

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 13 January 2016.

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
Councillor Patterson had sent apologies with notification that he might be late.

Membership No substitutes were appointed.

In Attendance:
Mark Sturgess Chief Operating Officer
Jonathan Cadd Principal Development Management Officer
George Backovic Principal Development Management Officer
Paul Rushworth Lincs Legal Adviser
Dinah Lilley Governance and Civic Officer

Also Present 55 members of the public
Councillor Gill Bardsley Visiting Ward Member
Councillor Sheila Bibb Visiting Ward Member
Councillor Jackie Brockway Visiting Ward Member
Councillor Chris Darcel Visiting Ward Member
Councillor Anne Welburn Visiting Ward Member
Councillor Angela White Visiting Ward Member
Councillor Jeff Summers

50 PUBLIC PARTICIPATION

There was no public participation.

51 MINUTES

Meeting of the Planning Committee held on 18 November 2015. It was noted that Councillor Bond had been recorded as both present and submitting apologies.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 18 November 2015, be confirmed and signed as a correct record subject to the above amendment.

52 MEMBERS' DECLARATIONS OF INTEREST

Councillor Smith declared a non-pecuniary interest in Paper B as he was the lead Member for the appeal.

Councillor McNeill declared a personal, non-pecuniary interest in Item 4, Nettleham, as he had attended an event organised by the applicant.

Councillor Fleetwood declared that he was the Lincolnshire County Councillor for Items 1, 5 and 6 in Cherry Willingham and Langworth.

53 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

There were no government updates to report.

Any relevant updates on the current status of the Five Year Housing Land Supply would be given as necessary during consideration of each application, and the statement itself would be recirculated.

54 CHIEF OPERATING OFFICER

The Chief Operating Officer explained that at the meeting of the Planning Committee on 18 November 2015 he had stated that Councillor Shore, the Ward Member for Sturton, had declined to lead on the appeal by Obam Lifts, when in fact he had offered to view any submission and add detail if necessary. Mr Sturgess therefore submitted his apologies (which he was happy to give) for this omission, this was echoed by Councillor Giles McNeill who had also passed comment at the time.

Note Councillor Patterson joined the meeting at 6.35pm.

55 PLANNING APPLICATIONS FOR DETERMINATION (PL.10 15/16)

RESOLVED that the applications detailed in report PL.10 15/16 be dealt with as follows:-

1 – 132418 – Cherry Willingham

Outline planning application for erection of up to 18 dwellings with all matters reserved at Bleak Farm, High Street, Cherry Willingham.

Parish Councillor Paul Moore addressed the Committee affirming that the Parish Council had no objections to the principle of residential development, however this needed to be sensitive to the agricultural past of the village. It was not felt that the report recognised the historic nature of the site. The siting and access should be considered at this stage and not wait for Reserved Matters to be submitted. The indicative plan seemed suburban in nature, with inadequate parking. There were no details of the barn conversion which it was felt ought to be conditioned. If permission were granted the Parish Council wanted the development to be sympathetic and asked that the Reserved Matters be considered by the Committee.

John Morrison, agent for the applicant then spoke to the meeting, stating that the proposals represented an appropriate setting within the street scene. The site was previously developed land so the application was a positive step towards improvement. The retention of more buildings was possible, however the existing access was not fit for purpose. There was to be within curtilage parking and open space, as well as on and off site contributions through a s106 agreement.

Andrew Sharp then addressed the Committee showing a picture of the setting and describing how the barns were appropriate for conversion and could be a good example of village heritage. Garages could be sited to the rear. There were concerns that Cherry Willingham was losing its heart, and retention of these buildings as part of the scheme would help retain its heritage.

Councillor Anne Welburn spoke as Ward Member, agreeing that whilst residents were not against development and acknowledged that the site was appropriate for housing, there was a need to ensure good quality. The existing farmhouse should be regarded as a non-designated village asset. It defined the immediate area and set the context for the street. The NPPF recognised the need to preserve local character and encourage opportunities to minimise impact of development. Whilst the site was not a Conservation Area, it could have been and its setting should not be compromised, consideration should be given to the trees and biodiversity. Within the open space the provision of a balancing pond would help to minimise flood risk. Councillor Welburn requested that the Committee determine the Reserved Matters or that the applicant submit further details at the Outline stage.

