

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Planning Committee held in the Council Chamber at the Guildhall, Gainsborough on Monday 25 April 2016.

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

Councillor Owen Bierley
Councillor David Cotton
Councillor Mick Devine
Councillor Steve England
Councillor Paul Howitt-Cowan
Councillor Jessie Milne
Councillor Judy Rainsforth
Councillor Thomas Smith

Apologies Councillor David Bond
Councillor Hugo Marfleet
Councillor Giles McNeill
Councillor Roger Patterson

Membership Councillor Steve England substituted for Councillor Giles McNeill
Councillor Paul Howitt-Cowan substituted for Councillor Roger Patterson
Councillor Mick Devine substituted for Councillor David Bond

In Attendance:
Jonathan Cadd Principal Development Management Officer
Russell Clarkson Principal Development Management Officer
Stuart Tym Lincs Legal Adviser
Dinah Lilley Governance and Civic Officer

Also Present 51 members of the public
Councillor Anne Welburn – visiting Ward Member
Councillor Chris Darcel – visiting Ward Member
Councillor Pat Mewis – visiting Ward Member
Councillor Reg Shore – visiting Ward Member

PUBLIC PARTICIPATION

There was no public participation.

Meeting of the Planning Committee held on 6 April 2016.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 6 April 2016, be confirmed and signed as a correct record.

83 MEMBERS' DECLARATIONS OF INTEREST

Councillor Howitt-Cowan declared a non-pecuniary interest in Item 2 (133082 - Hemswell Cliff) as he had been involved in the early stages of the project, however remained open minded on the application.

Councillor Fleetwood declared that he was the County Councillor for Item 8 (133371 - Bardney) and had been lobbied significantly, so would remove himself from the Committee and speak as Ward Member on the application.

84 UPDATE ON GOVERNMENT CHANGES TO PLANNING POLICY

The Principal Development Management Officer noted that the only update was that consultation on the Proposed Submission Central Lincolnshire Local Plan was now underway and would expire on Thursday 26 May. Any representations made, would be submitted alongside the Local Plan to the Planning Inspector who would take this into consideration at the Local Plan's examination. The Central Lincs Planning Team had published an update to the five year housing land supply assessment, to be submitted to the Local Plan examination. It calculated a 5.33 year supply – a surplus of 752 dwellings.

85 PLANNING APPLICATIONS FOR DETERMINATION (PL.18 15/16)

RESOLVED that the applications detailed in report PL.18 15/16 be dealt with as follows:-

1 – 133957 – Cherry Willingham

Outline planning application to erect up to 9 dwellings - all matters reserved, on land North Of Waterford Lane, Cherry Willingham.

Councillor Anne Welburn spoke initially as representing the Parish Council describing how it was felt that the proposals would be harmful to the character of the village and that the relationship between the village edge and the open countryside was a defining characteristic. The proposals would be contrary to policies NBE20 and NPPF paragraph 58. The proposed development would be unsympathetic to the area and the requirement for a path would have an urbanising effect. There was a presumption in favour of sustainable development unless any adverse impacts outweigh the benefits, and in this case the impact would harm the character and erode the context of the village edge.

Mr Orridge, agent for the applicant then addressed the Committee, stating that the key issue was sustainability. There would be no detrimental impact on the open aspect and there had been no objections from statutory consultees. It was proposed that the Reserved Matters application would be submitted as soon as possible. This windfall site would contribute to the five year housing land supply.

Councillor Chris Darcel, speaking as Ward Member, agreed with the views of the Parish Council and said that there needed to be a judgement call between location and need. Concerns had been raised regarding parking on the road and vehicles reversing onto the highway out of driveways. The site was outside the old village curtilage. Residents were concerned about the impact on the narrow, busy road and the site should remain open space.

