

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 19 October 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 Michael Devine
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Judy Rainsforth
Councillor Thomas Smith

In Attendance:
Russell Clarkson Principal Development Management Officer
Ian Elliott Development Management Officer
Stuart Tym Lincs Legal
Dinah Lilley Governance & Civic Officer

Also present 18 Members of the public

Apologies: Councillor Hugo Marfleet
Councillor Roger Patterson

Membership: There were no substitutions

44 PUBLIC PARTICIPATION PERIOD

There was no public participation.

45 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 21 September 2016.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 21 September 2016, be confirmed and signed as a correct record, subject to the amendment that page 39 be corrected to read "8.12 dwellings per acre".

46 DECLARATIONS OF INTEREST

Councillor Tom Smith declared a personal interest in item 6a (134578 Middle Rasen) as he was the Ward Member and had assisted on the previous appeal.

47 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Principal Development Management Officer gave reminder that the public examination of the Central Lincolnshire Local Plan had been scheduled to commence on Tuesday 1 November, to be held in Lincoln. The Examination Hearing Programme had previously been circulated and is available on the Central Lincs website (<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan-examination/>).

48 PLANNING APPLICATIONS FOR DETERMINATION

48a 134578 MIDDLE RASEN

Outline planning application for the erection of up to 47 dwellings together with open space - access to be considered and not reserved for subsequent applications on land North of Old Gallamore Lane, Middle Rasen.

The Principal Development Management Officer informed the Committee that additional comments had been received in support of the application from people who welcomed the possibility of increased availability of housing in the area and benefits of an increased population. A further objection had also been received which stated that the objections to the original application were still applicable.

Mr Tom Smith, agent for the applicant spoke in support of the proposals stating that the previously refused application had been dismissed at appeal only on the grounds of the impact on the nearest neighbours. The concerns were understood and the plans duly revised to increase the separation from existing properties and reduce the number of dwellings, which addressed the concerns raised by the Planning Inspector. With these amendments the proposals were acceptable in principle, the Inspector had previously found there would be little no adverse impact on the character and function of the green wedge. The location was sustainable, drainage/flooding had been addressed and there would be a number of benefits such as contributing to the Five Year Housing Land Supply, attractive open space, affordable housing contribution and economic benefits. No adverse impacts would arise that would significantly and demonstrably outweigh the benefits.

Lesley Bailey spoke in objection on behalf of local residents stating that the site was a green wedge outside of the development boundary as set out in the current West Lindsey Local Plan and also the proposed Central Lincolnshire Local Plan (CLLP). Middle Rasen was designated as a large village in which such levels of growth should be in exceptional circumstances. Other sites locally had proposals for development and there were concerns regarding flooding which impacted on residents' home insurance. Parking was inadequate and impeded access to services, there would be an additional impact on health and policing provision and the traffic increase would be unacceptable, particularly at school times and on race days. There were no exceptional circumstances on which the grant the application.

The Principal Development Management Officer responded that the Police had raised no objections, NHS England recommended a s106 contribution to secure a capital contribution towards increasing local capacity. The CLLP was at examination stage, and still to be tested, so was a material consideration, albeit not yet to attach full weight. Clarification was given on the status of the Five Year Housing Land Supply, which could be demonstrated at

the present time (September 2016 Statement) with 5.26 years.

Members of the Committee discussed the previous refusal at appeal and it was noted that housing numbers had been reduced and a greater setback from existing properties could now be demonstrated. The reasons given for the refusal had been addressed in the application before the committee. The legal adviser advised caution in going against the views expressed by the Planning Inspector.

Members sought further clarification on the private strip of land proposed and questioned its value. The Principal Development Management Officer questioned its necessity and advised that it could be considered at the reserved matters stage. If the Committee felt it was necessary, consideration to its ongoing maintenance/management should be given. The Committee Report proposed a condition to secure single storey only properties neighbouring the western boundary.

Councillor Smith questioned whether local health facilities had the capacity to accommodate the development. The Principal Development Management Officer advised that NHS England had appraised the application, there would be an impact and they proposed a mitigation solution. The applicant was agreeable to making a contribution (S106) to enable this.

Councillor Smith proposed that the application be refused on the grounds of West Lindsey Local Plan policies STRAT1(vi), STRAT1(viii), STRAT5(i), STRAT5(v), STRAT9, STRAT12, STRAT13, RES1, NBE10, NBE20, and Central Lincolnshire Local Plan proposed policies LP2 and LP22.

Further discussion ensued on the settlement break, the Principal Development Management Officer agreed that development would be contrary to saved policies STRAT12 and STRAT13 but advised the Committee to consider the findings of the Government's Planning Inspector in this regard.

