

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the The Council Chamber - The Guildhall on 29 June 2016 commencing at 6.00 pm.

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

Councillor Owen Bierley
Councillor Michael Devine
Councillor David Cotton
Councillor Matthew Boles
Councillor Thomas Smith
Councillor Judy Rainsforth
Councillor Hugo Marfleet
Councillor Mrs Jessie Milne
Councillor Giles McNeill

In Attendance:

Apologies: Councillor Roger Patterson

Membership:

13 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Roger Patterson

14 PUBLIC PARTICIPATION PERIOD

There was no Public Participation at this point of the meeting.

15 MINUTES OF PREVIOUS MEETING

Meeting of the Planning Committee held on 1 June 2016.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 1 June 2016, be confirmed and signed as a correct record.

16 DECLARATIONS OF INTEREST

Councillor Smith declared that he was the Ward Member for Item 3 (133156 – Market Rasen) and had made comments to the Inspector during the submission stage, therefore would stand down from the Committee and speak as Ward Member for the application.

Councillor Cotton noted that all members of the Committee had a personal interest in Item 2 (134115 – Fenton), the applicant being a fellow West Lindsey District Councillor.

17 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Principal Development Management Officer informed the Committee that the consultation on the Proposed Submission Draft Central Lincolnshire Local Plan (CLLP) ended at the end of May. Approximately 300 persons had made 1000 representations. The CLLP, along with representations received, would be submitted to the Secretary of State that week – and its examination commenced.

The timetable was dictated by the Planning Inspectorate. It was expected that notification of the appointed Planning inspector would be in early July and the Examination Programme be received by early August. It was anticipated that the Hearing sessions would likely be around September - October.

Subject to the examination process, adoption by the end of 2016 remained feasible.

The Chairman questioned the current status of the Five Year Housing Land Supply which had been considered during some recent appeals. The Principal Development Management Officer informed Members that the April Assessment was the most up to date version being used. Some recent appeal decisions had concluded that a five year supply had not been demonstrated because they did not consider the evidence supplied to be conclusive, the test being to show there was a realistic prospect housing would be delivered within five years. The appeal decisions were supplied to the Central Lincolnshire planning team, who were providing the background evidence to show that the sites were deliverable.

18 PLANNING APPLICATIONS FOR DETERMINATION

RESOLVED that the applications detailed in report PL.02 16/17 be dealt with as follows:-

18a 134027 - NETTLEHAM

Planning application to erect single storey extension to dwelling, demolition of new garage and new access at 2 Greenfields, Nettleham. The application had been deferred from the previous meeting in order for further reference to be made to the Nettleham Neighbourhood Plan.

The Principal Development Management Officer read out comments received from Nettleham Parish Council which appreciated the clarification over matters of car parking and requested that the parking requirement to enable five cars (as shown in the plan) be covered as a condition of approval and should be maintained in perpetuity.

It was therefore proposed to amend condition 3 as follows:

3. 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: 1001 Rev F dated 19/08/2015; 1002 Rev G dated 19/08/2015 and 1003 rev* dated 19/03/2016. 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.

Giles Crust spoke to the Committee on behalf of the applicant.

Note Councillor Marfleet declared a personal interest at this point as he has realised that he knew the speaker as a fellow member of a Drainage Board.

Mr Crust noted that the proposed development had been designed to comply with all policies, and rather than a new five bedroomed house was actually an extension to an existing three bedroomed dwelling. Presumptions could not be made as to the future use of any of the rooms. The massing of the resultant house would be less than that of neighbouring properties and there would be sufficient room for a number of cars to access and egress in forward gear.

Brief discussion ensued and 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 and subsequently amended.

18b 134115 - FENTON

Planning application to vary condition 4 of planning permission 133055 granted 30 July 2015-amendments to appearance, size and scale and repositioning of garages of plots 1 and 2 only at 40 Lincoln Road, Fenton.

It was verified that had the applicant not been a West Lindsey District Councillor the application would have been determined and granted under delegated powers.

It was therefore moved, seconded and voted that permission be **GRANTED** with conditions.

18c 133156 - MARKET RASEN

Outline planning application for proposed residential development of up to 150 dwellings with associated amenity space, estate roads and surface water attenuation - all matters reserved on land South of The Ridings, Market Rasen.

Councillor Smith, having declared an interest took the position of Ward Member to speak on the application.

Note: Councillor Marfleet recognised the applicant as having family connections, so declared a personal interest and left the room for consideration of the application.

The Principal Development Management Officer updated the Committee on further comments received from residents regarding localised flooding and concerns that the proposed balancing pond would overflow. The access point was considered too small, and there were concerns with capacity at the GP surgery. Due to lack of local jobs it was felt that residents would commute elsewhere to work and be unlikely to support local businesses and shops.

Messrs Doughty and Nelstrop addressed the Committee as agent and applicant stating that the development was sustainable and appropriate growth for Market Rasen, proposed for residential development in the emerging Local Plan. There were no objections from statutory consultees, the roadway was large enough to cope with additional traffic and the question of flooding was to be addressed. Fringe villages had been under pressure meaning that other settlements were in danger of inappropriate development. The last development in Market Rasen had sold out in six months. A review of the surface water drainage had been requested by the Council and a final drainage proposal had been agreed in principle. Developer contributions towards health, education and affordable housing had been requested and agreed. The site was allocated in the CLLP and was to meet a local need.

