

## 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 21 September 2016 commencing at 6.30 pm.

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

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

**In Attendance:**  
Oliver Fytche Taylor Planning Services Manager  
Jonathan Cadd Principal Development Management Officer  
Rachel Woollass Development Management Officer  
Stuart Tym Lincs Legal  
Dinah Lilley Governance and Civic Officer

**Also in Attendance:** 37 members of the Public

**Apologies:** Councillor Michael Devine  
Councillor Roger Patterson  
Councillor Judy Rainsforth

**Membership:** There were no substitutions

### 37 PUBLIC PARTICIPATION PERIOD

There was no public participation.

### 38 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 24 August 2016.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 24 August 2016, be confirmed and signed as a correct record.

### 39 DECLARATIONS OF INTEREST

Councillor Cotton declared that as he ministered to the Parish of Upton and also knew several of the objectors he would not take part in determination of the item in order to avoid any perception of bias. (Application 134462 – Upton).

Councillor Cotton declared that as he had not been present at the previous meeting and heard the speakers, and had not been able to be present for the site visit, he would not take part in the deliberation of the item (Application 131181 – Caistor).

Councillor Cotton then left the meeting at 6.31pm.

#### **40 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY**

The Planning Services Manager noted that he had circulated details of the hearing sessions for the Local Plan that were coming up in November/December. He had also advised that a new 5 year supply had been published by the Central Lincolnshire Planning Team and that it confirmed that the authorities met the required test and could demonstrate a 5 year supply of housing. The document can be viewed online (document 039A in the Planning Policy Library) : <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

#### **41 CHANGE TO THE ORDER OF THE AGENDA**

The Chairman proposed that given the number of people present at the meeting for the Upton application, it be dealt with first.

This was seconded and it was **AGREED** that the order of the agenda be changed to hear the Upton application first.

#### **42 PLANNING APPLICATIONS FOR DETERMINATION**

**RESOLVED** that the applications detailed in report PL.05 16/17 be dealt with as follows:-

##### **42a 134462 - PIG FARM, UPTON**

Planning application to construct two pig rearing units and one straw storage building on land off Cow lane, Upton.

The application was presented to the planning committee given the level of public interest.

The Development Management Officer advised the Committee that there was an error in the report in that Condition 9 should read 'prior to any operation of the building' not 'of the lagoon'. It was also noted that the proposal for a farmhouse had been removed from the original application. 78 further objections had been received from Animal Aid, and the online total of signatures was now 7828, however the Committee was reminded that animal welfare was not a material consideration in the determination of planning applications and there were other organisations to deal with such matters.

Mr Jamie Allen addressed the Committee representing the Parish Council, noting that there had been several public meetings and there was a clear mandate from residents to reject the application. Any development in the village should improve quality of life but the current application would have a negative impact. The proposals conflicted with national and local policy. It was felt that the methodology of the environmental assessment was not acceptable. Peak readings should be used rather than average. Given a 10-20% mortality rate for the pigs there would be animal carcasses on site. It was unacceptable to not concede that there would be an odour impact, and for the burden of proof to be on the consultees. Who would be accountable in the event of a flawed assessment? It was pointed out that although no residences, there was a business within 200m of the proposal, but given that this business supplied farms, had raised no objection. Residents would not rest if they lost their case.

Tim Elwess, the applicant, then addressed the meeting, pointing out that although Lincolnshire was agrarian in nature, farmers were usually unpopular. Most issues raised had been covered within the report, the suitability of the site was shown as being comfortably outside of the village envelope, and its nearest neighbours were sewage treatment and a composting site. Mr Elwess owned the site, and crops were not a secure income provider, pigs would be better. There were no subsidies. The operation was not 'intensive' and fitted with all welfare standards, and exceeded those required by the RSPCA, and meat would carry the Red Tractor logo. The animals would receive natural light and would have straw beds, with daily mucking out. The products were for human consumption and would meet the exacting standards of the UK customer.

John Spencer, resident of Upton spoke in objection to the application, stating that when communities deteriorated house prices plummeted. There was a balance between the employment of one person against the misery of many residents. There would be a danger of contamination, odour and disease, and should not be next to a village. Superbugs were resistant to antibiotics and cancer patients' greatest fear was of infection.

Helen Villamuera also spoke on behalf of residents in objection, whilst happy for farming to take place in the countryside, objected to the industrial nature of the proposals. The figure of under 2,000 was critical in the assessment of its size. There would be odour problems from both the live animals, the carcasses and the manure. The roads were unsuitable for an increase in traffic. There would be an impact on quality of life, house prices and local businesses (particularly the chip shop) would suffer. Residents sought assurance that if granted the development would be monitored.

**Note:** Councillor Milne spoke as Ward Member on the application and stood down from the Committee.

Councillor Milne pointed out that residents had spent many hours researching details of such businesses and were not NIMBYs but had grave concerns. There were concerns regarding the foul water storage and its potential to overflow and contaminate water in the event of flooding. There were fears regarding the odour from the manure. Many years had been spent on winning a previous fight against such a business and it was now back to square one. Extractors would not work on carcinogens, and there was a risk to people living in the vicinity. Manure could overheat and be a fire risk and there was not a suitable water supply if straw caught fire. The roads were narrow with dangerous junctions and there had been near misses, particularly involving tractors, however highways officers had not been able to address the problems. There would be noise implications from both the traffic and the pigs. There would be an effect on both the chip shop and the local pub, detracting from outdoor custom. Villages had to live with the consequences of such decisions, and this should be refused.