The Principal Development Management Officer confirmed that the existing buildings along the road frontage formed part of the site that was allocated for residential development in the 2006 West Lindsey Local Plan. At that time there was no requirement to retain the buildings. He also stated that the application was an outline planning application which sought approval in principle only and that any subsequent reserved matters application could be reported to committee for consideration

Members of the Committee agreed that it would be useful to have further details of the design and the retention of the existing buildings, it was proposed that the application be deferred for more information. The designation was for just 10

dwellings and the application was for a larger site. It was generally agreed by the Committee that a deferral would allow for further discussion and more clarity on design. Assurance was sought on retention of heritage buildings and trees in the orchard and it was affirmed that the barns could be demolished without permission. The Principal Development Management Officer confirmed that he would put the request for further details to the applicants. It was then proposed that a site visit take place which would also allow for further discussion and submission of detail.

The proposal was seconded and voted upon and it was subsequently **AGREED** that a **SITE VISIT** take place on a date to be agreed.

2 – 133351 - Gainsborough

Outline planning application for the development of up to 80 dwellings - access to be considered and not reserved for subsequent applications on land south of The Belt Road, Gainsborough.

The Principal Development Management Officer updated the Committee on further representations received which included comments from 40,50, 54, 69, 77 (x2), 81, 85 (x2), 99 and 135 Sunningdale Way. New comments received claimed that the revised parking arrangements did little to alleviate the parking problems at the entrances to the site and further along Sunningdale Way, and asking that the proposals wait until the Belt Road be upgraded to provide alternative access. Further comments had been received from the Town Council which reiterated original concerns.

Town Councillor David Dobbie cited the recent appeal decision at Church Lane, Saxilby which could establish case law making it difficult for the dismissal of applications due to the current Local Plan being out of date and the new Local Plan not established enough. NPPF paragraph 14 was the only policy which was applicable for assessing the impacts of a development. Similarly, the NPPF test for resisting increases in traffic was severe making it difficult to resist this proposal despite the concerns of the Town Council and residents. Cllr Dobbie in particular referred to the Sunningdale Way four point junction and sought assurance that this had been considered. The application needed to be considered alongside the northern Sustainable Urban Extension.

Adam Key, agent for the applicant, addressed the meeting and affirmed that there had been a refocus on the key points raised at the previous meeting. Further discussions had taken place on the highway parking issue and alternative suggestions had been put forward. Additional on street parking had been proposed for general usage to remove concerns over allocation, maintenance and security of garage courts. This seemed to be the best option available. The application was in a sustainable location and complied with the NPPF and the emerging Local Plan. Highways Officers supported the application as Sunningdale Way was designed to access a further site and there were no technical reasons to refuse it.

Gareth Day, spoke as a resident of the existing development, citing the lack of parking spaces when most dwellings had two cars, allowing none for visitors.

Parking was frequently on the road which then restricted the width, which then subsequently necessitated parking on the path making it dangerous for cyclists and pedestrians. There was confusion over rights of way at the entrance of the estate and there had been several near misses. There were 300-400 cars on the current estate, another 80 houses could bring a further 150 cars. Congestion and bottlenecks would occur.

Sean Madden, also a resident, did not feel that the additional parking was an acceptable solution, as residents should not be expected to park in a neighbouring development. There was a significant issue with the distance to the main highway at the Avenue, unprecedented. There was a serious problem with vehicles parking on pathways. Concerns were also expressed regarding the loss of hedgerows and the impact on wildlife. It was not felt that residents' comments had been heeded. Would this invalidate the proposal? The proposed access was farcical and the proposals should wait until the Belt Road could be upgraded. There was a fear that the development could set a precedent for further applications.

The Principal Development Management Officer affirmed that the Town Council comments had been received and placed on file. It was affirmed that many representations received reiterated previously submitted comments and that the biggest issue was the parking problems on the existing estate. All residents would prefer access from the Belt Road, however the proposed 80 houses were not proportionate to the cost of the required work to the Belt to make it safe. Highways officers had visited the site twice and assessed the access as safe, stating that cars parked on the road do not necessarily cause a hazard.

