

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Wednesday 9 March 2016.

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

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

Apologies No apologies had been received

Membership No substitutes were appointed.

In Attendance:

Russell Clarkson	Principal Development Management Officer
Fran Bell	Area Development Officer
Stuart Tym	Lincs Legal Adviser
Dinah Lilley	Governance and Civic Officer

Also Present 44 members of the public

67 PUBLIC PARTICIPATION

There was no public participation.

68 MINUTES

Meeting of the Planning Committee held on 10 February 2016.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 10 February 2016, be confirmed and signed as a correct record.

69 MEMBERS' DECLARATIONS OF INTEREST

Councillor Marfleet declared a pecuniary interest in Item 4 (133759 - Planning application and 133760 - Listed building consent, to erect rear extension and

alterations to include conversion of existing outbuilding at Crown House, 15 Front Street, Tealby) as being the applicant, and would leave the room for consideration of the application.

Councillor Cotton declared a personal interest in Item 2 (133236 - Outline planning application for residential development of up to 450no. dwellings, on land at Willingham Road, Lea) as he ministered to the Parish and knew several of the objectors, but had not expressed any opinions on the application.

Councillor Smith declared a personal interest in Items 3 and 4 (133466, 133759 and 133760) as being the Ward Member for Tealby.

The Vice Chairman noted that all Members had a personal interest in Items 1 (133848 - Lea) and 4 (133759 and 133760 - Tealby) as the applicants were a Council officer and a fellow Councillor respectively.

Councillor Rainsforth declared a personal interest in Item 2 (133236 - Outline planning application for residential development of up to 450 dwellings, on land at Willingham Road, Lea) as she knew several of the objectors but had not been involved in any discussions.

70 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

The Principal Development Management Officer read out a number of updates. The Housing and Planning Bill had passed through the House of Commons and was now at the Committee Stage at the House of Lords. The Bill can be viewed, and its progress can be followed here: <http://services.parliament.uk/bills/2015-16/housingandplanning.html>

The Government had released a consultation on the implementation of the planning changes being proposed within the Bill. It sought views on:

- Changes to Planning Application Fees;
- Permission in Principle;
- Brownfield registers;
- Small Sites Registers;
- Speeding up Neighbourhood Planning;
- Local Plan Delivery;
- Planning Performance;
- Testing competition in the processing of planning applications;
- Reporting on Financial benefits;
- Mechanisms for a S106 Dispute Resolution service;
- Increasing Permitted Development Rights for state funded schools
- Changes to Statutory consultations on planning applications

The Consultation closes on 15 April, and can be viewed here: <http://services.parliament.uk/bills/2015-16/housingandplanning.html>

The full transcript of the updates would be circulated to all Members.

In terms of local policy the Proposed Submission Central Lincolnshire Local Plan (3rd Draft) was scheduled to be considered by the Central Lincolnshire Joint Strategic Planning Committee on 14 March. Subject to committee approval, it would then be subject to a six week period of consultation (expected to commence 15 April). This was the version of the Plan that would be submitted to the Secretary of State for examination. Now at an advanced stage, the approved Draft would carry greater weight than previously.

Councillor Cotton stated that he felt that the Government did not have a full appreciation or understanding of local implications of central policies. And the question of what was a good performing authority was subjective.

71 PLANNING APPLICATIONS FOR DETERMINATION (PL.14 15/16)

RESOLVED that the applications detailed in report PL.14 15/16 be dealt with as follows:-

1 - 133848 - Lea

Planning application to erect two storey extension to rear of property at 43 Gainsborough Road, Lea, Gainsborough.

Mr A Smith, neighbouring resident, spoke again on the application and thanked the Committee for having undertaken a site visit to the properties. Mr Smith stated that the size of proposed extension would have a major impact on his conservatory and patio, and the building would be three metres closer to the boundary. The gable end would increase the size of the roof and if the application was refused it would encourage the applicant to resubmit an amended application which would be less intrusive and more sympathetic.

