

## 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 16 November 2016 commencing at 6.30 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 Mrs Jessie Milne
- In Attendance:**  
Oliver Fytche Taylor Planning Services Manager  
Jonathan Cadd Principal Development Management Officer  
George Backovic Principal Development Management Officer  
Simon Johnson Planning Officer  
Nigel Periam Environmental Protection Officer  
Stuart Tym Lincs Legal Services  
Alan Robinson SL - Democratic and Business Support  
Katie Coughlan Governance and Civic Officer
- Also present** 17 Members of the public
- Apologies:** Councillor Giles McNeill
- Membership:** No substitutes were appointed for the meeting

### 50 PUBLIC PARTICIPATION PERIOD

There was no public participation.

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

Meeting of the Planning Committee held on 16 October 2016.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 16 October 2016, be confirmed and signed as a correct record.

### 52 DECLARATIONS OF INTEREST

Councillor David Cotton made a non-declaration to the Committee in regard to agenda item 6 (b) (134411 Newton on Trent) to clarify that this was no longer one of his ecclesiastical parishes.

Councillor Mick Devine declared a personal interest in agenda item 6 (b) (134411 Newton on Trent) as he had known one of the family many years ago.

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

The Planning Services Team Manager reminded Members that public examination of the Central Lincolnshire Local Plan had commenced as scheduled on 1 November and ran until 14 December. Following that period any modifications which arose would be consulted upon before the Inspector, appointed by the Secretary of State, issued his final report. This was expected around February 2017. The Committee also received an update from the Neighbourhood Plans team. The Riseholme Neighbourhood Plan had been formally adopted by Full Council at its meeting earlier in the week, and now carried full weight in planning considerations. This was the fourth made plan in West Lindsey. Scothern and Dunholme Neighbourhood Plans, the Examiner had now issued his final reports, a number of modifications had been proposed and accepted and the Plans would go to Prosperous Communities Committee on 6 December before public referendum in January 2017. The Saxilby Neighbourhood plan had been submitted to the Council, consultation would commence the following day, running through to the New Year and the Examiner's report was expected in January 2017.

Members of the Planning Committee requested that they be provided with copies (not necessarily hard copies) of all "made" Neighbourhood Plans as it was important they had cognisance of their content and could readily access them.

Officers undertook to make the necessary arrangements to ensure this was possible as all "made" plans were hosted on the Authority's website.

### **54 PLANNING APPLICATIONS FOR DETERMINATION**

**RESOLVED** that the applications detailed in agenda item 6 (a) – (d) be dealt with as follows:-

#### **54a 133568 ORANGE FARM, SAXILBY**

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

This application had been deferred from the previous Committee meeting to allow for a site visit to take place to assess the impact on the residential amenity, location, noise and impact on the countryside. Also further information had been awaited from the Environment Agency.

The Case Officer updated the Committee, advising that the only update was to inform Committee, that following their previous request, an Environmental Officer was in attendance, should there be any questions, in respect of environmental issues.

Mr Andrew Argyle spoke in objection to the application and made reference to points contained in Mr Colley's submission made to the previous Committee meeting. He

challenged the reasons stated by Mr Colley for not having previously applied for planning permission as he himself had now contacted the manufacturer of the bio-mass boiler and ascertained that they would not in fact give such advice. He also advised that the documentation relating to the employment of individuals had not been forthcoming. He challenged the necessity of the bio-mass boiler to the industrial process and suggested that Mr Colley had tried to mislead the Committee. Furthermore Committee had previously been advised that the nearest neighbour had not complained, Mr Argyle made a number of suggestions as to why this might be the case. Referring to noise monitoring forms, all neighbours had been asked to complete these yet it had been suggested that the only evidence which would be accepted was an eye-witness statement from an Officer, Mr Argyle considered this fundamentally wrong. The forms had been completed on a daily basis but simply ignored. Planning Officers had stated such at the meeting in October. Mr Argyle also stated that video and photographic evidence had been submitted to the Authority, but not shared with the Committee and thus was being ignored.

