

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 27 July 2016 commencing at 6.00 pm.

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

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

In Attendance:
Oliver Fytche-Taylor Planning Services Manager
George Backovic Principal Development Management Officer
Jonathan Cadd Principal Development Management Officer
Mandy Wood Lincs Legal
Dinah Lilley Governance and Civic Officer

Apologies: Councillor Matthew Boles
Councillor Roger Patterson

Also Present 6 Members of the Public
Councillor Anne Welburn

21 APOLOGIES FOR ABSENCE

Apologies had been submitted from Councillor Roger Patterson and Councillor Matthew Boles.

22 PUBLIC PARTICIPATION PERIOD

There was no public participation.

23 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the Minutes of the meeting of the Planning Committee held on 29 June 2016, be confirmed and signed as a correct record

24 DECLARATIONS OF INTEREST

It was noted that all members of the Committee had a personal interest in: Item 2 (134492 –

Cherry Willingham); Item 3 (134599 - Fenton); and Item 4 (134287 - Glentham) the applicants being fellow West Lindsey District Councillors.

Councillor Ian Fleetwood declared a personal interest in Item 1 (134103 – Cherry Willingham) in that he was the County Councillor for the Cherry Willingham Ward and also knew the applicants.

Councillor Stuart Curtis declared a personal interest in Item 1 (134103 – Cherry Willingham) in that he knew the applicants, and also that his daughter in law was a teacher at Cherry Willingham School which was included in the proposed s106 agreement.

Councillor Curtis also noted that several Members of the Planning Committee had been lobbied by email regarding Item 1 (134103 – Cherry Willingham).

25 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

There were no new updates to report, the most recent one being the submission of the Central Lincolnshire Local Plan to the Inspector for examination, at the last meeting. No date had yet been communicated.

26 PLANNING APPLICATIONS FOR DETERMINATION

RESOLVED that the applications detailed in report PL.04 16/17 be dealt with as follows:-

26a 134103 - CHERRY WILLINGHAM

Outline application for up to 300 dwellings, ancillary public open space, landscaping, drainage reserved, with vehicular accesses from Hawthorn Road and pedestrian-cycle access from Green Lane with all matters reserved on land off Hawthorn Road, Cherry Willingham.

The Principal Development Management Officer read out a number of updates, the first of which necessitated amendments to the recommendations:

- Capital contribution of £1,050,000 to the construction of the Lincoln Eastern Bypass, or in the event that the LEB is not delivered this contribution (or part of) is to be used to deliver alternative traffic mitigation works as determined by the Highway Authority.
- Provision of no less than 25% of the total approved units as affordable housing on site (type and tenure to be agreed).

It was then moved, seconded and voted upon that the additional and amended recommendations be **AGREED**.

The Principal Development Management Officer then continued with further updates.

The final comments from LCC Highways had been received and the Development Management Officer read out the statement in full.

“Detailed comments have been made in response to Cherry Willingham Parish

Council's submission on the Transport Assessments which in summary do not alter the conclusions reached by LCC Highways:

Conclusion: An important consideration is paragraph 32 of the National Planning Policy Framework (NPPF) and whether this development will have a severe impact upon the local highway network. Recent planning appeals suggest that the definition of severe in the planning context is set at a substantially higher threshold than what the Highways Authority or objectors would wish. Also it appears that the definition of sustainable as used by the Secretary of State, is a development that on balance has more positive benefits than negative taken all factors into account. Although there is no doubt this development will have an impact on the surrounding highway network the increases in delay and journey times (particularly with the proposed construction of a £100 million bypass) cannot be considered as so severe as to warrant a refusal on highway capacity grounds.

LCC Highways do not wish to restrict the grant of planning permission subject to the imposition of suggested conditions and a contribution of £1,050,000.00 towards the Lincoln Eastern Bypass (LEB). This is in accordance with the Memorandum of Understanding (MoU) signed by WLDC and adopted at Prosperous Communities Committee on 2 September 2014, which has a principle requirement for strategic growth applications such as this to make contributions to the LEB.

Given the advanced proposals for the LEB and that it is committed development; the traffic modelling work undertaken for the revised Transport Assessment submitted with this application included the bypass, which is normal practice. This mitigates the impact of the development to a level Highway Authority are content with.

As with the NEQ application, recently approved by the planning committee, LCC have stated that they are prepared to withstand any other highways issues in the short term, given the imminence of the LEB, predicated on the understanding that contributions are secured from this development towards the LEB.

However, if the LEB is not delivered alternative mitigation measures would be required in order to mitigate the effects of the proposed development in the absence of the bypass - to make the development acceptable in highway safety and capacity terms. As without the bypass, in the event that for any reason the delivery of the scheme did not happen, there would be significant highways constraints that would need to be addressed in order for this application to be made acceptable. These works would also require a significant financial contribution.