Councillors Gill Bardsley and Sheila Bibb spoke from the public gallery as Ward Members citing the problems of the lack of access from the Belt Road.

The Committee deliberated the application and whilst acknowledging the parking problems cited by residents agreed that some representations were not material considerations and issues such as house prices etc could not be debated by the Committee, social housing would be integrated within the development. It was accepted that all criteria had been met for the application. The access arrangement whilst not ideal had been considered by the Highways Authority and would have been assessed with reference to the document: Manual for Streets. On-street parking acted as natural traffic calming and there was no reason to refuse the application, a refusal would be indefensible at appeal.

Whilst the existing development may be of a poor design, parking of vehicles on footpaths was a civil enforcement matter, and could not be considered under the remit of this application. Acknowledgement was made of the applicant heeding previous comments and making some improvement. It was further clarified that the cost of upgrading the Belt Road would be in the region of £25m, due to the the current national speed limit, lack of lights and the blind summit (which would need to be levelled out at the junction with the Avenue) would need to be addressed to make it safe. Currently it was not appropriate to access to the site from the Belt Road, and the cost to allow it to do so was not proportionate for an 80 dwelling development.

Members of the Committee acknowledged that Gainsborough was a central location for growth, the proposals were sustainable, and there were no justifiable reasons to refuse the application. It was moved and seconded, 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:-

- The provision of 25% affordable housing units,
- £34,000 for health centre improvements
- £224,914 for education contributions

- Details of the provision and the management of the open space, a LEAP, highways and surface water drainage systems.

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.

3 – 133413 - Caistor

Planning application to remove conditions 1 and 2 of planning permission 131272 granted 12 June 2014 - to allow permanent residential use of holiday lodges at Wolds Retreat Holiday Park, Brigg Road, Caistor.

The Principal Development Management Officer updated the Committee on additional representations received from Highways Officers and read out amendments to the Conditions to be attached to the permission if granted.

No requests for contributions had been submitted by either the Education Department or the Health Service.

Note*: Towards the end of the meeting confirmation was received from the Health Service that a contribution would not be required. (see minute 58)

Caistor Town Councillor Martin Sizer informed the Committee that the Town Council supported the application. The development had incurred significant investment and was struggling with financial return. A public meeting had been well attended and the proposed contributions welcomed. It was hoped that users of the bus service would support the businesses in Caistor, as this development would provide additional housing for the town without using greenfield land. The site was well managed and helped to improve the image of Caistor.

Rachael Bartlett, agent for the applicant, noted that the site already had consent for year-round occupancy, but not permanent residences. The lodges could provide retirement homes on a brownfield site. The bus service to be provided increased its sustainability, and the age 50+ occupancy would be more conducive than holiday

lets. Ms Bartlett described how the establishment was run as a business and was not a housing estate. Details of the s106 were still to be confirmed.

Kate Galligan described how the application had been pending for 10 years and was engaged in meeting the needs of Caistor. There would be beneficial quality of life for over 50s and it would provide benefits in terms of the bus service and the footpath which had been wanted for many years, and would make Caistor facilities more accessible.

Whilst it was affirmed that the bus service comprised part of the s106 agreement, it was not possible for the over 50 age limit occupancy to be conditioned.

Some Members of the Committee welcomed the application and felt that the proposals satisfied previous reasons for refusal, other Members had concerns that had the original application been for housing development it would have been refused. Holiday accommodation would still support the local economy and this was residential development by stealth. Whilst the comments by these Members were acknowledged it was conceded that there was overwhelming support for the proposals and the previous reasons for refusal on grounds of sustainability subject to the implementation of the footpath link and the delivery of a regular bus service had on balance been overcome.