Mr Argyle stated that the nuisance previously reported had continued both day and night and that the boiler was struck up the day after the last Committee meeting, this was in breach of planning and despite a stop notice being issued. He was of the view Mr Colley had a complete disregard for any law of the land, his neighbours and this Authority. He cited a number of incidents where users of the riding school had made complaints regarding the noise and smells being emitted. Autistic children, users of the riding school, were having to cover their ears due to the chain saw noise, which was meant to be operated within the "shed" but was regularly used outside in the open. Planning conditions were being breached on a daily basis causing distress to residents, and simply applying more would not prevent Mr Colley continuing in his current vein. Mr Argyle stated that he and his wife simply could not live like this any longer, feared for their health and had complained on numerous occasions and were now at the point of considering moving. This was having a huge impact on the local riding school, which was nationally recognised for the work it did, and which would have to close, and would mean a loss of employment. This flourishing legitimate business was being undermined and ruined by a man who flouted the law and the local authority was doing nothing to protect the residents. He went as far as to suggest that Planning Officers had failed to properly investigate the concerns raised by neighbours, nor had they given the Committee the full picture. He urged the Committee to do the right thing and give residents back their lives and health.

Councillor Brockway addressed the meeting as Ward Member, stating that she whole heartedly supported the objections raised by neighbours and shared their concerns for their health. The issued stop notice had been completely ignored. The bio-mass boiler continued to emit a considerable amount of pollutants. Only today a complaint had been received from Aegir school enquiring as to what the high pitched noise was which was disturbing their children, this was from the chainsaw being used outside and causing disruption within a closed classroom.

There was a complete disregard for health and safety and Mrs Brockway was of the view that the way in which the wood was being stored, outside, was adding to the risk from evidence she had read. Councillor Brockway stated that she had no confidence, even with conditions that this would be obeyed. Environmental Protection UK also said the length of exposure was a factor, and these residents were being exposed 24/7. This Authority had a duty to test air quality and draw up an action plan to improve it, however despite two years of complaints this had not been done, in fact residents had been told to do this themselves.

Mrs Brockway considered this business did not need to be in a rural location and was better placed on an industrial site. As the applicant had ignored all attempts to mitigate the impact on the neighbours and ignored planning rules, she urged the Committee to refuse the application.

The Case Officer was afforded the opportunity to respond to the points raised and in doing so reminded Members that whilst operation and usage of the site historically had been an issue, there was now a planning application for determination. Members needed to determine this on its own merits and not on the applicant's history. With regard to impact on the amenity and evidence of it, the Environmental Protection Officer, who had attended the site a number of times, was asked to address the Committee. He outlined the purpose of monitoring forms and why residents were asked to complete these stating dates and times of incidents as this helped Officers in targeting their monitoring. Therefore if an issue was reported as happening 24/7 they would expect to see an incident regardless of the time they visited at. 17 visits had been undertaken by the Environmental Health department at various times throughout the day and as yet Officers had seen no evidence of a problem on the magnitude reported by residents. Air quality was monitored by Officers and they were required to report figures annually. These figures were published on the website. Currently, there were no sites in the District which warranted further action. The site in question was currently being monitored for air quality and the results were awaited.

Members were reminded that if they were minded to go against the Officer decision they would need to provide evidence for their reasons in the light of no objections being raised by Public Protection Officers to the application and the 17 visits to the premises with no witnessed issues.

The Chairman sought and received confirmation that the operation of the chainsaw was conditioned to be undertaken inside.

The Committee then debated the application. Concern was raised that this enterprise was started without planning permission, complaints had been received since 2013, this had resulted in it being deemed planning permission was required. The original application had been dealt with under delegated powers as both Ward Members had been of the view that the requirements that had been placed on the applicant would negate the issues that had previously been raised by the community. It was a rural business in a rural location, no buildings, no chainsaws. It was accepted that this was not the application, but history. This application was again going to be retrospective, Ward Members were not aware of its existence until the complaints started again. Concerns were raised that the enterprise had continued to grow and grow and at every stage failed to work within the law. Complaints for various issues had been emanating from the site for over two years. It was stressed that the riding school affected was nationally recognised for the work it did with autistic children and there was a view that if this were to close it would be a great loss of something very valuable. Members accepted that this was not part of the application in front of them, but it was part of the context. Some Members felt if the application had come forward in its entirety, it would be viewed as being in an inappropriate location. Residents' concerns were not taken seriously. No one was suggesting the business should close, merely that it should operate within the manner that was required and as was originally purported. Concern was raised that by granting the application, the site operator would continue to flout the rules and it would be down to enforcement which could prove more difficult.

In responding Officers confirmed that if Members were minded to grant the application a series of conditions would be applicable, these included conditions on the operating hours, restrictions on delivery and collection hours, a need to construct the timber building within a two month period from granting, in order that the chainsaw and wood-splitter must be operated within it only. If it was not in place, that would be a breach of condition, allowing the authority to take action.

Concern was raised however, that the part of the site with planning permission, did also have conditions, but these had never been adhered to and planning enforcement had not been able to enforce them.

