

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 1 June 2016 commencing at 6.00 pm.

Present: Councillor Giles McNeill (in the Chair)

Councillor Owen Bierley
Councillor Matthew Boles
Councillor Jackie Brockway
Councillor Michael Devine
Councillor Steve England
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Judy Rainsforth
Councillor Thomas Smith

In Attendance:

George Backovic Principal Development Management Officer
David Kerfoot Lincs Legal Adviser
Dinah Lilley Governance and Civic Officer

Apologies:

Councillor David Cotton
Councillor Ian Fleetwood
Councillor Hugo Marfleet
Councillor Stuart Curtis

Membership:

Councillor Brockway substituted for Councillor Curtis
Councillor England Substituted for Councillor Fleetwood

6 ELECTION OF CHAIRMAN

In the absence of the Chairman and Vice Chairman nominations were sought from the Committee for a Chairman for this meeting only. Councillor McNeill was nominated and seconded. There being no other nominations it was:

RESOLVED that Councillor McNeill be elected Chairman of the Planning Committee for this meeting.

7 PUBLIC PARTICIPATION PERIOD

There was no public participation.

8 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 25 April and 9 May 2016.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 25 April 2016, be confirmed and signed as a correct record.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 9 May 2016, be confirmed and signed as a correct record.

9 DECLARATIONS OF INTEREST

Councillor Jackie Brockway declared that due to a conflict of interest she would step down from the Committee for items 3 and 4 (134027 – Nettleham and 134036 – Nettleham) and would speak as County Councillor on item 4.

10 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Principal Development Management Officer informed the Committee of the outcome of a successful challenge to the Court of Appeal by the Government regarding the provision of Affordable Housing. The result being that there be no change and that there be no requirement to provide Affordable Housing on developments of ten dwellings or less.

11 PLANNING APPLICATIONS FOR DETERMINATION

RESOLVED that the applications detailed in report PL.01 16/17 be dealt with as follows:-

1 – 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 informed the Committee of a typographical error in the report – which should read “The offer of £80,000 towards affordable housing which has post-dated the submission of the viability information similarly cannot be accepted as a definitive figure”.

The applicant had submitted further information, which was read out in the meeting, relating to the costs of the development and its infrastructure. Further evidence of such costs had been requested.

Note Councillor Smith arrived at 6.10pm

Andrew Campbell, on behalf of the applicant, addressed the meeting stating that it had always been the intention to build single storey dwellings on the site, and the viability assessment had been based on the site being largely single storey. The planning permission existed for a mixture of single and two storey and could be negotiated. If the applicant were to accept a reduction to 15% profit that would be the maximum contribution possible. If the site were to be completely single storey no contribution for affordable

housing would be required, and it was hoped that an amicable agreement could be arrived at.

Councillor Lewis Strange spoke as neighbouring Ward Member for the application, indicating that there was a shortage of affordable housing in Grasby, and suggesting that the application be deferred in order to allow for negotiation with the developer to avoid the swingeing figures quoted. The Principal Development Management Officer noted that the recommendation in the report was that the decision to grant planning permission, subject to conditions be delegated to the Chief Operating Officer further to negotiation regarding the acceptable level of contribution.

Brief debate ensued during which Members commended the quality of the development and noted the long history of the application site and development. The proposals were welcomed by local residents and there had been no request for contributions for either health or education.

The recommendation as set out in the report was then 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 completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

1. The provision of an acceptable financial contribution towards the provision of offsite affordable housing.
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.

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.

2 – 133563 - Clixby

Planning application for installation of agricultural dryer and associated storage bay at Manor Farm, Brigg Road, Clixby.

The Principal Development Management Officer noted that there were two corrections required to the report. The first was the addition of “there would not be an unacceptable impact” to the sentence that starts “The odour impact concluded that due to the prevailing wind direction “on page 63, under the heading of *Impacts on the living conditions of nearby dwellings*.