Councillor Anne Welburn then spoke in her capacity as Ward Member and showed slides depicting the site. The proposals would detract from the rural character of the settlement edge and were not compatible with the surroundings and the street scene. Additional considerations were the strain on the capacity of existing services, specifically health and education provision which were both at capacity. No facilities would be within walking distance. Parking on the road would be an issue on what was a bus route. The site was also a wildlife corridor and there were nesting birds. There would be no access to the cycle route, and the possibility of a train derailment would endanger the new houses. The structure of the embankment would be weakened and the site was too small for development. NPPF paragraph 55 states that development should enhance areas. A five year housing land supply already existed so the development was not necessary.

Debate ensued, during which clarification was sought on the weight to be given to walking distances. It was verified that whilst not set out in policy, walking guidelines were a consideration. The layout was for agreement at the Reserved Matters stage and parking provision would be taken into account then.

Members expressed concerns about the noise impact of the railway and the number of trains passing on a regular basis. Whilst there were acoustic mitigation proposals the noise impact to existing properties had not been quantified. Landscaping was also to be considered at Reserved Matters. The stability of the embankment was not a Material Consideration for the Committee to consider, however Network Rail had raised no concerns.

Cherry Willingham was a rural village and there were concerns that the pathway would mean the loss of the hedge and vegetation. The development would destroy the street scene and the open aspect. It was not felt that a safe environment could be created for family dwellings.

Comparison was made with houses adjacent the railway track at Saxilby and other similar settlements around the country, however as the track at Cherry Willingham was elevated any acoustic mitigation would be ineffective, and the houses would need super-efficient double glazing, which would not alleviate noise for outdoor areas.

It was established that the site currently did not have any Tree Preservation Orders in place, but these could be assessed.

A number of potential policy reasons for refusal were proposed, including NPPF paragraph 58, NBE20, NBE10, STRAT12, STRAT9 and STRAT1 subsection 6, and also the lack of need for the five year housing land supply.

It was then moved and seconded that permission be refused and on being voted upon it was **AGREED** that permission be **REFUSED** for the policy reasons set out below.

Reasons for refusal

1. The proposal would detract from the rural edge of the settlement which would be harmful to the character of the area. The proposal would result in a loss of amenity afforded by the site as being a landscaped edge of the settlement and by the loss of a landscape buffer to the elevated railway line and is therefore contrary to policies STRAT 1, STRAT 12 and NBE 20 of the West Lindsey Local Plan First Review 2006 and paragraph 58 of the NPPF. The land is located on the lowest priority of land and defined as a greenfield site which would be contrary to the principles of policy STRAT 9.
2. The proximity of the adjoining railway line would have a detrimental impact caused by undue noise and vibrations to the detriment of residential amenity and would be contrary to paragraph 58 of the NPPF.

2 – 133082 – Hemswell Cliff

Planning application to erect storage building, a building link to a newly constructed production facility building - including the removal of existing buildings - and general alterations to parking and access. Hangar 2, Learoyd Road, Hemswell Cliff.

The Principal Development Management Officer updated the Committee with slight amendments to conditions for clarification. Condition 10 would read “equipment which generates noise”, and condition 16 amended to define the hours of ‘night time’ as being 10pm to 7am.

Andrew Clover, agent for the applicant, spoke in support of the proposals, describing an overview of the application and the benefits it would provide. Parkacre was one of the largest manufacturers of vitamins in Europe, and due to its success there was a need to expand. This would create an increase in workforce which would benefit the community and the District and support economic growth. Granting the application would be a vote of confidence in the business park. The proposals were of a complementary design to existing buildings and consultation had been undertaken with planning officers throughout the process.

Clarification was sought on the plans shown as to which buildings were to be kept or demolished and the siting of the new ones. It was verified that the site was allocated as employment land. Assurance was sought regarding the drainage mapping and established that Anglian Water were satisfied with the proposed connection to the foul sewer.

It was agreed that it was an excellent application and that it was good for a local company to expand. The recommendation to approve permission was moved and seconded and on being voted upon it was **AGREED** that consent be **GRANTED** subject to the conditions as set out in the report, with the above amendments.

