the absence of a dartboard at the Nags head had seemed a trivial matter, but that there were five darts teams at the Bards to whom it was an important issue. Visitors from surrounding villages would start to go elsewhere and other businesses in Bardney would suffer. A fish and chip van which traded from the car park every Friday night would have nowhere else to go. It was felt that there was already too much pressure on the infrastructure of the village, with long waiting times for doctors' appointments and increasing anti-social behaviour. CAMRA had stated that Punch Taverns had a reputation for letting pubs fall into disrepair, but the landlord and customers want this pub retained and refurbished.

Councillor Fleetwood spoke as Ward Member for the application noting that the Parish Council supported retention of the facility. There used to be half a dozen pubs in the village, there were now just the two and the clientele were distinctly separate. Councillor Fleetwood felt that additional housing would create a traffic hazard, and with an increase of 200 dwellings in recent years, Barney had expanded sufficiently. Policies STRAT9, RES1 and CORE10 (for protection of the Pinfold) would justify refusing the application.

Members discussed the application briefly and felt that a site visit would be useful to understand the context of the site and assess the facilities of the settlement.

It was moved, seconded and voted upon, and subsequently **AGREED** that a site visit be undertaken, at a date and time to be agreed.

5 – 129990 and 130027 – Blyton

Planning application to remove condition 5 of planning permission 129624 granted 20 March 2013, regarding occupancy and

Planning application to remove condition 4 of planning permission 99P0794 granted 19 September 2001, regarding occupancy on Land at Grace Park, Laughton Road, Blyton.

Clarification was sought that the two applications were to be determined together, and noted that it would not be reasonable to arrive at different decisions for each.

Discussion ensued regarding the conditions and their subsequent enforcement. Whilst concerns were expressed regarding the proliferation of such sites in the area, it was noted that the site had existing consent for caravans and the application before Committee was for changes to the conditions regarding the occupancy. Members considered alternative ways of conditioning and being able to enforce non-permanent occupancy. It was felt that deferral for a site visit would also enable further negotiation with the applicants to assess the best way forward.

It was moved, seconded and voted upon, and subsequently **AGREED** that a site visit be undertaken, at a date and time to be agreed.

6 – 130004 – Gainsborough

Planning Application for first floor extension over single storey section of dwelling-resubmission of 129712 at 11 Nelson Street, Gainsborough.

The Acting Area Team Manager showed slides which depicted the current property and proposed extension.

The applicant John Myskiw addressed the Committee, describing how he had lived in Gainsborough all his life and he and his family had strong local connections with employment and schools. He had adapted his home for his growing family and wished to extend further to create an additional bedroom. The size of extension that would have been allowed would not be big enough for a bedroom. There had been no objections from neighbouring properties and the proposed extension would not be overbearing or detrimental to other houses.

Members sought clarification on the size and massing of the proposed extension, and questioned its subservience to the main dwelling. The

Planning Committee – 24 July 2013

Committee felt that seeing the property in context with other dwellings may be useful.

It was moved, seconded and voted upon, and subsequently **AGREED** that a site visit be undertaken, at a date and time to be agreed.

#### **24 DETERMINATION OF APPEALS**

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

The meeting concluded at 8.38 pm.

Chairman