

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 26 August 2015.

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

Councillor Owen Bierley
Councillor David Cotton
Councillor Hugo Marfleet
Councillor Jessie Milne
Councillor Giles McNeill
Councillor Roger Patterson
Councillor Judy Rainsforth
Councillor Thomas Smith

Apologies Councillor David Bond

Membership No substitute was appointed

In Attendance:
George Backovic Principal Development Management Officer
Russell Clarkson Principal Development Management Officer
Matthew Barrett Lincs Legal Adviser
Katie Coughlan Governance and Civic Officer
Nicola Calver Governance and Civic Officer

Also Present 22 members of the public
Councillor Mrs Di Rodgers
Councillor Steve England
Councillor Malcolm Parish
Councillor Jeff Summers

19 PUBLIC PARTICIPATION

There was no public participation.

20 MINUTES

Meeting of the Planning Committee held on 29 July 2015.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 29 July 2015, be confirmed and signed as a correct record.

21 MEMBERS' DECLARATIONS OF INTEREST

All Members of the Committee declared a non-pecuniary interest in that they knew the applicant, a fellow Councillor, in relation to planning applications 3 and 4 contained within Paper B, namely application numbers 132886 and 132885 both within the village of Sturton.

All Members of the Committee declared a non-pecuniary interest, in relation to planning applications 5 and 6 contained within Paper B, namely application numbers 132906 and 132837 as the applicant was West Lindsey District Council.

22 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

The Principal Development Management Officer informed the Committee of recent Government changes to Policy as detailed below: -

In November 2014, the Government produced new National Planning Practice Guidance (NPPG) which immediately excluded developments of 10 dwellings, or 1000sqm or less, from requiring affordable housing contributions and tariff based contributions. However a recent High Court Judgement - R (on the application of West Berkshire District Council and Reading Borough Council) v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin) - found this to be unlawful. Consequentially the Planning Practice Guidance had been cancelled and no longer stood. This meant that saved Local Plan policy RES6 – Affordable Housing no longer conflicted with national guidance and could be applied in full once again.

23 REVIEW OF PLANNING APPLICATION 132726 ON LAND AT RYLAND ROAD, DUNHOLME (PL.04 15/16)

Review of Planning Application 132726 – outline planning application for proposed residential development of up to 65 dwellings, to include public open space, affordable housing and staff car park for St Chad's Primary School – access to be considered and not reserved for subsequent applications – resubmission of 131516. Land at Ryland Road, Dunholme.

The Principal Development Management Officer introduced the report and advised that there were no further updates to the report as published.

As advised in the report, the Planning Inspectorate (PINS) had given notice that they had received an appeal against the Authority's failure to give notice of its decision for planning application 132726 within the appropriate period, and in the absence of written agreement of the parties to extend the decision making period.

The application sought planning permission in outline with access to be considered. Matters of appearance, landscaping, layout and scale were all reserved for subsequent approval ('reserved matters').

The main access to the site would be taken directly from Ryland Road, to the north of Cottingham Court.

The target date to determine the application was 1 June 2015. An extension was agreed in writing with the applicant until 14 July, granting the applicant further time to provide a Noise Impact Assessment relating to the proposed access and its relationship to neighbouring properties. This was received by the Authority on 1 July. A further extension was consequentially sought by the Planning Authority to enable those properties which the Assessment identified could be affected, to be notified and to provide them with adequate opportunity to comment. The applicant however, refused to agree to a further time extension and had instead opted to appeal to the Planning Inspectorate on the grounds of non-determination.

The purpose of the report was to determine what decision would have been made by the Local Planning Authority if a decision had been made. This would be used in evidence for the appeal.

Visiting Ward Member, Councillor Steve England spoke in support of the Officers' conclusions and made the following statement to the Committee:-

"It would appear that this developer is aware that this re-submitted application, which is no different from the previous refused application, save for an inadequate noise assessment that would stand scrutiny by officers or wider consultation.

If they had been confident of the application's merits they would have been content to allow the Council more time to carry out due diligence. Instead it appears they seek to circumnavigate the process by appeal on non-determination.

As a responsible Council we cannot be seen to bow to these tactics, and should mount a vigorous defence. I know there are financial risks in doing so, as highlighted in the Officer's report. What is also clear in the report is the Officer's concerns about this proposed development and the effects on the community if permission were to be granted.

I trust the Committee will support the officers, what would have been a recommendation for refusal, which in all probability would have resulted in appeal anyway and contest this with every means at the Council's disposal."