3 – 133654 - Gainsborough

Planning application for the demolition of existing structures, and erection of an A1 foodstore, with access, car parking, servicing, sub-station, hard and soft landscaping, and other associated works, including remodelling of the elevations of the adjoining property The Lindsey Centre. Multi Storey Car Park, Beaumont Street, Gainsborough.

The Principal Development Management Officer summarised a number of additional representations of support which had been received. Whilst some were from outside of Gainsborough it was felt that these were still relevant as Lidl would attract shoppers from further afield. Additional conditions had been requested by the County Highways department and others were amended and clarified. The applicant was to contribute £50,000 towards an additional signalised crossing on Beaumont Street and also the County Council would include a contribution, under a S106 agreement included in the conditions. This was not standard practice for a S106 however for commercial reasons it was felt there was adequate control in this instance.

Mark Krassowski and Graham Burr, the agent and the Head of Property for Lidl, addressed the meeting stating that the proposals were supported by all planning policies. Whilst the Town Council had raised some concerns about the access provision, Beaumont Street would be little different to what it was currently. Requests had also been made for contributions to bus shelters, however these were already adequate and not directly related to the construction of the store, so would not be a legal requirement. It was suggested that the improved store would help to revitalise the Market Place and create direct footfall between it and Marshall's Yard. Fifteen additional jobs would be created and the project represented a £6m investment in Gainsborough. It was hoped to commence construction in September and be open the following Summer, and it was proposed that Boyes would move to the old Job Centre site.

Members of the Committee generally welcomed the application and agreed that it should facilitate a regeneration of that part of town and create a link between the Market Place and Marshall's Yard. Clarification was sought on the access provision for delivery lorries, given problems that currently existed at Tesco. It was verified that service provision would be from Heaton Street South and should not impact on through traffic.

The recommendations in the report, along with the revised conditions set out below, were moved, seconded and voted on. It was **AGREED** that permission be **GRANTED** subject to conditions including financial contribution to signalised crossing over Beaumont Street.

Revised Conditions

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

3. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review Policy STRAT1 and CORE 10.

4. No development shall commence until, full details of the treatment of all boundaries of the site, including where appropriate, fencing and/or walling to be retained, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior the store being first brought into use.

Reason: To ensure the provision of appropriate boundary treatment in the interest of the visual and residential amenity of the area in accordance with West Lindsey Local Plan First Review Policies STRAT 1, CORE 10

5. Before the store first opens, a scheme has been agreed in writing by the Local Planning Authority in conjunction with the Local Highways Authority for the construction of a 3 metre wide footway linking the site to the proposed signalised crossing at the Beaumont Street frontage of the site. The agreed works shall be fully implemented before the store is first brought into use.

Reason: In the interests of highway safety, sustainability and in accordance with West Lindsey Local Plan First Review Policy STRAT1.

6. No development shall take place until a s106 planning legal agreement has been entered into and signed to ensure a contribution towards the creation of a signalised pedestrian crossing of Beaumont Street.

Reason: In the interests of highway safety, sustainability and in accordance with West Lindsey Local Plan First Review Policy STRAT1.

7. Before work commences details of covered cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. The approved facilities shall be provided on the site prior to the use of the retail store first commencing and shall be retained and available for use at all times thereafter.

Reason: To encourage the use of alternative forms of transport to the site, other than the private car, having regard to NPPF and in accordance with West Lindsey Local Plan First Review Policies SUS 1 and SUS 5.

8. No development shall take place until details of air conditioning and refrigeration units, including their acoustic performance and any mitigation measures have been submitted to and agreed in writing by the Local Planning Authority. The approved air conditioning and/or refrigeration units shall be installed in accordance with the approved scheme and be retained as such thereafter.

Reason: To protect residential amenity and in accordance with saved Policy STRAT1 of the West Lindsey Local Plan First Review.

9. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Protection team and in accordance with West Lindsey Local Plan First Review Policy STRAT1.