The proposals were moved and seconded and on being voted upon it was **AGREED** that:

the decision to grant planning permission, subject to the conditions in the report and the amended conditions set out below, 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:-

1. The provision of an offsite contribution towards affordable housing of £726,510 (Based on the West Lindsey Supplementary Planning Guidance off Site Contributions in Lieu of Affordable Housing (2010 tariff))
2. Delivery of a regular bus service between the site and Caistor Town Centre with details of the proposed frequency to be agreed and measures to ensure the continued operation of the service.
3. The provision of a financial contribution towards education

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.

Note Councillor Cotton requested that it be recorded that he had voted against the recommendations.

Amended conditions

1. No log cabins on the site shall be used as permanent residences until a scheme has been agreed in writing by the local planning authority for the construction of a 1.2 metre wide footway, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before any permanent residences are occupied.

Reason: These are required to provide a safe walking route between the site and the facilities and services in Caistor and are a key component of being able to view the site as a sustainable location for permanent residences in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings listed below:

- 999/01
- 999/02
- 999/03
- 999/04

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

3. No log cabins on the site shall be used as permanent residences until the approved proposed footpath and street lighting works shown on the drawings referred to in condition 2 above and the approved details referred to in condition 1 have been implemented in full to the written satisfaction of the Local Planning Authority.

Reason: These are required to provide a safe walking route between the site and the facilities and services in Caistor and are a key component of being able to view the site as a sustainable location for permanent residences in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

Note: the Committee adjourned for a comfort break at 8.15pm and reconvened at 8.23pm.

4 – 132847 - Nettleham

Hybrid planning application for a change of use to provide areas of public open space - sports facilities, including outline planning application for the erection of up to

200 dwellings and associated roads and infrastructure with access to be considered and not reserved for subsequent applications on land off Larch Avenue, Nettleham.

The Principal Development Management Officer informed the Committee of a number of additional comments which had been received from residents, some of which were not material considerations. 12 Larch Avenue outlined concerns over access, flooding and issues with previous developments being in the area being incomplete. A letter had been received, and was read out, from a Mrs Grosse who had planned to address the meeting, but who had been unable to attend. Mrs Grosse had raised issues of flooding in the vicinity of her property which adjoined the lowest point of the site. It was noted that at times of heavy rain flooding had occurred running over pavements which rapidly increased in depth and then began washing up her drive. This was very frightening. Water had also been running through her property and her neighbour's in the floods of 2008. Residents had been told not to use brick paving in their gardens, as the water table was very high, so to build housing on fields adjoining Brookfield Avenue would make no sense at all. Information had been given which indicated that the fields should take the water and that there was no need for dredging or clearing of dykes. The flooded field in question was the one to the rear of her house. More extremes of weather had to be expected so flooding would occur.

A further representation had been received from Mrs Grosse questioning the need for the cricket pavilion on stilts, and that the space would be better utilised as a lake and woodland which would provide habitat for wildlife and soak up water.

Revised details had been received from the developer relating to the s106, proposing that rather than the cricket pavilion, a unilateral undertaking be agreed to provide a sports field on site through a £250,000 contribution. If this was not required then it could be used to improve existing sports facilities within Nettleham.

Anglian Water had recently made further comments on the application and whilst not objecting required further work to assess the odour impact, this could be conditioned to be considered at Reserved Matters stage. This response had been considered by Environmental Protection Officers but no further comments had been felt necessary beyond those stated in the report.

The Environment Agency had withdrawn their objection subject to the creation of an additional wash area within the sports area. This would need to be further assessed for its acceptability at reserved matters stage/ condition discharge stage.

A number of proposed amended conditions, in light of comments from the Lead Flood Authority (Lincolnshire County Council) Flooding and Highways officers were read out.

Condition 4 on the report deleted and replaced with:

Prior to the approval of any reserved matters application a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the

development, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated within swales during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change and freeboard for exceptional events, from all hard surfaced areas within the development. Flows attenuated within the swales shall enter the existing local drainage infrastructure (included balancing ponds within Environment Agency flood zones 2 and 3 on site) and watercourse system shall not exceed the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

Condition 7: the reason for the condition was amended to include “and to reduce potential nuisance from the adjoining Water Treatment Works”

- Additional condition: 9) Notwithstanding the details submitted before each dwelling (or other development as specified) is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan First Review.