Again Members were reminded that they needed to determine the application on its merit, not the history and performance of the site operator.

A number of the Members who had attended the site visit, stated they had not seen or experienced the issues raised by neighbours. The boiler had been struck up, and the equipment turned on, no smell had been experienced, no smoke had been seen and Members had not considered the noise to be of a level to cause complaint. The site operator had co-operated fully and answered all of Members' questions.

The Vice-Chairman shared his concerns regarding the site operation and sought assurance that conditions would be enforced if permission was granted.

Officers confirmed that they had a statutory duty to do so but cautioned members regarding letting opinions or views on enforcement and previous activity affect their decision making on this application.

It was noted by Members of the Committee that the Highways Department had recommended a number of passing places, Members shared their experiences of using that road, and were of the view it was very tight. Furthermore, highways did not recommend conditions lightly.

Officers confirmed that consideration had been given to this, around 15 HGV deliveries were taken per year hence no condition had been included at this stage. However, if Members were minded to they could make this an additional condition.

It was therefore moved and seconded and on being voted upon it was **AGREED** that the **application be granted subject to the conditions contained within the report and the following additional condition: -**

**Within 3 months** of the date of this permission a scheme of passing places along Sykes Lane (between the site and the Saxilby settlement boundary) shall be submitted to , approved in writing by the Local Planning Authority and subsequently implemented in accordance with the approved details.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and STRAT 1 of the West Lindsey Local Plan Review 2006 and policy LP1 of the Submitted Central Lincolnshire Local Plan 2012-2036.

#### **54b 134411 NEWTON ON TRENT**

Outline planning application for mixed use sustainable village extension comprising up to 325 private and affordable dwelling units - Use Class C3, community meeting and community health rooms - Use Class D1, with ancillary pub-café - Use Class A4 and sales area - Use Class A1, new landscaping, public and private open space - all matters reserved. Land to West of A1133 Newton on Trent.

Prior to opening the debate the Chairman sought and received confirmation from Committee Members that they had received a letter from the applicant's solicitor, Gosschalks.

The Case Officer updated the Committee, advising that he would comment on the letter referred to earlier but first sought an amendment to the reason for the refusal, as set out in the report. It was proposed that this be split as follows and be used in place of the single one on the committee report: -

1. The development is proposed within an area at risk of flooding contrary to the sequential approach to site selection, with the aim of steering development to those areas at lowest risk of flooding advocated by the National Planning Policy Framework. The Development does not comply with the saved policies of the West Lindsey Local Plan First Review (2006), most particularly STRAT 1.

2. Development of the scale proposed would result in the growth of this subsidiary rural settlement at unsustainable levels demonstrated by its inability to meet the infrastructure requirements. Future occupants of the development would be heavily dependent on private vehicles to access employment, retail and other basic facilities leading to a significant increase in car travel. 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 saved policies of the West Lindsey Local Plan First Review (2006), most particularly STRAT 1, STRAT 12, STRAT 19, SUS 1 and RES 6.

A further update was received, in that a late e-mail had been submitted from the Ward Councillor, this was summarised to the Committee and supported deferral of the application.

Making reference again to the letter received, the Planning Officer summarised its content to the Committee before asking the Legal Officer to comment. It was noted that the Applicant had been afforded the opportunity to withdraw the Application at this stage but had declined to do so. The letter also included two legal opinions prepared on behalf of the Applicant, again these were summarised. These opinions expressed a view that too much emphasis was being placed on policy STRAT 7. Members were asked to note that this was not a policy that was being used to support refusal in the Officer report. The letter further sought deferral to allow the applicant to negotiate with the Education authority. The Officer had previously spoken with officers at LCC Education Services who in turn provided an amended response which was included as part of the committee report and their objection to the proposals remained unchanged. Deferral was also being sought in order that the Applicant could work further on the travel plan and had commented on the Planning Officer's apparent lack of dialogue with the Applicant's highways consultants. The Officer confirmed that as set out in the report this was not considered to be a sustainable location and additional representations from Highway Consultants were not considered capable of changing this situation. He considered the development unsustainable and this position would not change. Finally the Applicant's Solicitor had referred to Members needing to have all the information

to determine the application, and they did not consider this to be case. The Case Officer confirmed that in his view all the information necessary to make the decision was available. The Legal Officer was asked to comment on the points raised in the letter regarding costs and Judicial Review during which Members noted that Judicial Review was a last resort and could only be applied for when all other avenues of appeal had been explored, ie if the application was refused the Applicant's first step would be his right of appeal to the Planning Inspectorate. Costs could only be applied if unreasonable behaviour could be demonstrated, they did not necessarily follow after the success at appeal. In summary the Applicant had indicated that given time he could address the issues given for refusal in statement 1, however having heard from Officers, the reasons offered in statement 2 for refusal were unlikely to be addressed