It was questioned whether a sequential test for developing within the green wedge could be met, whether the separation strip would be effective, the need for affordable housing within the Parish, whether the site was exceptional to allow such levels of growth, connectivity and accessibility to Middle Rasen services, the flood risk and the overall sustainability of the proposals.

It was considered that the reduced quantum of housing would reduce the social and economic benefits previously considered by the Inspector. Substantial changes to ground levels to mitigate flood risk would reduce environmental strand. The sustainability of the site was therefore diminished.

Officers sought further demonstration as to the reasoning behind a refusal on the quoted policies, and advised as to which would not be appropriate. It was clarified the concerns were with residential amenity, encroachment into the open countryside and green wedge, and the scale of development being proposed in this location.

A motion was upheld to remove policies NBE10 and NBE20 from the reasons for refusal.

It was therefore moved and seconded, and on being voted upon it was **AGREED** that the

application be **REFUSED** for the reasons as set out below:

1. The development would have an unduly adverse effect upon the amenities enjoyed at neighbouring properties, contrary to the provisions of the West Lindsey Local Plan (First Review), in particular saved policies STRAT1 (vi) (viii) and RES1.
2. Development would result in a significant encroachment into open countryside on a green field site. It would detract from the open rural character of this undeveloped land forming a break between settlements. Development would be contrary to the provisions of the West Lindsey Local Plan First Review) in particular saved policies STRAT1(vi), STRAT5(v), STRAT9, STRAT12 and STRAT13, and would be contrary to policy LP22 of the submitted Central Lincolnshire Local Plan.
3. The development would result in an unsustainable amount of development for the village, in exceedance of the levels of development envisaged by saved policy STRAT5 of the West Lindsey Local Plan (First Review) and policy LP2 of the submitted Central Lincolnshire Local Plan.

48b 133568 SAXILBY

Retrospective planning application for change of use of field to woodyard for log cutting and amendment to 3 sided cutting shed to incorporate amendments made on site, including bio mass unit at Orange Farm, Sykes Lane, Saxilby.

The Development Management Officer informed the Committee of a number of additional representations received. The Ward Member Councillor Brockway had submitted further representation and also Parish Councillor Patrick Nicholson, however it was noted that Mr Nicholson's comments were his own opinion as opposed to the views of the Parish Council. It was also noted that the pending enforcement action was on hold whilst the retrospective application was determined.

Mrs Colley, speaking on behalf of the applicant, addressed the Committee, stating that the application for Change of Use following complaints about noise, had been granted, however this did not include the biomass unit, as information had been given by the manufacturer stating that permission would not be required. The unit provided employment for a number of people and whilst there had been some amounts of odour and smoke it did not constitute a statutory nuisance. As many as 26 visits had been made by Environmental Health officers. There had been no improper use and all records were available. The applicant's family lived closest to the boiler, and the nearest neighbour, closer than the complainant, had raised no issues.

Mr Andrew Argyle spoke in objection to the application and raised issues such as: the principle of development, which was not felt essential to the needs of forestry; the employment of six people for which he had seen no evidence; that the boiler added to a carbon footprint, not reduced it; the impact on residential amenity; and air pollution which was documented in complaints from neighbours, and will have an impact on the local riding school which may have to close. Mr Argyle stated that the nuisance from the smoke and odour restricted the use of outdoor space, and even penetrated open bedroom windows. Sore throats and stinging eyes were also experienced.

Councillor Brockway addressed the meeting as Ward Member, stating that there were serious concerns and had seen for herself the smoke which covered all the local area and impacted on residents, and was concerned that Environmental Health officers had not witnessed the evidence. Biomass was detrimental to health due to chemical pollutants, which could be invisible, and such

installations were often refused near to housing. It was claimed that the applicant was not using the equipment according to manufacturers' instructions as the outdoor storage of wood altered the burn of the fuel and caused more pollutants than a gas system. There had been complaints from the equestrian centre which was used by clients with special needs, and was detrimental to the horses. Fuel was brought in in by road and there were highways issues where there was no room for passing places as requested. The planning conditions were being breached and causing distress to residents. Cllr Brockway asked the Committee to consider a site visit prior to determining the application.

The Development Management Officer clarified that Highways Officers had requested the passing places, however it had not been considered a reasonable request.

Members briefly debated the views that had been heard from both sides and felt that it would be useful to undertake a site visit to assess the situation for themselves, in terms of residential amenity, location, noise and impact on the countryside. It was therefore moved and seconded and on being voted upon it was **AGREED** that a **SITE VISIT** be undertaken at a time and date to be agreed.

49 DETERMINATION OF APPEALS

RESOLVED: that the determination of appeals be noted.

The meeting concluded at 8.17 pm.

Chairman