The second correction was the deletion of “and PDA consultants.” on page 66, in the paragraph before the section on “*Visual Impact*”

Eleanor Haswell addressed the meeting on behalf of the Parish Council, noting that the application had come to the attention of the Parish Council in October 2015 following which objections were submitted. Principal concerns were regarding noise and pollution, and that the assessment assumed a particular wind direction. It was requested that, if approved, any

noise attenuation measures should be agreed prior to work commencing. The Odour Management Plan was unconvincing and the applicant's 'sniff test' was unscientific and unquantifiable. Neighbouring properties were already unable to have windows open, and also the view of more agricultural building was already affecting lives. It would be important to have watertight conditions.

Jane Stewart, on behalf of the applicant, described how the property was already a working farm and the installation of the anaerobic digester provided support for the farm's activities. At the time of installation there were seven similar digesters, none of which had driers, all of which were now seeking to retrofit. The applicant was aware of the concerns and had liaised with officers to mitigate any impacts. The Environmental Health department was happy with the proposals, and noise had been monitored as being within the limits. There was to be no additional digestate produced, but the moisture content was to be reduced. Alternative sites had been considered but the proposed site was the best location, adjacent to the digester and the renewable energy production. There was existing screen planting which would grow bigger over time.

Mr K Spilman, neighbouring resident described the current problems being experienced by dwellings nearby, to the east of the site. Since 24 January odour problems had been experienced on 24 separate days, which sometimes was unbearable, and a motor was running for 24 hours per day. It was claimed that only 30% of the maize used was grown on the farm and the rest was transported from other locations. If the farm had worked for two years without a drier, why was one needed now? And if approved, should be sited elsewhere.

The Principal Development Management Officer reminded the Committee that it could not base their decision on any problems being experienced currently, and that the matters raised should be passed to Environmental Health to address.

Councillor Lewis Strange, Ward Member, said that the matter was a serious concern, and that the health, safety and wellbeing of nearby families should be considered. Residents gained no benefits from the process and just want to live their lives in peace. Any impacts needed to be reduced, not increased, and the drier should be sited where it would cause least harm to residents. If approved, odour and noise should be closely monitored.

Members debated the application, suggesting that a log could be kept of problems experienced, and submitted to Environmental Health. Noise and particulate could both be quantified, but smell was subjective, and was to be expected in farming areas in the countryside. Clarification was sought on the use of a cyclafan as a mitigation technique.

It was important to differentiate between what was in the remit of the Council and Environmental Health, and that if necessary a stop notice could be issued. However it was felt that once the operation was running it would be difficult to get it stopped. The production of renewable energy was to be encouraged and farming methods were moving forwards accordingly.

The recommendations within the report were moved and seconded, and on being voted upon it was **AGREED** to **grant permission with conditions** attached.

Note: Councillor Jackie Brockway stepped down from the Committee and took the visiting Member position for the following two items.

3 – 134027 - Nettleham

Planning application to erect single storey extension to dwelling, demolition of new garage and new access at 2 Greenfields, Nettleham.

Parish Councillor John Evans spoke in objection to the application, stating that the proposed extension was to be twice the size of the original dwelling and not subordinate. Parking provision was considered to be inadequate, as Policy DC3 in the Nettleham Neighbourhood Plan required three spaces for the size of the property. It was also noted that the garden space would be less than 20% of the property size, contrary to Policy D6. It was feared that the development could set a precedent and change the character of the village. The report made no reference to the adopted neighbourhood Plan.

John Hill, resident of Nettleham, offered an expert chartered engineer opinion regarding the lack of parking provision, and stated that the development should not create a dangerous situation by causing on-street parking and it was likely that a dwelling of that size would generate at least three cars. Permission should require a condition that provision be made for three cars' parking off-street.

The Principal Development Management Officer noted that the application was simply for an extension to an existing dwelling, and that there had been no objections raised by Highways officers.

Members expressed concern regarding the lack of acknowledgement of the Nettleham Neighbourhood Plan, given that it was the most valid development plan holding any weight for Nettleham. It was therefore proposed and seconded that the application be deferred in order for cognisance to be taken of the Plan in the report recommending the determination of the application.

On being voted upon it was **AGREED** that the application be **DEFERRED** to allow for further reference to the Nettleham Neighbourhood Plan.

4 – 134036 - Nettleham

Planning application to erect a place of worship with associated car parking and external landscaping on land West Of Deepdale Enterprise Park, Deepdale Lane, Nettleham.