The Chairman clarified that the site was proposed for residential development in the emerging Central Lincolnshire Local Plan but was not an allocated site in the adopted 2006 Local Plan.

Douglas Sellers then spoke in objection to the proposals, stating that the revised flooding and

drainage proposals needed further investigation and a long term maintenance programme establishing. The drainage strategy was only indicative on the outline proposals and felt that the final drainage scheme should be secured prior to approval. Mr Sellers also had concerns with safety of the proposed access, he felt that the transport plan and lack of comments from the Highways Authority did not address current problems experienced in the area in terms of speed and weight of traffic. Further investigation was required. Residents had already endured years of construction traffic. There would also be an unacceptable impact on the local schools.

Councillor Smith speaking as Ward Member echoed the concerns of residents and felt that the application should be refused. The local schools and the doctors' surgery were already over capacity and had no scope for extending. The Highways Authority could not address the existing problems. The development would take the 'Market' out of Market Rasen. Recent appeals had afforded limited weight to the emerging plan and the decision should be made against the current plan.

Councillor Smith suggested the following policies as being appropriate reasons for refusal:-; WL Local Plan policies STRAT1(iii) access to public transport; STRAT1(iv) reducing car journeys; STRAT1(vi) character and appearance; STRAT9; STRAT12; SUS1; RES1(i) massing effect; NBE10(i) local distinctiveness; NBE20; NPPF paragraphs 29 sustainable transport; 34 minimising distance to public transport; 37; and 38.

The Principal Development Management Officer addressing the comments raised by the speakers noted that officers had worked with the applicant for betterment of the existing drainage problems. Surface water would no longer discharge into the existing drainage channel, but would be retained in a balancing pond and discharged off-site at an attenuated rate. The applicant had shown drainage to be feasible - it was standard practice final drainage details to be subject of a condition at outline planning stage as the layout could change. The Highways Authority had considered the existing problems at Willingham Road / Oxford Street and concluded that the proposed development would not have a severe impact.. Market Rasen was to be an area of significant, albeit proportionate, growth in the emerging CLLP and can be expected to grow especially at the edge of the settlement. Market Rasen was a market town with current facilities and was a sustainable location for new development. The proposed development would make a significant contribution and was included in the five year housing land supply. The education and health contributions had been considered adequate by the relevant bodies and no further concerns expressed.

The Chairman noted that the site was allocated for development within policy LP51 of the emerging CLLP and that Market Rasen was to be a focus for growth.

The Committee debated the application at length, giving consideration to the growth of Market Rasen, the traffic and flooding issues and also the education and health contributions. Statistics were quoted regarding the acceptable doctor/patient ratio at surgeries, and also the density of housing developments. It was felt that growth of the town would help existing businesses and improve sustainability. Whilst concerns were expressed regarding the existing traffic problems the Highways Authority were managing the junction and the situation was no justification for refusal of the application.

Discussion took place on the acceptability of the walking distances as quoted in the report.. The proposed density of the development was less than what was previously required as a minimum by national policy – reasonable plot sizes could be achieved without an adverse visual impact.. Given the lack of large town centre brownfield sites, the Principal Development Management Officer considered proposed location was probably as close as would be possible to the centre of Market Rasen and could be considered a sustainable location in an area where growth should be focussed.

The recommendations as set out in the report were 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, to enable the completion and signing of an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) pertaining to:-

- Capital contribution towards Primary School facilities (£338,293) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards Health care provision within the Parish of Market Rasen, in lieu of on-site provision;
- Provision of affordable housing on site (type and tenure to be agreed).

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: Councillors Smith and Marfleet returned to the Committee.

18d 133946 - CLAXBY

Application to vary condition 2 of planning permission 131962 granted 28 January 2015 - increase number of event days from four per calendar month to 48 per calendar year at Willowbanks Stables, Pelham Road, Claxby.

CLlr Tony Bowers of Claxby Parish Council informed the Committee that the Parish Council objected to the variation of the current condition. It was considered that the main access to the site was in a dangerous condition. Whilst two passing places had been created these had proved too small and were not being maintained. The rest of the road was too narrow and there were many potholes. It was felt that the increase in the number of events would be excessive, as access was usually through the village despite weight restrictions which were often ignored. There would be an unacceptable increase in noise, disturbance and light pollution.

Phil Raven spoke as a neighbouring resident, stating that whilst the establishment was appropriate for the countryside and he wished it every success, the owners must listen to the concerns of residents, which though small in number were unanimous. The change of frequency of events would lead to a concentration in the summer months, and recent events had seen 100s of visitors to the site. A retrospective application had recently been submitted for additional parking provision. The public address system and use of a claxon were a public nuisance and the sound levels had been measured on a quiet day. These were occasionally intolerable.