Councillor Milne left the room during consideration of the application.

The Committee was reminded that neither animal welfare nor house prices were relevant to the determination of the application. There had been wide consultation and statutory bodies were satisfied with the proposals. The Environment Agency had withdrawn its initial objection and the County Highways department had assessed the traffic movements as safe with capacity for an increase. All other concerns had been addressed in the report.

Committee Members debated the application at some length and sought further clarification or assurance on a number of matters, such as the height of buildings in proximity to an aerodrome, the request for a fire hydrant, and the data used for the assessment of odour from slurry dispersion. It was affirmed that all relevant planning policies had been complied with and other responsible bodies would deal with non-planning related matters.

It was proposed that Condition 2 be amended to require tree planting to be native species and

Condition 5, that consideration be given to nesting season. Condition 9 (now 10) be amended to state 'building' not 'lagoon'.

It was moved and seconded that permission be **GRANTED** with the conditions as set out in the report and as amended below. On being voted upon it was **AGREED**.

**Amended Conditions**

**2.** No development shall take place until, a scheme of landscaping including details of the size, native species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development 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 STRAT 1 and CORE 10.

**5.** No works shall take place involving the loss of any hedgerow, tree or shrub between 1<sup>st</sup> March and 31<sup>st</sup> August in any year until, a detailed survey shall be undertaken to check for the existence of nesting birds. Where nests are found, a 4 metre exclusion zone shall be created around the nests until breeding is completed. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any works involving the removal of the hedgerow, tree or shrub take place.

**Reason:** In the interest of nature conservation in accordance with West Lindsey Local Plan First Review Policy NBE 10.

**10.** 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 first operation of the buildings 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 in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, STRAT 12 and CORE 10.

**Note:** Councillor Milne returned to the meeting at 7.16 pm.

**42b 131181 - BRIGG ROAD, CAISTOR**

Outline planning application for the erection of 69 dwellings - access to be considered and not reserved for subsequent applications on land at Brigg Road, Caistor. The application had been deferred from the previous meeting in order for a site visit to be undertaken.

The Principal Development Management Officer updated Committee Members on the revised drainage scheme received. The proposal was for a hybrid scheme including swales,

soakaways and drainage ponds. The Lead Flood Authority (LFA) response felt that a hybrid proposal was not the appropriate solution, and a single scheme would be better. An email had been received from the LFA stating that there was insufficient certainty for the prevention of flooding or potential pollution of chalk watercourses. The applicant's agent had stated that to undertake a full SUDS scheme would reduce the number of houses by 27, thereby making the proposals unviable. The applicant was prepared to continue working on an acceptable solution, however a traditional pipe scheme would require further work and time.

The Town Council had submitted their representation at the previous meeting and had reiterated their concerns, requesting a number of conditions should the application be approved.

A further letter of objection had been received raising concerns regarding increased traffic, the possibility being around an additional 130 cars from 69 houses. Residents knew the area better than 'experts'.

Mark Hodson, agent for the applicant, thanked the Committee for undertaking the site visit, and described the proposals as an opportunity to deliver housing close to the amenities of Caistor. The 8.5 hectare site was allocated within the CLLP and the proposals for a density of 8.12 dwellings per hectare were acceptable. The previous meeting had agreed that all issues met requirements other than the drainage matters, and these could be resolved in time. There were constraints due to the topography of the land, but it was necessary to maintain the number of houses proposed to ensure the viability of the scheme.

Paul Stubbs, local resident, spoke in objection to the proposals, citing the dangerous nature of the road, the already high level of traffic and its tendency to experience more severe winter weather due to it being higher above sea level. A previous application had been refused on highways grounds, and there were more appropriate sites within Caistor.

The Principal Development Management Officer assured the Committee that Highways officers had given lengthy consideration to the traffic implications and, subject to a number of proposed improvements, had no objections.

Members acknowledged that the site was allocated within the CLLP, although Caistor Town Council had requested its removal, the document had now been submitted for examination. Sites within market towns were being given further consideration. There were no site allocations within the Caistor Neighbourhood Plan, but the ambition was to ensure development close to the town centre and on brownfield land where possible. It was generally agreed that there was the potential for a high quality development, however the drainage constraints were of serious concern. It would be up to the applicant to resubmit the application once a drainage solution had been found.

It was moved, seconded and voted upon that the application be **REFUSED** for the amended reasons as set out below.

#### **Reason for Refusal**

The surface water drainage strategy submitted is not sufficient to be able to conclude that the proposal would adequately dispose of water in a safe and sustainable manner without increasing the risks of: flooding on site and to adjoining land and pollution to the environment

including local streams of ecological importance. In addition to this, the proposal fails to adequately justify measures to ensure foul water from the development can be disposed of viably to and within the existing foul drainage network. The proposed development is therefore contrary to saved Local Plan Policies STRAT1, NBE14 and RES1 of West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

#### **43 DETERMINATION OF APPEALS**

**RESOLVED:** that the determination of appeals be noted.

The meeting concluded at 7.59 pm.

Chairman