10. Prior to demolition commencing a demolition and construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) Measures to prevent dust and noise nuisance;
 - ii) Measures to prevent vibration damage and nuisance;
 - iii) Survey of buildings to be demolished for presence of asbestos and measures to remove and dispose of the material in a safe manner;
 - iv) Hours and days of operation;
 - v) Routing agreement for demolition and construction vehicles arriving the leaving the site.
 - vi) Details of any proposed pile driving include: method, timing and duration of any pile driving operations.
 - vii) Measure to prevent mud and debris being brought onto the public highway and measures to mitigate this if it occurs.

The demolition of the existing structures on site and construction of new store shall be undertaken in strict accordance with the approved scheme.

Reason: To protect the amenities of adjoining occupiers and to prevent pollution in accordance with saved Policy STRAT1 of the West Lindsey Local Plan First Review.

Conditions which apply or are to be observed during the course of the development:

11. 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: 1839 03 rev AM, 1839 05 rev P, 1839-08 rev C, 1839-09 rev A, 1839 10 rev A, 1839-11 Rev E, 1839-12, 1839 -13 rev B, 1839 16 rev E, 1839 22, Topographical Survey No. 001, Substation Plans, Lighting Assessment Plan and Reports: Design and Access Statement, Lighting Assessment, Flood Risk and Foul Drainage and Foul Drainage Assessment, Addendum to Flood Risk & Foul Drainage Report, Noise Impact Assessment, Planning & Heritage Statement, Addendum to Planning Note & Updated Heritage Assessment, Preliminary Appraisal Report (Desk Study) of land off Beaumont Street, Gainsborough, Transport Assessment and C6408-011. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

12. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment as recommended by the Environmental Health Manager in accordance with West Lindsey Local Plan First Review Policy STRAT1.

13. The existing vehicular access points to the temporary car parks at Heaton Street North shall be permanently closed immediately the use hereby approved is commenced and the access crossing shall be reinstated as footway in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with West Lindsey Local Plan First Review Policy STRAT1.

14. The development hereby permitted shall not be used or occupied until the surface water and sewage disposal works have been completed in accordance with the approved plans and report by WYG titled: Flood Risk & Foul Drainage Assessment and associated Appendix, A/B/C/D/E/F/G/H/I/J/K and except where amended by the Flood Risk & Foul Drainage Assessment Addendum which should then be adhered to.

Reason: In the interest of water quality, flood prevention and the residential amenities of future occupiers in accordance with West Lindsey Local Plan First Review Policies STRAT1.

15. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity in accordance with West Lindsey Local Plan First Review Policy STRAT1.

16. No development shall take place until, detailed plans showing the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including details of any bin storage, shall be submitted to and shall be available for use prior to the development being occupied and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority.

Reason: In the interest of public health, visual amenity and highway safety in accordance with West Lindsey Local Plan First Review Policies STRAT 1 and SUS 7.

17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), (Rev A, September 2015, WYG Engineering), in particular setting finished floor levels no lower than 7.08m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants and in accordance with STRAT1 of the West Lindsey Local Plan First Review 2006.

Conditions which apply or relate to matters which are to be observed following completion of the development:

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality (and occupiers of adjacent buildings – where appropriate) and in accordance with West Lindsey Local Plan First Review Policies STRAT 1 and CORE 10.

19. No servicing of the store, including waiting vehicles or activity within the service yard shall occur from 23:00 on one day to 07:00 the following day.

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with West Lindsey Local Plan First Review Policy STRAT1.

20. The arrangements shown on the approved plan 1839 03AM for the parking/turning/ manoeuvring/loading/uploading of vehicles shall be available at all times when the premises are in use.

Reason: In the interests of highway safety and in accordance with West Lindsey Local Plan First Review Policy STRAT1

21. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency and in accordance with West Lindsey Local Plan First Review Policies STRAT1, RES1, NBE14 and NBE15

22. Prior to being discharged into any watercourse, surface water system or soakaway, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and oil interceptors with an overall capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment as recommended by the Environment Agency and in accordance with West Lindsey Local Plan First Review Policies NBE14 and NBE15.

23. No external system of public address, loudspeaker system or amplified sound/music shall be operated on any part of the site externally without the prior written approval of the Local Planning Authority.