Debate ensued and the Committee were of the view that the area was unsuitable for development as it was contrary to Policy STRAT 13 and on being moved and seconded it was agreed that the Council be minded to have **REFUSED** planning permission on the following grounds: -

Reason: -

1. The development would take place in the narrow undeveloped break between the settlements of Dunholme and Welton. The development would be a perceptible and permanent intrusion within the gap that would lead to the perception of coalescence and significantly harm the character and setting of the two villages. This would significantly undermine the objective and principle of saved policy STRAT13 of the West Lindsey Local Plan First Review. It is concluded that this severe harm would outweigh the benefits of development, and that the development does not therefore meet the NPPF presumption in favour of sustainable development.

24 PLANNING APPLICATIONS FOR DETERMINATION (PL.05 15/16)

RESOLVED that the applications detailed in report PL.05 15/16 be dealt with as follows:-

1 – 133064 – Welton

Outline planning application for the erection of 12 dwellings - access to be considered and not reserved for subsequent applications - resubmission of 132425 on land adjacent Dunholme Close, Welton.

The Principal Development Management Officer introduced the report and advised that since its writing five additional representations of support had been received, these were read to the Committee and in summary supported and welcomed the development which was considered would improve the current site, which they deemed to be waste ground.

Mrs Rachel Jones then addressed the Committee and spoke in objection to the application advising Members that she considered the proposal to be in direct conflict to Policy STRAT 13. Furthermore she considered this a green land site which should be protected from development, and could set a precedent. Further concerns were raised over the access / egress to site, resulting in a bottle necking of traffic , something which was already an issue at the site.

Mr Charles Pickering, the applicant, then addressed the Committee in support of his application. Mr Pickering advised that the site was currently wasteland. It was no longer, and had not been for a number of years, suitable for arable farming. Livestock had also been previously kept on the site but were continually released. The land had therefore been left and over the years flytipping had become an issue and costly to rectify. Industrial fencing had been erected to prevent environmental crime but this was unsightly. Mr Pickering advised how he had worked with the Parish Council and Lincolnshire Wildlife Trust in order to design a proposal that was acceptable to local residents. Furthermore he had commissioned professional landscapers with a clear brief based on feedback received from the village, which was for more small developments with open spaces. He was of the view that this proposal had the ability to deliver on both, but stressed that it was intrinsically linked to the next item on the agenda.

Mrs Paula Williams, local resident, addressed the Committee and spoke in support of the application. Mrs Williams advised the Committee that she resided at 48 Ryland Road, directly opposite the proposed site. She fully supported the application as it would provide a better use of the land than currently, improve her outlook and add value to the village.

Visting Ward Member, Councillor Steve England, then addressed the Committee stating that this application and the one that followed were not the first relating to the site and yet despite refusals by this Committee and the Planning Insectorate, Members were being asked to consider another, albeit revised, proposal. Whilst acknowledging that the proposal was not for a large number of dwellings in the general scheme, Councillor England considered it would nevertheless contribute to the overall cumulative and substantive effect on the infrastructure of both Welton and Dunholme. Further the development was for 12 four to five bedroomed homes, something he considered that neither village wanted or needed.

He indicated the land, which was an undeveloped wedge between and separating Dunholme and Welton, was considered by many residents as historically and culturally important and therefore should be preserved. Furthermore, he considered this view was supported in Policies STRAT 12 and 13 of the saved Local Plan and that these had been consistently upheld and applied by the Committee previously. Councillor England made reference to the number of outline permissions and full consents which were in place across the two villages, close on 800 homes, and therefore did not consider it unreasonable for many residents to wish to preserve some of their respective identities. Councillor England advised that he had in the last few days received a number of e-mails in support of the application, but made reference to them all being very similar in nature, and that he had weighed these against the number of people who had also approached him directly in objection. Finally, reference was made to the Welton Neighbourhood Plan, which sought to preserve the site in its undeveloped form, a view which was endorsed by Welton Parish Council, Councillor England advised that as co-writer of the Plan he could not support the application and urged the Committee to refuse the proposals.

Councillor Mrs Di Rodgers, visiting local ward Member, also addressed the Committee, and in opening advised of her changed position supporting residential development and outlined the reasons for this, namely the number of people who had approached her and asked that she speak in support of the application on their behalf.

The report consistently referred to Welton, when the site was actually within Dunholme. Councillor Mrs Rodgers stressed to the Committee that no objections had been received from any of the statutory consultees. She commented on the difference in the nature of the wording of the representations received from Welton and Dunholme Parish Councils, stressing that Dunholme “did not object” to the proposal, whilst Welton “did not support” the proposals. With regard to the latter, Councillor Mrs Rodgers, further highlighted how no planning reason or evidence had been provided in support of their stance. As the site was in Dunholme, Councillor Mrs Rodgers therefore suggested to the Committee that the comments of Welton Parish Council should be disregarded. In contrary to the conclusion within the report, Councillor Mrs Rodgers did not consider this site to be “open countryside”. She stated the site was currently an eyesore and the proposal would create a meaningful break between the villages,

be an attractive development with houses situated away from the road, and facilitate the securing of a green open space. The Local Plan was out of date and not fit for purpose. In the age of localism she urged the Committee to listen to the local community and approve what she considered to be a modest development.