Some Members of the Committee agreed with Mr Smith that the extension would have an overbearing effect on his property and suggested that a hipped roof would be preferable. Other Members felt that there were no problems with the proposals and it was affirmed that the application complied with Policy RES11. It would be possible to defer the application to allow for further negotiation for amended plans to perhaps include a hipped roof, however the recommendation to approve the application was moved and seconded.

On being voted upon it was **AGREED** that permission be **GRANTED** subject to the conditions as set out in the report.

2 – 133236 - Lea

Outline planning application for residential development of up to 450 dwellings, including up to 300sqm of A1 and A2 use - access to be considered and not reserved for subsequent applications on land at Willingham Road, Lea.

Cllr P Simon of Lea Parish Council attended the meeting to speak on the application. It was felt that the proposals in the open countryside were too remote from existing facilities and a lack of access to public transport. Cllr Simon cited a number of policies he felt to be relevant, in particular referring to infill development and local need. Anticipated problems with education provision, danger to children on the roads, foul sewage provision, surface flooding, medical facilities, impact on wildlife and the unsuitable access were all raised.

George Machin, representing the applicant, then addressed the Committee, noting that a recent application at Knaith Park had been granted against officer recommendation and that this should also be granted. The site was closer to Gainsborough and had better access to transport and other facilities. Mr Machin referred to a number of previous applications for the site which had been approved in the past, and there had already been significant interest in the current proposals. There would be benefits to Gainsborough and up to 73 affordable homes were proposed, along with other contributions. Mr Machin also noted the likely cost of the Council losing at appeal.

A number of concerned residents also spoke in objection to the proposals. Robert Iredale, Robin Heppenstall and Rachael Haldenby raised a number of issues for consideration. Mr Iredale informed the Committee that the entrance to his farm was less than 100 metres away and large vehicles already had to use the wrong side of the road to turn into the farm. The traffic survey undertaken in 2015 was described as farcical as it did not count vehicles on other nearby roads and junctions.

Note: Councillor Giles McNeill declared a personal interest in that he knew Mr Heppenstall.

Mr Robin Heppenstall told the Committee that the concerns regarding the historic parkland had been played down but that it looked the same as it had over 100 years ago. The parkland was a well-used amenity with a footpath through open countryside. It was agreed that the traffic survey had been undertaken at the wrong time as 3pm (school leaving time) was the peak time for the area.

Ms Haldenby raised the matter of access to doctors' surgeries as Willingham was the locally used one, not Caskgate Street. Could there be trust that the right of way would be protected? It was felt that the development would serve Lincoln rather than benefit Gainsborough. There was no possibility of expansion of the schools even with financial contributions.

The Principal Development Management Officer informed the Committee that the Presubmission Draft CLLP still proposed Lea as a medium village with growth set at 15% (67 new dwellings). The Knaith Park application related only to seven dwellings. A further letter of representation had also been received which raised the issue of school time traffic, and also the possibility of Lea and Knaith becoming suburbs of Gainsborough.

The Committee debated the application and noted that the risk of an appeal against a refusal was not a material consideration. Concerns were expressed regarding the

proximity to an area designated as Flood Zone 2, however this was a small portion of the western boundary and mitigation in the form of cascading ponds were proposed on the southern boundary.

Note: Councillor Milne declared a personal interest in that she was a member of Lea Parish Council but that she had not taken part in any discussions on the application.

A number of issues were raised, in particular the loss of the public amenity land and the potential flooding risks. Also of concern was the capacity of the schools and medical facilities. It was not felt that a development of that size was needed in that location. West Lindsey has a five year housing land supply and there were several other properties for sale or to let in the area, as well as available brownfield sites in Gainsborough. The proposed site had not been put forward for inclusion as an allocation in the emerging Local Plan, and it was questioned as to why none of the previously granted permissions had ever materialised.

Members of the Committee moved the recommendation to refuse the application and on being seconded, this was voted upon and it was **AGREED** unanimously that permission be **REFUSED** as per the reasons set out in the report.

3 - 133466 – Tealby

Planning application to erect one exemplar single dwelling, including outbuilding and new access drive on land adjacent to Thorpe Farm, Thorpe Lane, Tealby.