Reason: In the interest of preserving the amenity of the surrounding area in accordance with West Lindsey Local Plan First Review Policy STRAT1.

Notes to the Applicant

The applicant(s) is/are advised to contact the Area Network Office (01552 553084) prior to commencing work for permission to carry out work on the adopted highway and for advice and assistance in carrying out the works.

The provision of details of boundary treatment required by condition 3 shall include the provision of a 2m high wall to the Heaton Street frontage of the services area.

4 - 133918 - Morton

Outline planning application for residential development of up to 37 dwellings, including 10 affordable homes - access to be considered and not reserved for subsequent applications - resubmission of 132760 on Land off Granary Close, Morton, Gainsborough.

The Principal Development Management Officer read out a letter which had been received from Sir Edward Leigh MP on behalf of a resident who was concerned about the proposed development.

George Machin, agent for the applicant addressed the Committee, stating that it would be difficult to find a better location in terms of size and scale for the development. Officers were best placed to understand applicable Planning Policies; the need to deliver affordable housing where there was an identified need; and the flood constraints of the site in question. This was a sustainable location for 37 houses with a number of facilities close by. Although there were some objections from residents there was general support. The development included the provision of public open space; a flood compensation zone; and a capital contribution towards education provision. There were no alternative sites at a lesser risk of flooding.

Jeffrey Jackson and David Crystal-Kirk spoke in objection to the proposals representing over 40 local residents. Previous applications for this site had been refused and the grounds for refusal had not been addressed. In the last Local Plan the site was outside the development boundary, and was not allocated for housing in the emerging Central Lincolnshire Local Plan, and the plan was in favour of small development of up to nine houses. The last refusal suggested that there were more suitable sites in the area such as land to the north of Morton which included land in Flood Zone 2. There was no need to develop on greenfield land. The infiltration

tests carried out in 2015 were not conclusive and there were fears of flooding. The S106 would not compensate for the damage that would be caused. It was queried as to the support for the development which was not known about. Residents were not against growth and whilst there may be an identified need, the proposed site was not considered suitable. Accessibility was not good, and the provision of services such as health and education were already under a strain.

Councillor Pat Mewis, Ward Member, spoke at length in opposition to the application, at the request of residents. Councillor Mewis reiterated many of the concerns raised by the previous speakers relating to flood risk and access to facilities. It was acknowledged that the whole of Morton village was in Flood Zone 3, so it was not possible to avoid this. The proposal to elevate part of the site had given rise to further concerns, and the presence of a pond would create dangers in itself. The number of houses proposed was considered excessive when Morton was designated as a Medium village. North of the village, closer to the facilities of Gainsborough would be more acceptable. Vehicular access to the development was considered problematic, particularly during construction.

The Principal Development Management Officer indicated that it was not possible for the Committee to consider alternative 'preferable' sites – it must determine the application before it, and should only consider the application of the flood risk sequential test – 'were there sites at a lower risk of flooding?' The Officer advised that the search area for the test rested with the decision-maker, but that there were no lower risk sites within Morton. In response to points raised it was verified that 18 objections had been received. Construction traffic was to be covered by conditions, and although there were sites available closer to Gainsborough the housing was identified as needed in Morton.

The Members of the Committee debated the points that had been raised by all parties, and gave consideration to the concerns put forward. It was acknowledged that the application was for Outline Planning Permission and the layout was indicative. The emergency services and highways departments had raised no concerns with the proposed access.

Clarification was sought on the impact of surface water run-off from the elevated land, however the Environment Agency had raised no objections. The Committee needed to be satisfied regarding the sequential test. It was considered that there was likely to be available land at a lower risk of flooding outside Morton, but not within the Parish. Concerns were raised with the exceptions test and whether wider public benefits would arise that outweighed flood risk.