- Additional Condition 10) Notwithstanding the agreed locations for the access roads at Larch Avenue and The Hawthorns, no development shall commence until the detailed specification of these access roads/pavements, including construction details, have been submitted to and agreed in writing by the Local Planning Authority. The approved access roads shall be completed before the first dwelling on any phase is first occupied.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan First Review.

- Additional Condition 11) Prior to the approval of any reserved matters application details of a flood water storage area (1.41 ha) as shown within the red line edged on drawing no. DR003 shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include: details of land re-profiling, proposed ground levels, capacity of the flood area provided, proposed drainage channels with attenuation and the disposal of any excavated material. Details shall also include timescales for construction. Development shall thereafter proceed in strict accordance with the details approved.

Reason: To reduce flood risk experienced within the area in accordance with the provisions of the NPPF.

- Additional Condition 12) Prior to the approval of any reserved matters application details of land drainage and re-profiling of ground levels adjoining properties on Brookfield Avenue shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include: proposed ground levels, proposed drainage channels with attenuation and the disposal of any excavated material. Details shall also include timescales for construction. Development shall thereafter proceed in strict accordance with the details approved.

Reason: To reduce flood risk experienced within the area in accordance with the provisions of the NPPF.

- Additional Condition 13) Prior to the approval of any reserved matters application a detailed odour impact assessment of the nearby Anglian Water Nettleham Treatment Works shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be based upon dispersion modelling and include extended meteorological data covering 3 – 5 years, average peak summer temperatures, prevailing emission rates, likely variability of sewerage characteristics and volumes and treated effluent quality.

Reason: To fully assess the impact of the treatment works on the application site and the extent of any residential exclusion zone and in accordance with Saved Policy STRAT1 of the West Lindsey Local Plan and the provisions of the NPPF.

- Amended condition 16): The development shall proceed in strict accordance with the following approved plans: Site Local Plan 1:2500@ A3, DR003 and documents: Draft Travel Plan (Sept 2015), Transport Assessment, Tree Survey, Odour Impact Assessment, Reptile Report, Phase 1 Habitat Survey and Ecological Appraisal, Landscape and Visual Impact Appraisal, Flood Risk Assessment Revised, Geophysical Survey and Integrated Planning Statement.

Reason: To ensure the development is acceptable and to accordance with Saved Policies: STRAT1, STRAT3, RES1, RES5, CORE10 and NBE20 of the West Lindsey Local Plan First Review and the provisions of the National Planning Policy Framework.

Parish Councillor John Williams informed the Committee that there was strong opposition to the proposed development. Slides provided by the Parish Council were shown, some of which depicted allocated sites for development within the Nettleham Neighbourhood Plan. These had been subject to extensive assessment using nationally recognised methodology. The proposed site was four times greater than the allocation area and at 200 houses was three times larger than any other estate in the village. The Planning Inspector endorsed an upper limit of approximately 50 dwellings. Cllr Williams asked the Committee to visit the site and uphold the principles of Localism by dismissing the application.

Parish Councillor John Evans also described the work undertaken in the preparation of the Nettleham Neighbourhood Plan, which complied with all legislation. A referendum was to be held on 28 January so should carry significant weight. The NNP also accords with the Further Draft Central Lincolnshire Local Plan. This was the first Neighbourhood Plan to contain allocations and it was decided that four smaller sites would accord with the village better than one large site. One site had already been granted in accordance with the Plan, land to the rear of 72 Scothern Road for 68 dwellings. To grant this application would undermine the Plan.

Lynette Swinburn, of Globe Consultants spoke on behalf of the applicant, Beal Homes. The application was described as an opportunity for Nettleham and West Lindsey to have a scheme with real and genuine benefits, such as footpath links and five hectares of open space and community facilities. Discussions had taken place with the Parish Council and consultation events held, and the plans had been amended in accordance with comments received. There was a commitment to maintain and improve existing flood alleviation measures, and to build an attractive and desirable place to live.

