

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 29 April 2015.

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

Councillor Owen Bierley
The Revd Councillor David Cotton
Councillor Malcolm Leaning
Councillor Giles McNeill
Councillor Jessie Milne
Councillor Roger Patterson
Councillor Judy Rainsforth

Apologies Councillor Alan Caine

Membership No substitute was appointed

In Attendance:

Derek Lawrence	Interim Planning Manager
Zoë Raygen	Principal Development Management Officer
Russell Clarkson	Principal Development Management Officer
Diane Krochmal	Housing and Communities Project Officer
Dinah Lilley	Governance and Civic Officer

Also Present 58 members of the public
Councillor Malcolm Parish
Councillor Mrs Di Rodgers
Councillor Lewis Strange
Councillor Geoff Wiseman

79 PUBLIC PARTICIPATION

Steve Taylor spoke in the Public Participation section of the meeting accusing the Council of 'smash and grab' policies. There were only a few saved Local Plan policies to protect villages and many applications were coming forward. Benefits to communities were not being ensured – the New Homes Bonus, which could be worth millions, was being kept by the Council and not being used for communities. Scothern had had a promise of a charity donation and this was not being given to the village, residents were determined that this be returned, and that s106 monies be used where needed.

The Interim Planning Manager clarified that there was tight legislative control around s106 contributions and they must be relevant to the development under consideration. The £30,000 donation could not be accepted as this could be regarded as potentially 'buying' a permission, but legal advice was being sought in relation to this specific case.

David Mason, then addressed the meeting as a resident of Scothern and member of the Citizens' Panel. It was felt that the Council was pushing forward large scale development without appropriate consultation. Development had to meet four requirements for sustainability and the Council was ignoring the NPPF instruction for community facilities. There was no community engagement in Scothern, and Gainsborough benefitted at the expense of small villages.

The Interim Planning Manager gave assurance that full consultation was undertaken on all planning applications and all were compliant with the NPPF.

Group Captain Rodgers then spoke to the Committee, stating that cumulative effect was not being considered in determining planning applications, when he had been assured that this was a material consideration. Affordable housing had to be subject to viability; ring fencing was an artificial condition as there were secondary and tertiary effects; highways s106 contributions were being spent elsewhere; and developers were being told to submit applications sooner rather than later. Green fields were being lost in the district.

The Interim Planning Manager affirmed that s106 contributions had to be related to the development and each application was considered on its individual merits, however cumulative effect was taken into consideration.

Bob Boulton then stated that the Committee was instructed to consider each application on its individual merits and this did not take cumulative effect into account. There was a duty of care to residents and the granting of applications was negligent. Mr Boulton asked when the residents of Welton would ever see the benefits of any s106 contributions, as, if not spent this reverted to the developer. Any contributions to the Lincoln Eastern Bypass were of no benefit to the people of Welton.

The Interim Planning Manager gave assurance that the Highways department and the NHS were always consulted and contributions sought if considered necessary in relation to the planning application under consideration.

80 MINUTES

Meeting of the Planning Committee held on 1 April 2015. The Governance and Civic Officer noted that an amendment was required to the previous minutes as the words of a speaker on an application had been misinterpreted and the word 'not' needed to be removed from the last paragraph on page 87.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 1 April 2015, be confirmed and signed as a correct record.

81 MEMBERS' DECLARATIONS OF INTEREST

Councillor Leaning noted that a member of his family owned the nursery in Scothern, and whilst he did not have a pecuniary interest, he would not take part in the determination of the application.

82 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

The Principal Development Management Officer reminded Members that several Government updates had been issued. The main headings were: the simplified prior approval scheme for householder extensions made permanent; the formation of Historic England; condition discharge applications; and increased permitted development. Full details would be circulated to Members.

83 PLANNING APPLICATIONS FOR DETERMINATION (PL.17 14/15)

RESOLVED that the applications detailed in report PL.17 14/15 be dealt with as follows:-

84 CHAIRMAN'S INTENTION TO CHANGE ORDER OF AGENDA

2 – 131940 – Welton

Outline planning application for the erection of up to 151 dwellings, landscaping and open space, including the demolition of the Jays. Access to be considered and not reserved for subsequent applications on land at Hackthorn Road, Welton.