It would be considered necessary to discuss this matter with the applicants in terms of potential impacts on scheme viability, however, officers are of the opinion that in the event of a favourable recommendation that it would be possible to conclude this within the 6 month period normally allowed for the completion of a Section 106 legal agreement."

The third update read out was from the LCC Historic Services

"The geophysical report has highlighted some areas of archaeological potential which will need further investigation. Ideally this should be done prior to determination.

However if planning consent is to be forthcoming provision should be made to investigate the potential archaeology and prepare a mitigation strategy for any further work, if required, prior to development.

I envisage that the initial evaluation should take the form of trial excavation, primarily covering the anomalies highlighted in the geophysics report and some other limited trenches to ground truth areas which have not shown any archaeology within this site. This should provide enough information to prepare and target any mitigation strategy that may be required.”

The Principal Development Management Officer then read out those conditions which would require amendments or addition:

Condition 7 was to be deleted and replaced with:

7. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The scheme shall thereafter be carried out in full accordance with the approved details.

Additional Conditions 8, 9 and 10 to be included:

8. The Local Planning Authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 7 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

9. Following the archaeological site work a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

10. The report referred to in condition 12 and any artefactual evidence recovered from the site shall be deposited within 3 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Subsequent conditions then to be renumbered, followed by additional Conditions 16 and 17, and also Notes to the Applicant:

16. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway,

shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses.

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

Notes to applicant:

1. Where a footway is constructed on private land, that land will be required to be dedicated to the Highway Authority as public highway

2. All archaeological work undertaken must meet recognised Chartered Institute for Archaeologists professional standards for implementation and archiving as required by the relevant planning archaeologist and museum archive'. It is the developer's responsibility to ensure that their contractor meets professional standards. Failure to do so could result in an inability to discharge archaeological conditions

An additional representation had been received the day prior to the Committee meeting from Cherry Willingham Parish Council, which the officer summarised. The Parish Council still had concerns following the response from the Highways Authority, but accepted the general conclusions reached. It was stated that should the application be granted then the proposed site allocations set out in the emerging Central Lincolnshire Local Plan (CLLP), be withdrawn.

In conclusion, the Parish Council did not consider that, as submitted, the proposal constituted sustainable development. However, on balance, the Parish Council would be generally supportive of the principle of development on this site subject to amendments incorporating the requirements or responding positively to the comments set out in the submission.

An email had also been received from the applicant's agent which stated that as well as committing to the stipulated s106 obligations, the applicant would offer to sign up to a Design Code, which could be included within the Agreement.

The Chairman asked the Planning Services Manager to respond to the request that the current CLLP site allocations be removed. The Central Lincolnshire Local Plan Manager had confirmed that a modification would not be agreed at this stage as the draft Plan had been submitted for examination, and it would be up to the Planning Inspector to determine if an appropriate level of growth had been reached in Cherry Willingham. Members therefore had to bear in mind that both sites could be allocated for development, however each application must be determined on its own merits.

The updates read out by the Officer were circulated by email to Committee Members.

Simon Sharp, of JH Walter, agent for the applicant, then addressed the Committee. The applicant welcomed the recommendations as set out in the report, and had invested heavily in preparing the application, undertaking public engagement and meetings with all interested parties and statutory consultees. The approach had embraced localism and

recognised the importance of place-making. The applicant was a local developer and acknowledged the need for responding to local design and character. The intention was for the development to be an integral part of the village and not just another 'bolt-on' housing estate. There was to be investment in local infrastructure, and the comments from the Parish Council were acknowledged, following which, dialogue would continue throughout the process. The offer to commit to a Design Code was reiterated. The response from the Highway Authority was acknowledged as was the request for the contribution towards the Lincoln Eastern Bypass.

No representatives from the Parish Council were present. Councillor Anne Welburn, speaking as Ward Member, addressed the Committee, stating that the area really needed a Masterplan approach. The offer of the Design Code was welcomed. It was pointed out that the site was on the edge of the settlement and in the open countryside with sensitive views. A Masterplan would prevent piecemeal development and facilitate a more cohesive approach. Other issues which were relevant included a medieval strip farm and a stand of old trees, flood risk and drainage issues. There had been several recent small developments which had had an impact on the infrastructure, such as health provision, and there were concerns regarding traffic impact. The stopping up of Hawthorn Road had raised major issues, and it was not felt that the contribution to the Lincoln Eastern Bypass would help alleviate existing problems. The provision of an appropriate footpath and cycle link were an important consideration. A number of policies were cited. The possibility of having two large developments due to the other allocated site in the CLLP were of significant concern and the village could not cope with both sites being developed.

The Principal Development Management Officer noted the request for a Masterplan approach, but this was not something that could be addressed at this stage, however a condition setting out details of phasing could be requested which may assist. Some of the other issues raised by the Ward Member, such as landscaping, open space etc were already addressed within the conditions. It was however noted that the application was still at outline stage, so details were not explicit. Regarding the closure of Hawthorn Road it was clarified that it was only a partial closure, and that the system was to be 'left in/left on' (LILO) and that access would still be possible via a roundabout, but that traffic would not be directed through the village – some debate ensued regarding the logistics of this and the layout of the LEB.