John Hill, spoke as a long standing resident of Nettleham, and expressed concerns that granting the application would destroy the result of many years' work by residents and the Parish Council on compiling the Neighbourhood Plan, which had the support of all. If the Plan could be undermined in this way Parish Councils would

question the process of creating Neighbourhood Plans and it would give a clear message regarding the spirit of Localism and make a nonsense of the referendum.

Councillor Angela White, Ward Member for Nettleham also commented on how granting the application would undermine the Neighbourhood Plan process. Part of the site was allocated in the Plan but the proposal was for a much greater area, indeed it was greater than all of the allocation proposed. Given the 68 approved at Scothern Road and Lodge Lane, there was already over 100 houses approved in Nettleham.

Councillor Jackie Brockway, spoke as the County Councillor for the area, citing serious concerns regarding the application. The Neighbourhood Plan was of a high standard and taking a holistic view there would be implications for the Local Plan process due to similar allocation of sites. There had to be good reasons to go against the views of residents who had overwhelmingly said no to this application. There was a 5 year supply of housing land, this should be taken into account. Education provision was very limited within the village. There was no need for the sports facilities.

Members of the Committee gave the application due consideration, deliberating on the weight of the Neighbourhood Plan, the allocation levels and the mitigations proposed within the s106 agreement. Issues raised concern over highway levels and the two schools at the site. Both schools were at capacity and at capacity going forward. Children should not have to move to the village and then go elsewhere for schooling. Also concerns raised that the s106 proposals would not mitigate the impacts. Advice was given on the 5 year housing supply land and Members were also referred back to the briefing note on the issue presented to committee previously. Whilst a Planning Inspector had stated that the NPPF took precedence over other Plans at a nearby appeal speakers on the application had cited harm that would be caused by the development in terms of flooding and the impact on health from bio-aerosols and odour. It was proposed that a site visit be undertaken to assess the layout of the land and the potential for flooding.

The proposal was seconded and voted upon and it was subsequently **AGREED** that a **SITE VISIT** take place on a date to be agreed.

5 – 133559 - Cherry Willingham

Planning application to demolish existing outbuildings and erection of five dwellings at Walk Farm, Green Lane, Cherry Willingham.

The Principal Development Management Officer informed the Committee that there had been no comments received from Network Rail, and also corrected a minor error in Condition 20.

Parish Councillor Paul Moore spoke on the application, citing the Parish Council's concerns about intrusion into the open countryside, whilst acknowledging the good design of the buildings. There were fears that the development would become a satellite settlement, and questioned the sustainability of distance of access to

facilities, which may lead to additional car journeys through the village, and the effect on the green lane, which the draft Neighbourhood Plan was looking to enhance. The proposed three passing places were not felt to be adequate.

Councillor Anne Welburn, Ward Member, echoed the concerns raised by the Parish Council regarding the sustainability of the location. The lane was too narrow for traffic and there were fears that it could set a precedent for an estate to be developed in the open field beyond.

The Principal Development Management Officer reminded Members that they must consider the application on its own merits. It was affirmed by the Principal Development Management Officer that whilst a footpath was proposed this did extend up to the railway bridge. The Ward Councillor confirmed that existing footpaths did not exist on the railway bridge nor beyond it.

It was proposed that as the Committee was to undertake a site visit close by for another application in Cherry Willingham, it would afford a good opportunity to visit this site to assess it.

The proposal was seconded and voted upon and it was subsequently **AGREED** that a **SITE VISIT** take place on a date to be agreed.

6 - 133433 - Langworth

Planning application for 125 Dwellings, Day Nursery Class D1, Shop Class A1 and associated access roads and open space on land north and west of Barlings Lane, Langworth.

The Principal Development Management Officer informed the committee of a typographical error on the first line of the last paragraph on page 22 which read “notwithstanding the ability of the council to demonstrate” this should instead read “notwithstanding the inability of the council to demonstrate”.

