

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 3 June 2015.

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

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

Apologies Councillor Chris Darcel

Membership No substitute was appointed

In Attendance:

Derek Lawrence	Interim Planning Manager
Jonathan Cadd	Principal Development Management Officer
Russell Clarkson	Principal Development Management Officer
Diane Krochmal	Housing and Communities Project Officer
Angela Simmonds	Lincs Legal Adviser
Dinah Lilley	Governance and Civic Officer

Also Present 34 members of the public
Councillor Mrs Di Rodgers
Councillor Lewis Strange
Councillor Steve England
Councillor Angela White

7 PUBLIC PARTICIPATION

There was no public participation.

8 MINUTES

Meeting of the Planning Committee held on 29 April 2015.

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

9 MEMBERS' DECLARATIONS OF INTEREST

Councillor Milne declared that objectors to the North Owersby application had contacted her to lobby Sir Edward Leigh MP, but she had not been involved in any discussion.

Councillor McNeill declared that he was a member of Nettleham Parish Council but had not taken part in any discussions on the application.

Councillor Patterson declared that he knew the landowner for the Welton application but had not discussed the matter.

Councillor Smith declared that he had been contacted by objectors regarding the North Owersby application but had made no comments.

10 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

The Principal Development Management Officer informed the Committee that there was now a new Secretary of Department for Communities and Local Government. Greg Clark MP replaces Eric Pickles MP. Any changes to legislation would be reported to future meetings.

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:-

1 – 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.

Stephen Chester representing the Parish Council, thanked Committee Members for having undertaken the site visit and hoped that they were able to see for themselves the problems with the road. This was unsuitable for HGVs as the road surface and verges were already in poor condition which would be exacerbated, as the provision of passing places would be inadequate, particularly when a HGV meets an agricultural vehicle.

Alec Mercer, the applicant, then addressed the meeting, describing how amendments had been made to the original application for six sheds, which had been refused and lost at appeal. The appeal had been dismissed due to the high volume of traffic

movements generated on the local roads. All points raised had been taken on board in an effort to reduce vehicle movements, as well as a reduction in the number of sheds, different bird catching processes and improvements in the form of passing places, junction modification and road widening. The Highways department now had no objections and all other consultees were satisfied with the proposals. Alternative schemes had been assessed and deemed a realistic alternative by officers including pig rearing which would not require planning permission, so no conditions would be applied to improve the highway yet this would generate three times the amount of traffic. All requests by the Highways Authority had been complied with and the scheme would be beneficial to all, so it was requested that permission be granted.

Diane Marshall, representing 56 local residents, described the detrimental impact the scheme would have on highway safety and the already poor roads which were used by many locals. The roads were noted as being unsuitable for HGVs and their construction would be unable to cope with the large number of lorries generated. It was a narrow, single track highway, had been patched, had many potholes, was subject to flooding and was not gritted in winter. The highways department had originally objected but then agreed to the scheme following offer to rebuild just 200m of the road and the potential of an alternative fall-back position of a pig unit. The full length of the highway to the A631 would, however, be subject to the heavy traffic leading it to become damaged and unsafe. A s106 agreement could have been provided for a new road but this had not been negotiated leading to significant damage to the existing roads which in time would have to be rebuilt by the Highways Authority whereby the tax payer would subsidise private business. There was the potential for accidents and the improvements did not alleviate all the concerns. This is due to the passing places being too far apart and drivers being unwilling to wait for oncoming traffic. This would significantly reduce safety for drivers, horse riders and pedestrians. The junction to the A631 was a significant danger due to fast moving traffic and limited sight lines when crossed by the proposed slow moving lorries. The fall-back position was also questioned and whether damage to the carriageway could be resolved through the Highways Act 1980.

Councillor Lewis Strange spoke as neighbouring Ward Member and Lincolnshire County Councillor and showed maps which depicted the number of accidents which had occurred on the relevant stretch of road in the last five years, of which six had been major. Cllr Strange implored the Committee to refuse the application and felt confident that it would also be refused again at appeal with saved Policies STRAT1 and ECON5.

The Chairman reminded the committee that they were only able to consider the application before them and not any alternative schemes.