The Area Development Officer informed the Committee that additional representations have been received from The Tealby Society, stating that the Tealby Village Design Statement should always be taken into account when considering planning applications and that their fundamental objection was with the ultra-modern design which they considered totally out of character with the nearby listed buildings, Area of Outstanding Natural Beauty (AONB) and the Conservation Area.

Further representations had also been received from neighbouring residents questioning the availability of maps showing the location relative to other buildings, landscape designations and the Conservation Area and stating that the greenfield site of ancient pre enclosure pasture, landscape and footpath should be protected. A letter of support had also been received stating that the proposal for an eco-friendly home should be supported, that Tealby had decades of different styled homes, and that the development demonstrated today's modern architecture blending into the surrounding rural landscape.

Lynda Bowen spoke on behalf of the Parish Council stating that it had given lengthy consideration to the opportunities presented by the application. Eco-friendly exemplar applications were supported, but not this one. The site was ancient pasture and near to a conservation area and was the wrong place for the proposed building. Whilst acknowledging that design was a value judgement, the proposals did not demonstrate sustainability, as larch, concrete and glass, the proposed construction materials were not local. The building would spoil the view for walkers.

Jonathon Hendry, agent for the applicant, clarified that the site was not within the AONB or the conservation area. Paragraph 55 of the National Planning Policy Framework (NPPF) commends innovative and exceptional development in the open countryside and after having been considered by an independent design panel the proposal met all required criteria. The natural landscape had been studied and the building designed to blend in, replicating the materials and style of the surrounding woodland. Any risk of light pollution had been mitigated with innovative design to allow light into the building, but not out of it. Tealby comprised a number of different styles of building, and this would represent a landmark for Lincolnshire.

Members of the Committee expressed varying views on the proposals, whilst some did not particularly like the design, agreed that this was personal preference and it did not necessarily mean that it should not be approved. It was affirmed that although adjacent, the site was not within the AONB or conservation area, but was in an Area of Great Landscape Value (AGLV).

Lengthy debate ensued and Members deliberated the merits and drawbacks of the proposals. It was important to encourage exemplar buildings and welcome modern design to West Lindsey, however it was questioned whether the site was the best location for this particular building. It was agreed that it was a finely balanced and difficult decision. The recommendation in the report, to approve permission was moved and seconded, however on being voted upon the motion was lost.

A proposal to refuse the application was then moved and on being seconded and voted upon it was **AGREED** that permission be **REFUSED** for the reasons set out below.

Reasons for refusal.

The proposal is not considered to have special circumstances that would otherwise allow isolated homes in the countryside – namely, the design is not of such exceptional quality or innovative nature to qualify as an exception under paragraph 55 of the National Planning Policy Framework. Furthermore, it is considered that the proposal would not be appropriate in this sensitive landscape setting within an Area of Great Landscape Value, being within sight of a Grade II listed building and adjacent to the Lincolnshire Wolds Area of Outstanding Natural Beauty and the Tealby Thorpe Conservation Area. This is contrary to saved policies STRAT1 Development Requiring Planning Permission, STRAT12 Development in the Open Countryside, RES1 Housing Layout and Design, NBE10 Protection of Landscape Character and Areas of Great Landscape Value and NBE20 Development on the Edge of Settlements of the West Lindsey Local Plan First Review 2006

Note: Councillor Marfleet left the room for consideration of the following application, having declared a pecuniary interest.

4 – 133759 and 133760 - Tealby

A: 133759 Planning application to erect rear extension and alterations to include conversion of existing outbuilding, and

B: 133760 Listed building consent to erect rear extension and alterations to include conversion of existing outbuilding at Crown House, 15 Front Street, Tealby.

The Area Development Officer read out a number of updates. The Lincolnshire Historic Buildings Committee had no objection to the proposal, and two further representations had been received which raised a number of queries relating to the impact on the Conservation Area, the glass link, the choice of materials, the gabled extension and the garden wall.

Mrs Isoldt Harris, neighbour, spoke in objection to the proposals, reiterating the concerns expressed by Historic England, and stating that the proposals were in contravention of the Village Design Statement. Joining the dwelling to the Chapel would be inappropriate as they were two distinct buildings, and would spoil the street scene. The proposed height of garden walls for reasons of security was not appropriate in this context as the garden wall did not have any glass link beyond to hide and other boundary walls were less than a meeting. It was felt that the building could be modernised and extended sympathetically to the rear of the property without the negative impact that the current proposals presented.