The Principal Development Management Officer noted that the Highways Authority had acknowledged the current state of the roads, but that the proposed amendment to condition would not lead to an increase in traffic. Any concerns with the condition of the highway were a matter for Lincolnshire County Council and should be addressed as such and not be relevant to the determination of the application. A separate application was currently pending which included amplified noise related conditions. It had, however, been shown through the noise assessment that an event could take place without significant nuisance indicating that this was a matter of the management of such events.

Clarification was sought on the hours of operation, and whether the site was in the 'Dark Skies' part of the Area of Outstanding Natural Beauty which would suffer from light pollution. It was affirmed that the site was on the edge of the AONB, and lighting conditions were the same as those imposed through planning approvals 131962 and 128298 which related to the erection of flood lighting and any breaches to be monitored.

It was acknowledged that the business was an established rural facility in a rural location and that there was no proposed increase in the number of events over the year. However concerns were expressed that there would be a significant increase over the summer months and possibly three or four day events over Bank Holiday weekends. The Principal Development Management Officer noted that this could take place at present.

Councillor McNeill suggested that there was insufficient detail regarding the Highways position on the proposals and that the application be deferred, however the legal advice given was that the Highways Authority had given their statement with all the knowledge available to them and awareness of alternative possibilities and applied their expertise accordingly. Councillor McNeill withdrew his proposal.

Clarification was sought on the interpretation of Condition 4 in that no more than four horses be kept on site at any time. It was affirmed that this referred to the stabling of horses.

The recommendation to approve the proposals 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.

Members of the Committee felt it would be appreciated that if a Ward Member had called an application in for Committee determination then they attend the meeting to speak on the matter.

19 REVIEW OF PLANNING APPLICATION 133815

The Principal Development Management Officer presented a report which sought to assess planning application 133815 (Outline application for the erection of 135 dwellings, a community hub comprising of up to 200sq.m shop use- class A1, 300sq.m restaurant café – Class A3 and 300 sq.m community hall – Class D1, ancillary public open space, landscaping, drainage and access) on land off Gainsborough Road, Lea; and ascertain the views of the Committee in advance of a planning appeal against the non-determination of the application.

The Chairman made comments in relation to the CLLP regarding the proposed unsustainable level of development. Gainsborough was allocated for significant growth already comprising planning permission for a large number of houses, the proposed development would add a further large unsustainable number in a village location. Under LP2 Lea was proposed to be allocated developments of up to nine dwellings, or up to 25 on exceptional sites.

The recommendations were moved for approval as they summarised concisely the reasons for refusal: in that the number of dwellings proposed was significantly above that which was deemed appropriate for a village with limited facilities and connections, the impact on the Area of Great Landscape Value, the lack of sufficient information and the impact on the archaeology/ecology of the site were all matters for consideration. The comments were echoed by other Committee Members and the proposal was seconded.

Note: Councillor Cotton declared a personal interest in that he was the Minister for Lea.

Members also commented on the flooding of the site and that it was a natural basin, however the Principal Development Management Officer noted that the dwellings were proposed to be outside of the flood zone, land levels including the access road would be increased above flood levels. It was also noted that it was possible that the appellant could submit additional information to the Inspectorate before the hearing which may address the concerns of the Council with respect to refusal reasons 2 and 3.

Having been moved and seconded, the Committee voted and it was **RESOLVED** that:

That the Council would have been minded to refuse planning permission on the following

grounds:

1. The development proposed within an Area of Great Landscape Value (AGLV) alongside a subsidiary rural settlement. Development at the scale proposed would result in the growth of this subsidiary rural settlement at unsustainable levels in view of its limited facilities, being heavily dependent on private vehicles to access employment, retail and other basic facilities. It would adversely harm the sensitive landscape setting and character of this rural village. Development would conflict with and potentially undermine the growth strategy being advocated by the emerging Central Lincolnshire Local Plan. The adverse impacts of development would significantly and demonstrably outweigh the benefits of development and the development does not meet the NPPF presumption in favour of sustainable development. Development does not comply with the policies of the West Lindsey Local Plan First Review (2006), most particularly policies STRAT1, STRAT9, STRAT12, STRAT19, NBE10 and NBE20.
2. Insufficient information has been provided to show that the development could be accommodated without undue harm to the ecology of the locally important designated nature area (Local Wildlife Site contrary to saved policies of the West Lindsey Local Plan First Review (2006), most particularly policies STRAT1 and NBE12.
3. Insufficient information has been provided to show that the development could be accommodated without undue harm to the archaeology of the area contrary to saved policy STRAT1 of the West Lindsey Local Plan First Review (2006).

20 TO NOTE THE FOLLOWING DETERMINATION OF APPEALS

A number of appeals were set out on the agenda for information.

Committee Members expressed concerns about the seeming inconsistency of the Appeal decisions of different Planning Inspectors. It was felt that there should be a fixed set of criteria to be applied, such as the NPPF. Also the timeline for resolution of appeals by Inspectors should be subject to the same kind of legislation as Planning Authorities in terms of non-determination.

The Committee requested that either the Chief Operating Officer or the Chief Executive write to the Secretary of State (not PINS) to request that the problems be investigated.

RESOLVED that the determination of appeals be noted.

The meeting concluded at Time Not Specified.

Chairman