The Committee felt that the previous reasons for refusal were still applicable:-

- 1. The development is proposed within an area identified as Flood Zone 3 (high probability). The submission has not adequately demonstrated a Sequential approach to steer development to areas with the lowest probability of flooding and it is considered that there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The development does not meet the Sequential Test and is therefore contrary to saved policy STRAT1 of the West Lindsey Local Plan First Review; and is*

contrary to the provisions of the National Planning Policy Framework and does not meet the presumption in favour of sustainable development.

and it was moved, and seconded that the same reasons be given for a further refusal, along with policies STRAT12 and STRAT9 and NPPF paragraph 102 (Exceptions Test).

On being voted upon it was **AGREED** that permission be **REFUSED** for the reasons as set out below.

1. Development would take place on a green field site in the open countryside, contrary to the National Planning Policy Framework aims to encourage the effective reuse of previously developed land and to recognise the intrinsic character and beauty of the countryside, and development would be directly contrary to saved policies STRAT9 and STRAT12 of the West Lindsey Local Plan First Review.
2. The development is proposed within an area identified as Flood Zone 3 (high probability). The submission has not adequately demonstrated a Sequential approach to steer development to areas with the lowest probability of flooding and it is considered that there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The development does not meet the Sequential Test and is therefore contrary to saved policy STRAT1 of the West Lindsey Local Plan First Review; and is contrary to the provisions of the National Planning Policy Framework and does not meet the presumption in favour of sustainable development. It has not been demonstrated that the development provides wider sustainability benefits to the community that would outweigh flood risk, and development would not therefore meet the National Planning Policy Framework Exceptions Test (paragraph 102).

Note The committee adjourned for a short comfort break at 8.25 and reconvened at 8.31.

5 – 133692 – Cherry Willingham

Outline planning application for residential development of 19 dwellings - all matters reserved on site 3A Land adjacent to Wesley Road, Cherry Willingham.

Andy Booth spoke on behalf of Cherry Willingham Parish Council. The Parish Council's concerns regarding the development were set out in the report and were still applicable, it was felt that there were strong reasons for refusal of the application. Whilst not averse to development the Parish Council felt that this site was not sustainable and cars would be necessary for residents. Facilities such as shops and doctors were over 2km away from the site, which exceeded the maximum threshold. Residents would be unlikely to walk such distances. Hawthorn Road would be a satellite settlement with no facilities, and not in accordance with the NPPF.

Councillor Chris Darcel agreed with the Parish Council that the location was not sustainable, there was poor parking provision, inadequate access to services and already over 700 dwellings with permission pending completion.

The Principal Development Management Officer affirmed that the 800m distance to facilities was guidance rather than specific planning policy. It was noted that this was phase 3 of the whole development and that the first two phases had similar issues to the proposed site but had been deemed acceptable, and that there would be no demonstrable harm. An area of open space was shown on the indicative plan.

Members commented on the note made in the report of access to the Carlton Centre but pointed out that this would not be possible as access would be closed off and would necessitate a long round trip to get there. The site was not felt to be sustainable in terms of access to facilities and services. There were no shops or a nearby bus route. The development would amount to urban generation in the open countryside. Expanding on the previous developments did not make it acceptable.

A number of reasons for refusal were put forward, including NBE20; STRAT19; STRAT1 sub sections 3, 4 and 6; STRAT3; STRAT 12; and paragraphs 29, 34 and 49 of the NPPF.

It was moved, seconded and voted upon that the application be refused for the policy reasons as set out below. It was subsequently **AGREED** that permission be **REFUSED**.

Reasons for refusal.

1. The proposal would form an unacceptable extension of an urban development to the detriment of the character of the open countryside. The encroachment of the built form would detract from the openness and rural character afforded by the site contrary to policy NBE20 of the West Lindsey Local Plan First Review 2006.
2. Its location, distant from the amenities of the main settlement, create an unsustainable form of development which would rely heavily on the private motor vehicle and therefore contrary policies STRAT 1, STRAT 12 and STRAT 19 of the West Lindsey Local Plan First Review 2006 and to the sustainability principles of the NPPF.

6 – 133693 – Cherry Willingham

Outline planning application for residential development of 29 dwellings - all matters reserved, on site 3B Land adjacent to Wesley Road, Cherry Willingham.