He also stated there had been an additional submission by the agent. The points submitted by the agent stated that 1. The current five year housing supply was untested so could not be relied upon and a legal opinion was enclosed. 2. The reference to poorly relating to existing character should not be assumed to be an adverse impact in relation to the consideration of the application and made reference to a second letter of support from Revd Speight who has previously written in support. 3. The extensive consultations by the applicant with residents are not reflected in the officer’s report. The PDMO responded that only representations directly received by WLDC were referred to in the report. 4. No reference is made to the Lincolnshire Community Land Trust. The PDMO responded this was referenced in the report. 5. Apparent contradiction between not being sustainable yet public transport links are good

The summary within the enclosed legal advice was read out:

“In summary in determining the planning application for residential development at Barlings Lane:

No weight should be given to the West Lindsey Local Plan in relation to housing supply.

Only give weight to the other extant policies of the 2006 Local Plan to the extent they are consistent with the policies of the National Planning Policy Framework .In particular very little or no weight should be given to restrictions on development in Policies NBE20 and STRAT 12.

Give very limited weight to the October 2015 draft Central Lincolnshire Local Plan and the updated October 2015 Five Year Housing Supply Figures

Give significant weight to the national policy imperative to boost significantly the supply of housing and to the economic and social benefits of the development.

Find that Langworth is a sustainable location for residential development in accordance with Policy STRAT 3 of the Local Plan and the Framework.

Apply the presumption in favour of sustainable development and grant planning permission unless any adverse impacts of doing do would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework taken as a whole”

A further letter of support had also been received.

Parish Councillor Mike Herbert addressed the Committee stating that there had been public meetings and consultation events and 98% of residents were against the proposals. Improvement was wanted with the right sort of development, but the proposal was on agricultural land in the open countryside, and other more appropriate sites were available. The proposal would double the size of the village, 56 dwellings had already been approved and there were limited facilities. The community was not sustainable. In the absence of a Neighbourhood Plan the village was looking to WLDC to protect it.

Phil Scrafton, agent for the applicant, asserted that Langworth was a Primary Rural Settlement with good access to facilities. Many facilities had been lost in recent times and Langworth needed this boost to revive it. Proposals had evolved during consultations with local people, such as concerns regarding the access being amended to create a new access via Strawberry Fields, which would alleviate the existing problems. There was an opportunity for the affordable housing and facilities to be owned and managed by the local community and it was felt that there was support from the majority residents for the application.

John Mather of the Lincolnshire Community Land Trust described how the Trust was non-profit making and established for the benefit of local communities. The principles complied with several policies within the NPPF, and Mr Mather set out a list of benefits that would be gained from the proposals. This was an excellent opportunity to regenerate Langworth and provide much needed facilities for the village and ensure its long term sustainability.

Councillor Chris Darcel, Ward Member for Langworth, had attended several meetings regarding the development and witnessed residents being both for and against. Echoing the views of the Parish Council, the application should be rejected firstly due to the size of the development and the lack of benefits to be gained.

Members of the Committee debated the application briefly and some agreed that whilst local meetings had been well attended, opinion seemed to be against the proposals. It was acknowledged that Langworth needed regeneration but this proposal was too big and in the wrong place.

The recommendation in the report was moved, seconded and voted upon and it was **AGREED** that permission be **REFUSED**.

56 APPEAL AGAINST APPLICATION 133129 – LAND NORTH OF OLD GALLAMORE LANE, MIDDLE RASEN (PL.11 15/16)

The above planning application was refused planning permission by the Planning Committee at the Meeting held on 21 October 2015. The reasons for refusal were as follows:

- a) The proposal is considered to represent unjustified residential development of land located within the open countryside, to the harm of its intrinsic character and beauty. Furthermore the proposal will result in the partial development of land identified as an undeveloped break between settlements within the West Lindsey Local Plan First Review (June 2006), which is considered to significantly erode the significance of the gap in sustaining the separate and individual identities and setting of the settlements of Middle Rasen and Market Rasen and would lead to the perceived coalescence of the settlements. The proposal is therefore considered to be contrary to Local Plan Policies STRAT9 - Phasing of Housing Development and Release of Land, STRAT12 – Development in the Open Countryside, Policy STRAT13 - Undeveloped Breaks between Settlements and Green Wedges Around Lincoln and NBE20 – Development on the Edge of Settlements of the West Lindsey Local Plan First Review (June 2006) and the emphasis upon sustainable development contained in the NPPF.
- b) The proposal partially relates to land within Flood Zones 2 and 3 and the development is expected to exacerbate the risk of flooding elsewhere. As such the proposal is considered to be contrary to Local Plan Policy NBE14 and the NPPF.