Prior to opening the debate up to the Committee, the Principal Development Management Officer clarified that whilst the site was in the parish of Dunholme it would extend the defined Local Plan settlement boundaries of Welton and affect its setting, and therefore Welton Parish Council's comments were valid material considerations.

The definition of both policies STRAT 12 and 13 were relayed to Members. It was stressed that there was no formal definition of a brownfield site – the definition is for 'Previously Developed Land' (PDL) and Officers did not consider this site to be PDL, a view that was supported by the Inspector at a previous appeal. This application considered only the proposed dwellings – the application for open space was to be considered as a separate application and the applicant had not proposed or offered any obligation that would necessitate delivery of the open space in the event planning permission for housing was granted.

Debate ensued and a Member proposed that a site visit be undertaken, this proposal was not seconded and therefore fell.

Note: Councillor Giles McNeill declared a non-pecuniary interest in the item as his maternal grandfather shared the name Pickering (same as the Applicant), but as far as he was aware there was no family connection.

There was a shared view amongst Committee Members that the application did contravene Policy STRAT 13 and risk coalescence of settlements. The site provided the only clearly visible break between the two settlements and provided the only remaining open countryside.

It was moved and seconded that the permission not be granted and on being voted upon it was agreed that the application be **REFUSED** for the reasons as set out in the report.

2 – 132426 – Welton

Planning application for change of use from agricultural land to public open space on land South of Dunholme Close, Welton.

The Principal Development Management Officer introduced the report and advised that since its writing an additional representation of support had been received, this was read to the Committee and in summary supported and welcomed the development which the representation writer believed would prevent further development.

Mrs Rachel Jones addressed the Committee and spoke in objection to the application, questioned who would own the land and expressing concern that the land would be developed on in the future.

Mr Pickering, the applicant, addressed the Committee and spoke in support of his application. In opening he stressed how he had urged Officers to consider both his applications together due to their intrinsically linked nature, but how Officers had refused to do so. The proposed application would result in seven acres of land being gifted to the village but this was subject to planning permission for houses to offset costs.

This would have provided the village with an attractive open space, for public use and have offered a defined break between settlements.

Mrs Paula Williams addressed the Committee and spoke in support of the application she advised how she lived opposite the land, had two children and a dog and would love a beautiful green open space opposite her, which her and her family could make use of, not something the site offered in its present condition. It would be a beautiful link between the villages whilst retaining the required buffer and she urged Members to approve the application.

Visiting Ward Member, Councillor Steve England, spoke in objection to the application indicating he was of the belief that the change of use application sounded “too good to be true” and commented further commented that there did not appear to be any statutory provision to provide monies for this. Since previous refusals of permission, he considered the site had become an eyesore surrounded by an ugly corrugated fence iron fence. He reiterated his previous comments on the Welton Neighbourhood Plan, which sought to conserve the area as an undeveloped buffer between two villages in line with Policy STRAT 12 and 13 of the West Lindsey Local Plan. He urged the Committee to support the recommendation for refusal adding that he was mindful of the genuine concerns of residents regarding the state of the site and suggested the Committee should consider taking S215 enforcement action against the landowner.

The Principal Development Management Officer clarified that the application certificates stated the land belonged to the applicant. The supporting documents indicated it would be gifted to the Parish Council but no obligation to do so had been provided. The Officer responded to the Applicant’s comments at having been refused the right to have his applications heard in conjunction. It was noted that the applications had been submitted as two separate applications proposing alternative developments on adjoining pieces of land. It was the applicant’s own administrative decision to submit two separate applications, and the planning authority therefore had to consider each individually upon its own merits. There was no ‘intrinsic link’ between the two proposals – granting one did not necessitate the other.

Visiting Ward Member Councillor Mrs Di Rodgers, addressed the Committee and spoke in support of the application. She had received public support for the proposals. She was of the view that application offered winners without any sufferers. The villagers would gain an attractive green space with public access, one in which wildlife could also flourish. If granted, the proposal would offer a massive visual improvement and would be an attractive feature gateway to both villages.

Debate ensued and in responding to Committee Members’ questions, Officers advised that there was no planning obligation offered to gift the land to the Parish Council or other body or covenant to ensure it remained available to the public. If Members were

mindful to approve the application they would need to consider requiring the applicant to enter into a S106 planning obligation to secure public accessibility and the ongoing maintenance and management of the land

Discussion was held on whether any proposals within the gap should be considered holistically and considered that a joint application would enable the Authority to consider the proposals together.