Andy Booth of Cherry Willingham Parish Council, stated that the concerns raised on the previous application were still relevant for this application.

Charles Barnett, spoke in favour of the application as being a member of the land owning family. Mr Barnett described the history of development of the site, and how it had begun as piecemeal building, until larger developers had shown an interest.

The family wanted appropriate development on the land and had co-ordinated with other local landowners, and wanted a source of community pride. One of the existing sites was shortlisted for a West Lindsey design award. The same developers and architects had been chosen for this site and the developments were designed to link together in an holistic way. A community facility had originally been proposed but had been rejected by the Parish Council as not being required.

Councillor Chris Darcel, speaking as Ward Member, stated that whilst the quality of the design was impressive, if the existing sites were only now coming forward for permission, they would likely be rejected, as creating a remote island.

Members felt that this application should be rejected for the same reasons as the previous, however sought assurance that a landlocked site had not been created by the previous refusal. Further reasons for rejection included the distance from Cherry Willingham and the lack of connectivity to Lincoln. The character of the area was also a consideration.

It was moved, seconded and voted upon that the application be refused for the policy reasons as set out below. It was subsequently **AGREED** that permission be **REFUSED**.

Reasons for refusal.

1. The proposal would form an unacceptable extension of an urban development to the detriment of the character of the open countryside. The encroachment of the built form would detract from the openness and rural character afforded by the site contrary to policy NBE20 of the West Lindsey Local Plan First Review 2006.
2. Its location, distant from the amenities of the main settlement, create an unsustainable form of development which would rely heavily on the private motor vehicle and therefore contrary policies STRAT 1, STRAT 12 and STRAT 19 of the West Lindsey Local Plan First Review 2006 and to the sustainability principles of the NPPF.

7 - 133698 – Willingham by Stow

Planning application to erect single storey extension to form bedroom, two storey extension to form offices and stores, and change of use of bungalow to three self-contained units (C2). Howson Nursing And Residential Home, Marton Road, Willingham By Stow.

The Principal Development Management Officer noted that an additional letter of objection had been received which raised similar concerns to those already listed in the report.

Carol Horn, the applicant, addressed the Committee setting out the reasons for the application. The Nursing Home had a number of double bedrooms which were designed for couples, however changes to funding rules meant that these were no longer relevant so the desire was to change these rooms to single occupancy. A double extension was proposed from the existing buildings to provide offices and

storage which were currently in portacabins. There was also a bungalow which it was proposed would be used to give residents a step towards independence and a home in the community, but with support on site. There were no proposals to increase the number of residents.

Ray Didcock and Katie Catley, local residents spoke in objection to the proposals. It was felt that the development would have a negative impact on the character of the neighbourhood. With 83 residents along with visitors, staff and deliveries, the establishment was already larger than was appropriate for the village. The residential amenity of neighbouring residents was a main consideration, there were seven children under the age of 10 living nearby and the behaviour of some of the residents was unacceptable. Parents were concerned for the safety of their children and elderly neighbours who were subjected to things like swearing, shouting, indecent exposure, urinating etc.

The Chairman reminded Committee Members that they had to determine the proposals on grounds of the development itself and not the behaviour of the residents.

Councillor Reg Shore addressed the meeting as Ward Member, stating that he had witnessed the behaviour of residents which amounted to a loss of amenity for neighbouring residents. There was vulnerability on both sides. The Nursing Home had grown sporadically over the years and the mixture of buildings amounted to a carbuncle. The original building was nice but the incremental extensions had had an impact on the village. Residents were not supervised when they were out in the community. There was a need to cap the numbers allowed. Councillor Shore questioned how such development could be allowed to happen, as it would not be allowed on a housing estate.

The Principal Development Management Officer reminded Members that Policies RES1 and RES8 were not applicable as the Nursing Home was Use Class C2, not C3 residential. The existing use was long established and it was just the proposed extensions and conversion of the bungalow which were for determination. Whilst there had been concerns regarding intensification the proposals represented rationalisation of the site, and at most there would be an additional four places.