Members of the Committee all voiced concerns regarding the state of the road and those that had been on the site visit agreed that the poor weather conditions on the day had given a good representation of the problems experienced in terms of the quality of the carriageway, the rutted verge and road edge subsidence. It was agreed that the width of the road did not allow two vehicles to pass and that the provision of additional passing places would be inadequate. Councillor Bierley also noted that the existing narrow roads and poor carriageway condition would be a major constraint in any decision as to whether the pig unit would go ahead so felt this should not be a

major consideration. Councillor Patterson also outlined concern at the width of the road and the limited ability of two HGVs to pass outside of the proposed passing places which was likely to occur.

Questions were asked whether signs advising of the unsuitability of the road for HGVs were already in existence, it was generally agreed that there were signs in situ. The Legal Adviser stated that there was a distinction between a restriction and advice. Members acknowledged that LCC was the highways authority and that it would be difficult to go against its advice, however did not feel that they could support the granting of the application.

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

1. The proposed development would lead to a significant increase in HGV vehicle movements along a stretch of road from the junction at the A631 to the application site. The existing carriageway is not of a condition to accommodate additional traffic and the improvements offered would not be sufficient to mitigate the impact of increased movements leading to a reduction in highways safety contrary to Saved Policies STRAT1 (para 2) and ECON5 of the West Lindsey Local Plan and the provisions of the National Planning Policy Framework.

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 reminded Members that the application had been deferred for further consultation on the provision of land for medical facilities.

The Principal Development Management Officer advised two further objections had been received. He summarised their comments, stating that the healthcare provision was not the only issue and that there was already pressure on the existing infrastructure. The adjacent field was not developed and should not be a consideration. Further housing was not required. Two letters of support had also been received, which, in summary, considered that the proposals offered a good mix of needed family homes and affordable housing, and that the Committee should be consistent with its decisions to approve development at Prebend Lane and the adjacent Turleys Farm site.

The Principal Development Management Officer also informed Members that an appeal had been lodged regarding the conditions applied to the previously approved application on Hackthorn Road (application 130150), which was relevant to the current application. An extension was being sought for the submission of Reserved Matters. It was therefore proposed that the same condition on this application be amended to require submission of Reserved Matters within three years. This would enable the

adjacent site to still commence development ahead of the proposed development, should the appeal be allowed.

Alan Greenway then presented the views of Welton Parish Council. A further consultation event had taken place following deferral of the application, and the view was that although development itself was not objected to, there were concerns regarding the lack of improvements to the village infrastructure. Following previous applications being granted the cumulative effect on the village had been significant. Mr Greenway questioned whether the adjacent site would ever be delivered and asked as to why the Jays was not now scheduled for demolition and what future plans were there for the site? It was requested that, if the application be granted, money be allocated to the Parish Council for the upkeep of the land allocated for the medical centre. Concerns were expressed as to the increased impact of traffic generated by the development. It was also noted that the Welton Neighbourhood Plan now carried greater weight than previously and note should be taken of it.

Katrina Hulse, spoke on behalf of the applicant, reminding Members of the Government initiative to increase housebuilding, and the fact that neither Lincolnshire nor West Lindsey had an up to date Local Plan, and central Lincolnshire did not have a five year supply of housing. The presumption in favour of sustainable development should apply. The proposals in the application were sustainable and much needed, would deliver family housing for this and future generations and significant consultation had been undertaken. Whilst the NHS could not support the provision of a new medical centre, the financial contribution would be welcomed, and land was to be provided. Within the s106 agreement almost £1m was pledged and the proposals would bring investment and regeneration.

Geoff Dunn spoke in objection to the application noting that the Neighbourhood Plan was now further advanced but that regard was not taken of it, development was being led by builders and landowners. The NPPF advises Government attached great weight to having sufficient school places. Reasons for refusal included the lack of capacity in local schools and the development would detract from the rural character of the village. Appeals had been dismissed because it would predetermine a Local Plan.

Bob Boulton also spoke against the proposals citing the level of objections raised at the recent consultation event. There would be no benefits to the village and Mr Boulton raised concerns over the accuracy of some statements made in the application. The medical centre and traffic capacity were already overstretched yet more development had been approved. NHS England had no plans to deliver further facilities.

Councillor Steve England, Ward Member, asked that if the cumulative effect of residential developments resulted in overdevelopment, who would put this right? Problems were being created for future generations. The promotion of a medical centre was a 'smokescreen'. The application was ill conceived and the DCLG guidance stated that there should be no automatic granting of applications if they were in conflict with emerging Neighbourhood Plans. This had national implications. There was a duty of care to residents.