It was moved and seconded that the permission not be granted and on being voted upon it was agreed that the application be **REFUSED** for the reasons as set out in the report.

3 – 132886 – Sturton

Application for approval of reserved matters for residential development following outline planning permission 131536 granted 23 September 2014, Plot 1, on land between 15 and 25 Marton Road, Sturton By Stow.

In presenting the report the Principal Development Management Officer provided the following updates to the report as published. The following questions had been received from Mr Carl Hawkes in objection the proposals:

1. To what extent has the suggestion put forward by myself regarding the position of the garages been taken into account given the proposed location will severely overshadow and encroach my front garden. This can be avoided if the garage for each plot is relocated to a midpoint making them effectively semi-detached and removing the one closest to me further away. The reason I was given by Stuart Kinch for the proposed location is to avoid having to fell the two cherry trees on the verge in order to gain vehicular access. However, the cherry trees in question are mature, in poor condition and will almost certainly die or need felling in the near future anyway. Far better the trees are felled now, the access is placed further along, and the garages relocated to a midpoint; replacement trees can be planted in new appropriate locations.
2. I have stated more than once previously that the issue regarding the ownership of the privet hedge that separates my property from the adjoining plot (plot 2, I think) needs to be resolved before permission is granted. To my knowledge this has not been done. The hedge has been managed by me for the past nearly three years, by the previous owner for a year and before that Mr and Mrs Clifton for about 50 years! If this is not resolved, or ownership falls to the new owner of the property on plot 2, the hedge may well either be grubbed out or cut way too low to afford the privacy and protection for which it is designed and currently affords.

The Principal Development Management Officer advised Members that in relation to the first issue this was not considered necessary as the application was considered acceptable in the form submitted and the second matter raised was not

a relevant planning consideration as it was a civil matter. The granting of planning permission did not convey rights to carry out development not in the control of the applicant.

An additional representation of objection had been received from 27 Marton Road, stating that they did not agree that the proposal was in keeping with the style of properties on that side of the road. The objection also raised concerns over the height of the proposals and being overlooked from the rear and side of the new build.

The location of 27 Marton Road, in relation to the proposal was displayed to Members. This was accepted, demonstrating sufficient distance separation between the two to not cause harm. The style was not considered an issue due to the eclectic nature of designs in the area.

Officers confirmed that the proposal was before Committee, in line with the requirements of the delegation scheme, as the applicant was an elected Member and would have been approved under delegation otherwise.

It was moved and seconded that the permission be granted and on being voted upon it was agreed that the application be **GRANTED** subject to the conditions set out within the report.

4 – 132885 – Sturton

Reserved matters application for residential development following outline planning permission 131536 granted 23 September 2014, Plot 2, on land between 15 and 25 Marton Road, Sturton By Stow.

In presenting the report the Principal Development Management Officer provided the same updates to those that had been provided to the last item considered (set out above)

It was moved and seconded that the permission be granted and on being voted upon it was agreed that the application be **GRANTED** subject to the conditions set out within the report.

5 – 132906 – Gainsborough

Planning application for replacement of existing slate roof covering, replacement of downpipes and miscellaneous rainwater goods, local repairs to stonework, infilling of several existing clerestory windows and provision of solar panels, at Trinity Arts Centre, Trinity Street, Gainsborough.

No Officer updates were provided to the report as published.

Note: Councillor Cotton sought indication as to whether the Church of England had convenient control. Officers indicated that such would not be considered a planning

matter and therefore they were unaware. On that basis Councillor Cotton declared a non-pecuniary interest as a Minister and for the avoidance of doubt.

In responding to Members' questions, Officers clarified with visual display assistance which windows would be covered.

Several Members of the Committee spoke in support of the application, commenting on it being a Community Asset that needed to be retained for community use for years to come. The Arts Centre had previously hit hard times and a lot of work and effort had gone into making it now a thriving community asset.

Note: Councillor Jessie Milne declared a non-pecuniary interest in the item as the Council's representative on the Trinity Arts Centre Working Group.

It was moved and seconded that the permission be granted and on being voted upon it was agreed that the application be **GRANTED**.

6 – 132837 – Gainsborough

Listed building consent for replacement of existing slate roof covering, replacement of downpipes and miscellaneous rainwater goods, local repairs to stonework, infilling of several existing clerestory windows and provision of solar panels, at Trinity Arts Centre, Trinity Street, Gainsborough.

It was moved and seconded that listed building consent be granted and on being voted upon it was agreed that Listed Building Consent be **GRANTED**.

25 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

The meeting concluded at 7.40 pm.

Chairman