Despite the concerns raised the Committee felt that there were no justifiable planning reasons to refuse the application. It was therefore moved, seconded and voted upon that the recommendation in the report be accepted. It was subsequently **AGREED** that permission be **GRANTED** subject to the conditions as set out in the report.

Note Councillor Ian Fleetwood vacated the Vice Chair for the following application to address the meeting as the Ward Member.

8 – 133371 - Bardney

Proposed new manager's dwelling to replace temporary mobile home at Bardney Airfield, Gautby Road, Bardney Dairies, Bardney.

Fred Wootton, the applicant, described the existing forestry business on the site, stating that four children were resident and involved in the business. There were 14 employees in total, many family members and others local to the area. There were regular meetings and training undertaken on the premises. The family had been living in temporary accommodation on site in order to pass the financial test and present the business case for having a family dwelling on site.

Giles Crust then spoke in support of the application, stating that the application complied with all relevant policy requirements, particularly RES10. Section 7 relied on the ability to fund the build, not the need for the building. The business was a sustainable enterprise with pigs clearing the site prior to being sold for meat. The system had been used for 1,000 years and was portrayed in stained glass in Lincoln Cathedral.

Councillor Ian Fleetwood then spoke as Ward Member for the application, having been involved in the pre-application discussions. This was a flourishing forestry business and had to be located at source. There had been concerns regarding the size of the property, however all family members were involved in the business. An extended family needed sufficient space. The temporary accommodation had been endured while the business case had been proven, and other larger properties had been approved in the past.

Members of the Committee agreed that the essential need had been established and felt that the size had been shown to be justifiable. These were though, special circumstances and it was felt that if permission were granted conditions should be applied restricting occupancy to the business, and that the dwelling not be sold separately at any time in the future, along with all other standard conditions, including the removal of the temporary accommodation, and permitted development rights to allow the dwelling to extend.

It was therefore proposed that permission be granted with conditions as set out below. Following the motion being seconded a vote was taken and it was **AGREED** that permission be **GRANTED**.

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. No development shall take place until a scheme for the disposal of foul and surface waters have been submitted to and approved in writing by the Local

Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

3. No development shall take place until details of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out only using the materials approved

Reason: To ensure a satisfactory external appearance of the development in accordance with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

Conditions which apply or are to be observed during the course of the development:

4. 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: 15/121/Pr-01, 15/121/Pr-02, 15/121/Pr-03 and 15/121/Pr-04 dated March 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

Conditions which apply or relate to matters which are to be observed following completion of the development:

5. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in agriculture and/or forestry, or a widow or widower of such a person and to any resident dependant.

Reason: To ensure the dwelling is not used for residential purposes unrelated to the efficient working of the agricultural and/or forestry business, as this consent has been granted to meet the needs of the business in an area where new residential development would not normally be acceptable, in accordance with West Lindsey Local Plan First Review Policy STRAT 12.

6. The existing dwelling shall be removed within 3 months of the completion of the replacement dwelling and the land restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the removal of the existing dwelling in the interests of visual amenity in accordance with West Lindsey Local Plan First Review Policy STRAT1.

Note Councillor Fleetwood returned to the Vice Chair.

9 - 133882 - Caistor

Planning application for alterations to existing dwelling and erection of 2 detached dwellings at 14 Whitegate Hill, Caistor.

The Principal Development Management Officer clarified for Members that the application was a change to the one previously granted. The existing permission was for an extension comprising three separate dwellings. The revised application was for two separate dwellings on the site.

There had been an objection from a nearby resident raising concerns of height and distance to property, however it had not been felt that there would be a significant impact.

It was verified that had the applicant not been related to a West Lindsey Councillor the application would have most likely been granted under delegated powers.

It was therefore moved, seconded that the recommendations be followed and on being voted upon it was **AGREED** that permission be **GRANTED** subject to the conditions as set out in the report.

86 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

The meeting concluded at 9.55 pm.

Chairman