The Chairman stated that there had been major changes to application 131940, in that the originally proposed medical centre had been withdrawn and a s106 capital contribution had been offered instead and further reconsultation had not taken place with the Parish Council or members of the public. The Principal Development Management Officer explained the applicant had withdrawn the medical centre following a lukewarm response from the public and as it was not supported by NHS England. He clarified that it was now proposed to make a capital contribution towards health infrastructure in accordance with NHS advice, and that a gift would be made of a section of public open space with a covenant attached restricting its future use only as a medical centre. The change did not therefore preclude a future medical centre on site. The Officer set out national Planning Practice Guidance on re-consultation. He referred to case law ('Wheatcroft principles') which stated that "the main, but not the only criterion on which...judgment should be exercised is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity"

It was proposed, that given such a significant change there should be further public consultation prior to the determination of the application, and the

application be deferred to a future meeting. This was seconded and voted upon, and it was subsequently agreed that the application be **DEFERRED** to allow for further public consultation.

1 – 131357 - Grasby

Planning application for construction of seven dwellings on land off Bentley Lane, Grasby.

The Principal Development Management Officer updated the Committee confirming that the Housing density was to be 27 per hectare, and also that the Parish Council had confirmed that they would not accept responsibility for maintaining the drainage facilities.

Janet Brown then spoke on behalf of the Parish Council, thanked Members for undertaking the site visit, and noted that they could see for themselves the level of concern regarding this application. The road access was unsuitable, this was on a blind bend near a working farm and no room for parking on the road. There would be drainage issues and an increased flood risk and the Parish Council did not want responsibility for the maintenance of the pond. The sewage treatment facility was already over capacity. Development was not wanted on the greenfield site and there were no archaeological conditions to protect the ancient ridge and furrow meadow. There were alternative sites available in the village.

Peter Kullich reiterated his previous objections that the greenfield site was outside the development limit and there were only four families in need of housing. Bentley Lane was very narrow, not a through road and not appropriate for an increase in traffic, there was no lighting, footpath or space for parking. The sloping site had a history of flooding. It was questioned why so many conditions were required to make the development acceptable and feared that these would eventually be negotiated out. The ancient pasture contributed to the rural character and there were alternative sites available.

Councillor Lewis Strange, Ward Member, circulated a list of reasons for refusal and also spoke on the proposals. There was a lack of facilities in the village, no public transport, and the design was inappropriate. There had been 50 letters of objection and the site would be subject to an increased risk of flooding. Councillor Strange asked for further investigation into alternative sites for just four affordable homes.

The Chairman noted that the Committee was not at liberty to consider alternatives and had to determine the application before them.

Members of the Committee noted the lack of parking which had been witnessed on the site visit and did not feel that the onsite provision was adequate. It was also noted that flats would not be suitable for the elderly or young people with families.

It was affirmed that the site had no designated protection, and officers stated that seven families had been identified as being in need, one in Searby but the remainder in Grasby. Members generally felt that the application was unsatisfactory and

expressed concerns regarding the drainage provision and current lack of a maintenance agreement.

It was proposed, seconded and upon being voted upon it was **AGREED** that the application be **REFUSED** for the reasons set out below.

Reasons for refusal:

Bentley Lane is a very narrow rural road. The number of car parking spaces being provided on site is not considered sufficient for the total number of proposed houses and therefore will necessitate parking on Bentley Lane to the detriment of highway safety contrary to saved policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006

2. The scale, massing, design and detailing of the new buildings are considered to be over simplistic and not representative of the local environment as required by Policy RES 1 of the West Lindsey Local Plan First Review 2006

3. The development is sited on the edge of the settlement of Grasby. It is considered that the location and design of the new houses would be harmful to the rural character of the settlement edge and the countryside beyond and therefore be contrary to Policy NBE 20 of the West Lindsey Local Plan First Review 2006

4. The site contains earthworks of ridge and furrow which are the remains of a now extinct medieval farming practice which are now becoming increasingly rare. The development of the site would lead to the loss of this feature and it is not considered that the benefits of the development significantly outweigh the loss of this non designated heritage asset. The development would therefore be contrary to the requirements of the National Planning Policy Framework.

3 – 132242 – North Owersby

Planning application to erect four broiler rearing units and associated feed bins, control room, feed weighing room, catching canopy, site office and a general purpose storage building- resubmission of 130639 on land off Gulham Road, North Owersby.

The Principal Development Management Officer updated the Committee on the distance to the nearest property and stated that there had been a discrepancy in where the measurement had been taken from. Further representations had been received, one of which expressed concerns about the impact of road widening on trees along road side junction with Gulham Road and south of Kingerby Woods. The trees were not the subject of a TPO, however this was a valid consideration and needed to be taken into account in the design of the road improvements.