Councillor Mrs Di Rodgers also spoke as Ward Member for Welton, asserting that cumulative impact had to be a material consideration. The site had green fields on three sides and was not on a bus route. The application should not be granted in return for 'bags of money', common sense should prevail over profits and politics. Enough is enough.

The Principal Development Management Officer was asked to clarify the current status of the Neighbourhood Plan. He advised a draft Neighbourhood Plan was a material consideration but the NPPF advised that the amount of weight to attach was dependent on how advanced it was. The Welton NP was due for formal submission to WLDC in a few months so was currently in pre-submission consultation, which was an early stage in its progress so should only be given limited weight. It was also affirmed that the Jays was planned for demolition, whereas High Barn was not.

The Committee debated the application at some length raising issues such as the distance to bus stops and bus frequency, school capacity and ability of local schools to expand, increased vehicle traffic, aggravation of highway problems, and impact on the size of the village, and landscape visual impacts in this open countryside location

Clarification was sought on the level of Housing Supply still required in central Lincolnshire, this was affirmed as being 1,230 dwellings per annum. Build rates and site commencement dates meant that full site capacity may not contribute entirely to the five year shortfall. Whilst the capacity concerns at William Farr School were acknowledged, the LEA had stated that this could be addressed. The applicant had assessed the cumulative impact of traffic and the Highways Authority had expressed no further concerns regarding road capacity -contributions towards much needed improvements to the A46 junction were proposed. The Interim Development Manager pointed out that it would be difficult to defend health or education reasons for refusal in light of the lack of objections from statutory consultees and the provision of a s106 agreement.

It was suggested that more brownfield site should be developed and that these should not be around the Lincoln fringe as this had seen sufficient development approved recently.

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

1. Development would result in an unsustainable form of development in the open countryside, that would result in over dependence on car journeys and would aggravate and result in severe highway problems, and would have adverse landscape and visual impacts, contrary to the provisions of saved policies STRAT1, STRAT12 and NBE20 of the West Lindsey Local Plan First Review, and the provisions of the National Planning Policy Framework.

3 – 131975 - Nettleham

Outline planning application to erect 68 dwellings - 10 affordable - including open space provision, associated garages and infrastructure and scale to be considered and not reserved for subsequent applications, on land to the rear of 72 Scothern Road, Nettleham.

John Evans, representing the Parish Council described the extensive discussion undertaken with the developer and the changes to the application during this process. The Neighbourhood Plan was now well advanced and this was a good example of community engagement which had worked well.

Mrs Rudkin spoke representing a number of residents, who, whilst not objecting to the development, had concerns regarding the proposed access which was considered to be dangerous. This was a busy road with speeding traffic and parked cars, the splay gave inadequate vision and had the potential for accidents.

Simon Sharp, representing the applicant, addressed the meeting and gave clarification on the footpaths included in the proposed development. It was noted that the level of engagement with the community demonstrated the developer's commitment to Localism. Ten affordable dwellings were proposed along with a low level of density whilst maintaining viability.

Councillor Angela White spoke as Ward Member noting the extensive consultation undertaken over two years and the subsequent concessions made, and that the proposals now accorded with the Neighbourhood Plan. Any refusal at this stage could be overturned at appeal and conditions lost.

The Principal Development Management Officer reminded Members that whilst the Nettleham Neighbourhood Plan was a material consideration in this application it had not been adopted. Whilst some way along this process, it did not have full weight unlike the current Local Plan policies and the provisions of the National Planning Policy Framework. The proposal, however, did in this instance accord with neighbourhood and local plan along with the NPPF.

Councillor Patterson noted the concerns of the objectors but considered the proposal to be acceptable subject to conditions.

It was moved and seconded that the application be granted, and on being 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. 10 of the dwellings to be delivered on-site as affordable housing, with an 70/30 rented / shared ownership tenure split.
- b. Provision of Allotments, brick building and 6 car park spaces
- c. A contribution of £110,434 towards capital infrastructure for education necessary to serve the development.
- d. Provision of a Public Footpath together with details of maintenance.

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- e. contribution of £18,466 towards capital infrastructure for health services necessary to serve the development.
- f. A contribution of £3000 towards bus stops

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.

The meeting concluded at 8.22 pm.

Chairman