Members of the Committee had concerns regarding some of the objections that had been submitted, particularly the comments from Historic England regarding the site. It was felt that the application raised sufficient doubts for it to merit a site visit.

The proposed site visit was moved, seconded and on being voted upon it was **AGREED** that a **SITE VISIT** be undertaken on a date to be agreed.

Note Councillor Marfleet returned to the meeting.

5 - 133203 - Dunholme

Planning application for demolition of existing Spar Shop and erection of five dwellings at Spa Shop, Lincoln Road, Dunholme.

The Principal Development Management Officer read out a letter which had been received from the previous owner of the site stating how the new Co-op store had meant the demise of the existing business and that the site had been marketed for three and a half years with no serious offers forthcoming.

Mr Lee Mackrill, the applicant, addressed the Committee, stating that there had been concerns about the loss of the commercial use, however as noted by the previous owner, it was no longer viable as a retail outlet. Commercial schemes had been considered to retain the facility including the retention of the Post Office, however this was not feasible without another existing business alongside. There was a good level of existing facilities in Dunholme to support homes for young families and with access to the school. The current site was a derelict eyesore and was now becoming a target for vandals.

Councillor Steve England, Ward Member for Dunholme, agreed that the redevelopment of the site was welcomed by most nearby residents, however commercial or retail development would be preferred. It was suggested that as an 'entrepreneurial council' officers should work with the developer to come up with viable alternatives.

Councillor Malcolm Parish spoke as another Ward Member, agreeing that the site was an eyesore which needed redevelopment, but expressed concerns regarding the amount of additional traffic that would be generated by a housing development.

Committee Members sought assurance from officers regarding policy CRT4 and the loss of a commercial facility and were informed that because a suitable alternative existed nearby and the current site was considered no longer viable as a store, then development would accord with CRT4. Traffic concerns had been noted but it was felt that the dwellings would generate less traffic than a shop.

Following brief debate, Members acknowledged that the site no longer had any commercial value and the site needed development to tidy it up. The recommendation to approve the application was moved, seconded and voted upon. It was therefore **AGREED** that planning permission be **GRANTED** subject to the conditions as set out in the report.

6 – 133835 - Saxilby

Planning application to demolish existing dwelling no. 25 and erection of five new dwellings served off a private drive including the alteration and extension to the retained property no. 27 on land r/o 25 Mill Lane, Saxilby.

Andrew Allison, agent for the applicant spoke on the application, noting that the density of the development was less than that of its neighbour, and that the design respected the street scene in the area, creating no harmful visual impact. There had been no objections from highways or archaeology officers. There were to be environmental enhancements and a drainage strategy had been supplied. The site was suitable for residential development and would contribute towards the supply of housing land.

Councillor Cotton, speaking as a member of the Planning Committee as opposed to the Ward Member, had concerns regarding backland, or tandem, development and the fact that noise mitigation through acoustic fencing would be necessary. The principal test for approval of development was whether the benefits outweighed the harm that would be caused. This proposal also raised concerns regarding the overlooking of properties, and was in opposition to several of the criteria in Policy RES3 and failed the sequential test. No affordable housing had been proposed and there would be a detriment to neighbouring properties with a loss of amenity use.

Officers assured Members that the applicant had worked with the council to mitigate any impact on neighbouring properties and matters of overlooking had been addressed with the use of skylights on the rear elevations.

The recommendation to approve the application was moved and seconded, and on being voted upon it was **AGREED** that permission be **GRANTED** subject to the conditions as set out in the report.

72 DETERMINATION OF APPEALS

The Principal Development Management Officer informed Members that the decision had been received that afternoon for the appeal against the refusal of a 102m (to tip) single wind turbine at land west of Moor Lane, Caistor (130876). The appeal had been dismissed by the Secretary of State and would be reported formally to the next meeting of the Committee.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.52 pm.

Chairman