Stephen Chester representing Owersby Parish Council addressed the Committee as the proposed access went through Owersby Parish. Photographs were shown which depicted the current poor condition of the road and it was noted that there were already advisory signs stating that the road was unsuitable for HGVs. The increased traffic would spoil the use and enjoyment of quiet country lanes, and there was also

the potential harm to ash trees and tawny owls nesting. Residents were not against the broiler unit per se but requested that the access be from the A46 instead.

Alec Mercer, the applicant, described the need to produce more chicken to reduce meat imports. All statutory consultees had supported the application and the only objection was regarding the highway for which improvements had been proposed, and also the number of sheds reduced. It was proposed to spread manure instead of transporting it so increasing the farm's viability and reducing traffic movement. All requests for highway improvements had now been complied with so no objections remained outstanding and there would be a significant subsequent planning gain.

Diane Marshall, who resided at the end of Gulham Road, spoke in objection to the proposals noting the inadequate condition of the road and its unsuitability for HGVs. Ms Marshall also questioned why only 200 metres of the road were identified for improvement when it should be the whole road.

Councillor Geoff Wiseman, Ward Member, circulated a document from LCC Highways from 2012 discussing the provision of adequate protection from damage to highways during development construction. The narrowness of the road meant that vehicles had to mount the verge to allow others to pass and there had been five accidents since 2013. If granted, Councillor Wiseman suggested that the hours of operation be restricted to cease at an earlier time.

Councillor Lewis Strange was a neighbouring Ward Member and also the LCC Member, but stated that he was not able to support the Highways department's view on the revised application. The condition of the road would deteriorate if the permission were granted. Whilst Councillor Strange supported poultry farming, this proposal was not in the right place, and was a worry to all of the villagers.

It was proposed and seconded that a visit take place to the site and also to assess the routeing to the area. On being voted upon it was **AGREED** that a **SITE VISIT** take place at a time and date to be agreed.

4 – 132275 - Scothern

Outline planning application to erect 33 dwellings-access and layout to be considered and not reserved for subsequent applications on land off Dunholme Road, Scothern.

Andrew Clover, agent for the applicant, addressed the meeting, noting that the report was well considered. Public consultation had taken place and all points raised had been addressed. There had been no letters of objection and the site had been noted as suitable and whilst outside of the development limit was commensurate with the size of the village and would prevent urban sprawl. A strategy was in place to prevent any flood risk.

Steve Taylor addressed the Committee again, stating that he was neutral on the merits of the application itself but had concerns regarding the Council's treatment of the s106. Local benefits were wanted and the applicant had offered £30,000 towards

the village hall. Government guidance stated that s106 contributions could include contributions towards community facilities, but the Council was ignoring this advice.

The Principal Development Management Officer clarified that planning obligations should only be sought when all criteria were met. The purpose of such contributions was to make unacceptable development acceptable and it would have to be proven that the development would impact so significantly on the village hall that the development would be unacceptable without the contribution. Therefore the proposal did not meet all the required criteria.

It was affirmed that the health and education contributions would be ring fenced to the local area.

Members agreed that they would be happy for contributions to the village hall but acknowledged that this was not legally possible. It was agreed that this was an appropriate site for development but that it was still a finely balanced decision. The site had been assessed as sustainable. Further conditions were requested regarding the adoption of a SUDS scheme, the road to be to an adoptable standard and for construction traffic to access the site from the A46. Members were assured that the matters were all addressed in the existing conditions with the amendment to clause 1 of condition 6 - the routeing and management of construction traffic via the A46.

It was moved that the application be granted, and on being seconded and voted upon, it was **AGREED** that:

The decision to grant planning 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:-

- a. 25% of the dwellings to be delivered on-site as affordable housing, with an 80/20 rented / shared ownership tenure split.
- b. Provision of Open Space, to be managed in accordance with an open space management plan;
- c. A contribution of £184,356 towards capital infrastructure for education necessary to serve the development.
- d. Provision of a Public Footpath within the highway
- e. A contribution of £14,025 towards capital infrastructure for health services necessary to serve the development.

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.

86 CHAIRMAN'S THANKS

The Chairman noted that as it was the final Committee meeting of the 2014-15 civic year thanks be expressed to all Members and Officers for their support. In particular,

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thanks to Councillor Leaning, as seeing as he was not standing for re-election on 7 May, would not be returning to the Council.

The meeting concluded at 8.28 pm.

Chairman