The applicant had submitted an appeal against this refusal which was to be dealt with by way of an informal hearing and the applicant has the option to submit an application for the award of costs.

Guidance from the Planning Inspectorate explained that costs could be awarded where a party behaved unreasonably; and the unreasonable behaviour had directly

caused another party to incur unnecessary or wasted expense in the appeal process.

The Council's statement of case, would be written to expand refusal reason 1, which related to the impact of the development on the open countryside and the loss of part of the undeveloped break between the settlements of Middle Rasen and Market Rasen. However, in preparing statements it was proving extremely problematic to find sufficient evidence to defend reasons for refusal 2 regarding flood risk. Consideration was given to flooding and drainage issues in the original report. The planning application was accompanied by a Flood Risk Assessment (FRA).

The Environment Agency as technical experts did not have any objection to the proposal and the District Council did not have evidence sufficient to argue this to the contrary. Officers had appointed external consultants to defend the appeal in conjunction with the Lead Member, on behalf of the District Council. The external consultants had liaised with their own Flood Risk Consultants, who recommended that this reason was indefensible and that the District Council should withdraw this reason.

In light of the difficulty in obtaining evidence it was considered that the most reasonable course of action available to the Council is to offer not to pursue reason 2 of the refusal.

Councillor Smith, as lead Member for the appeal, sought clarification that the retraction of the reason for flooding did not include Anglian Water's capacity limitations. It was affirmed that this had not been part of the reasons for refusal.

RESOLVED that further to consideration of Reason 2 associated with the refusal of application 133129 relating to flooding, it be agreed not to pursue the appeal on the basis of this reason, and to continue on the basis of Reason 1 only.

57 DETERMINATION OF APPEALS

As Councillor Cotton had not been present at the previous meeting when the outcome of the Saxilby appeal had been discussed, the Chairman invited Councillor Cotton, as Ward Member to give comments. Councillor Cotton expressed his disappointment in not only the decision but also the reasons given by the Inspector. It appeared that all evidence submitted had been dismissed and that the National Planning Policy Framework had been the sole consideration. This stance could very well set a precedent for case law (NB Appeal decisions by individual inspectors are not case law and do not bind the council to make any particular decision) and make defence of other appeals difficult. Councillor Cotton did however praise the professional work and time given by the Officer in his support. The Principal Development Management Officer acknowledged the particularly gruelling nature of the appeal, and stated that it was extremely difficult to present a case against professional experts such as water or highways officers.

Councillor Cotton also noted that although no defence had been submitted on two of the reasons for refusal and these had been withdrawn (namely the lack of education and health facilities) the inspector had warned that costs may still be awarded as a defence had been prepared on that basis.

Councillor McNeill informed the Committee that Nettleham Parish Council had, following legal advice, conceded that the pursuit of a judicial review would not be feasible over whether the Inspector had erred his judgement in the decision at Lodge Lane, Nettleham. The Principal Development Management Officer underlined that the appeal decision was heavily influenced by the NPPF and that the Inspector balanced the competing issues with the presumption in favour of sustainable residential development. Whilst the committee and officers may not necessarily agree with the outcome the Inspector nonetheless showed he had assessed this balance in coming to his decision, something which officers and committee needed to do also.

RESOLVED that the determination of appeals be noted.

***58 UPDATE ON ITEM 3 – WOLDS RETREAT**

The Principal Development Management Officer informed the Committee that he had received notification that the Health Service would not be seeking a financial contribution under the s106 agreement for the Wolds Retreat development. The relevant paragraph would therefore be deleted. However whilst the Education department had said that a contribution to educational provision would not be necessary if occupation of the development was restricted to over 55s, however there is no sound planning reason for the imposition of a condition. It is not considered reasonable, necessary or relevant to the development.

The meeting concluded at 10.15 pm.

Chairman