The Principal Development Management Officer updated the Committee with additional representations of support which had been received, including one from Sir Edward Leigh MP who asserted that the majority of extra traffic generated would be on a Sunday. The applicant had also submitted further evidence rebutting claims of a lack of consultation.

Note Councillor Milne declared that she had taken Sir Edward on a site visit for the application, however had had no participation.

Parish Councillor John Evans informed the meeting that the Parish Council objected to the

proposal. It was felt that the size of the development was of an industrial scale and in a prominent location. There were no evening or Sunday bus services so the location was not sustainable, and the majority of commuting would be within a short time window. The Parish Council felt that it was not compliant with current development plans, and the proposals had not been raised during the consultation on the Neighbourhood Plan. The NPPF stated that permission should be refused if a development was contrary to local development plans. There were plenty of places of worship within Nettleham including the existing Plymouth Brethren church.

Tim Haughton, trustee and member of the church, described how the Brethren had been meeting in Lincoln since the 1880s and that during that time, many of the congregation had moved into the West Lindsey area. As a better facility was now needed it was felt appropriate to relocate to West Lindsey. Thirty possible sites had been considered and the proposed location in Nettleham was felt to be the best. The design had been given careful consideration in response to comments received and the building would be smaller than the Police HQ opposite. Regard had been given to the Neighbourhood Plan however there was no reference to community facilities.

Don Green also spoke in support of the application, as a resident of Nettleham and a member of the church, he was a local businessman and employer and supported all village facilities. He lived within walking distance of the church and felt that the design and landscaping would enhance the area. The Council would have no regrets in granting permission.

John Hill resident of Nettleham, stated that Neighbourhood Plans were about protecting the community from unwelcome development and to ensure that aspirations were met. It was felt that the report did not give enough weight to the Neighbourhood Plan, and that the site was outside the development boundary of the village, in the countryside. Mr Hill asserted that officers merely advised, the Committee made the decisions.

Councillor Angela White, Ward Member stated briefly that she had mixed feelings about the proposals, but that Deepdale Road was already compromised by the Police building.

Councillor Brockway spoke as County Councillor for the area and stated that she had been asked to speak by both sides. There were conflicting views as to the significance of the site in the countryside and whether the proposals conflicted with the Neighbourhood Plan. Public consultations had been held and both sides had been honourable and professional, so the Committee was requested to give careful consideration to the application.

The Lincolnshire Legal representative clarified that if there was no express prohibition set out within the Neighbourhood Plan then policies must be looked at as a whole, unless material conditions outweighed the planning policies. It was a matter of balance.

Members debated the application at length and some felt that the proposal would be contrary to the Neighbourhood Plan if the application was for a residential development. Nettleham was a sustainable settlement, and the site was adjacent an industrial estate and opposite Police HQ. The recommendation to approve permission was moved.

Councillor Smith had serious concerns that there was no transport assessment for the size of the application, and quoted the following policies as being reasons for refusal: STRAT 1

(subsections 1, 3 and 6), STRAT 12, STRAT 19, SUS 1, SUS 2, CRT 1, NBE 10 (subsections 1, 2 and 4) NBE20 (subsection 1) of the West Lindsey Local Plan First Review 2006: policies D4 and D6 of the Neighbourhood Nettleham Plan and paragraph 29 of the National Policy Planning Framework. Councillor Smith then moved that the application be refused.

Clarification was sought that the building would be in use on days other than just Sundays, this was affirmed but the Highways department had assessed the usage as being at an acceptable level, as statistics had been determined from the current existing location.

The motion to refuse was then seconded, based on the policies quoted above, particularly the Nettleham Neighbourhood Plan.

The motion to approve the recommendation was then also seconded. As the motion to refuse had been seconded prior to the motion to approve, this motion was put to the vote first.

On being voted upon the motion to refuse was not upheld, therefore a further vote was taken on the motion to approve the application, this was carried. Therefore it was **AGREED** that Planning Permission be **Granted with Conditions**.

Note: Councillor Smith wished for it to be recorded that he had voted against the motion to approve.

12 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.05pm.

Chairman