The Planning Services Manager affirmed that highways issues had been covered comprehensively, and the Chairman noted that the impact had to be classified as 'severe' to be a valid reason for refusal.

Members of the Committee then gave the application detailed consideration, questioning issues such as housing density, the provision of affordable housing, the s106 contributions to education and health provision. It was acknowledged that it was difficult to give any weight to the Cherry Willingham Neighbourhood Plan as it was at such an early stage of preparation.

One significant concern was the allocation of the other site in the submitted Central Lincolnshire Local Plan given that it was not possible to make any modifications at this stage of the process and that it would be up to the Planning Inspector to determine the level of growth for the village during the examination process.

Councillor Giles McNeill then proposed that the application be refused for the following policy reasons: STRAT 1, STRAT 3, STRAT 12, SUS 1, NBE 20, NBE 10 AND CLLP LP2. The proposal was then seconded.

Officers sought further clarification as to what harm would be caused under the remit of these policies, and the following was provided:

- STRAT 1 - Development requiring planning permission
- STRAT 3 - Settlement hierarchy - where the village is a primary large village, but Hawthorn Road is excluded from that designation
- STRAT 12 - Development in the open countryside (including designation in the West Lindsey Landscape Character Assessment and the adopted Countryside Design Summary)
- SUS 1 – Development Proposals and Transport Choice
- NBE 20 - Edge of Settlement
- NBE 10 - Landscape Character
- CLLP - LP2

Following further discussion which included the provision of a five year housing land supply, the availability of public transport and the land ownership of the proposed public right of way, a motion to approve the recommendations was proposed, however this was not seconded.

Therefore the motion to refuse the application was voted upon. It was then **AGREED** that permission be **REFUSED** for the reasons as set out below.

The proposed development is considered to be contrary to saved policies STRAT 1, STRAT 3, STRAT 12, SUS 1, NBE 10 and NBE 20 of the West Lindsey Local Plan First Review 2006 and policy LP 2 of the Submission Central Lincolnshire Local Plan April 2016.

26b 134492 - CHERRY WILLINGHAM

Planning application for conservatory to rear at 10 Lime Grove, Cherry Willingham.

It was verified that had the applicant not been a fellow Councillor the application would likely have been granted under delegated powers.

It was therefore agreed that **PERMISSION BE GRANTED** subject to conditions.

26c 134599 - FENTON

Planning application to vary condition 4 of planning permission 133055 granted 30 July 2015 - revised plans with amended appearance, size, scale and position of plot 4, 40 Lincoln Road, Fenton.

The Principal Development Management Officer affirmed that no objections had been received from the Archaeology department.

It was verified that had the applicant not been a fellow Councillor the application would likely have been granted under delegated powers.

It was therefore agreed that **PERMISSION BE GRANTED** subject to conditions.

26d 134287 - GLENTHAM

Planning application for the creation of a lagoon for the storage of AD digestate on Land at Highfield Cliff Farm, Shadows Lane, Glenthams.

The Principal Development Management Officer read out an email from a neighbouring resident which had raised a number of concerns, and requesting that construction and maintenance traffic access be only via the A631, as traffic close to the house would be disruptive to the residents. A further letter from Sir Edward Leigh MP gave support to the concerns of the neighbour. A further amendment to condition 5 was requested to ensure the floating cover to the lagoon was used from the commencement of operation of the proposal and to be used as such thereafter.

Councillor Adam Duguid, the applicant, addressed the Committee and affirmed that he was happy to agree to conditions to assuage the concerns of the neighbouring resident, and that it was proposed that the lagoon was intended to blend into the landscape and whilst there would be some disruption during construction, this would be shortlived.

Note: Councillor Jessie Milne declared that she was employed by Sir Edward Leigh MP but had not been involved in any discussions on the application.

It was verified for the Committee that the nearest residence was more than 400m away. It was also questioned whether two lagoons would have been approved at the time that the original application was submitted for the existing one approximately one year ago, and the likelihood of further lagoons being requested. It was verified that any future lagoons would still need Committee approval, and that evidence would have to be provided regarding any problems, to warrant a refusal.

It was verified that had the applicant not been a fellow Councillor the application would likely have been granted under delegated powers.

It was therefore agreed that **PERMISSION BE GRANTED** subject to conditions.

27 DETERMINATION OF APPEALS

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

Councillor Curtis noted, as Ward Member for Sudbrooke, site of the first appeal decision, noted that the Inspector had not given weight to the presence of an historic park, ancient woodland and wildlife habitat, and that there was no need felt for 25 apartments.

RESOLVED that the determination of appeals be noted.

Planning Committee- 27 July 2016

The meeting concluded at Time Not Specified.

Chairman