It was also confirmed at the request of the Chairman, that once an item had been published on the Planning Committee Agenda, only the Committee could defer it. The Legal Adviser confirmed this to be the case and this could be put forward as a motion. The Chairman sought indication from the Committee as to whether they wished to defer or proceed and on being put to the vote it was decided that the application would be determined.

***Mr Neil Boughey, agent for the applicant the addressed the meeting, making the following statement: -***

***"I'm speaking to you in very unusual circumstances because in all honesty I do not feel you are in a position to make a decision on this application tonight. Faced with an unresolved issue with the Environment Agency, a statutory agency and key consultee, we are jointly working with them towards a solution we expect will both achieve the EAs support and secure further significant off site flood mitigation that will bring benefits to the wider community.***

***The delay is at the EAs request and while they cannot intervene, they have stated that WLDCs refusal to defer in these circumstances is in their experience unprecedented. Similarly, issues over education still require further work, officers having failed to take Bassetlaw DCs consultation advice to consult with Notts CC education, discussions which we are currently having to progress on behalf of the applicants instead. If you are minded to decide this application tonight, I must draw your attention to the following, which was also set out in the letter members received from Gosschalks solicitors over the weekend. I must emphasise that having to write to members is again a quite extraordinary measure, but we felt it necessary given the extent of inaccuracy and omissions in the Committee report before you. As the attached barristers opinion to the Gosschalks letter will have advised you, the policy position set out in the Cttee report is simply wrong.***

***The policies in the WL Local Plan are out of date in these circumstances. The proposal is fully compliant with emerging Cent Lincs Local Plan policy, which WLDC are jointly authoring. As a planning authority you simply cannot pick and choose the policies from both plans which best suit your arguments, the CLLP has material weight, and this application complies with its policies. As a BREEAM***

***exemplar, the proposal could not be more sustainable. Locational issues raised are questionable. It is your policy (through the CLLP), and the policy of neighbouring authority Bassetlaw, to expand settlements along the A57, namely Rampton, Dunham and Saxilby. It is this very critical mass of growth that will promote and encourage improved public transport services that appear to be the main locational concern. Newton on Trent PC are being extremely pragmatic, promoting this community driven development so as to add the village to this chain of expanded settlements and ensure its own sustainability and long term viability and prosperity. The very recent appeal decision at Church Lane, Saxilby, decided in Dec 2015 has already examined almost identical issues to those here. It confirms the Council does not currently have a deliverable 5 year housing supply, and that the WL Local Plan has very limited weight, not being based on an up to date objective assessment of housing need. In these circumstances, Saxilby, which is only 3 miles further from the main urban area of Lincoln than Newton was held to be a sustainable location for an additional 230 dwelling scheme, which you may recall, had none of the exemplar and innovative sustainability elements of the proposal before you.***

***In these circumstances the Council is risking a substantive award of costs if the current proposal has to be appealed. As a final comment, the consultant team and the applicants are disappointed by how negatively the Council has approached this scheme to date. This is after all a UK pilot for the BREEAM garden village accreditation methodology, and a scheme with both Parish Council and broad community support. In these circumstances we had anticipated that WLDC would have worked with us more positively to deliver what is a highly prestigious scheme for the District and an opportunity for very significant environmental and community facility benefits, in addition to providing much needed, high quality and very environmentally sustainable housing. I therefore respectfully ask the Committee to allow us the deferment we have requested until February Committee next year, and that consideration now be given to put more productive joint working arrangements in place between the Council and the applicants development team.***

***In response Officers confirmed their position in that they did not consider the application to be in accordance with the Development Plan or emerging policy within the Submission Central Lincolnshire Local Plan. In response to a question regarding previous planning history for the site, Officers further confirmed that they were not aware of the reasons as to why the village community centre which was granted permission was not built.***

***The Committee then debated the application. Confirmation was sought and received that a revised travel plan had not been submitted. A Member then moved the Officer recommendation subject to the following additional reasons for refusal, namely contrary to Policy NBE10 sub section 2 and NBE 20 sub section 2. Prior to a seconder being sought confirmation was sought as to whether these policies carried any weight. In response Officers advised that this was an outline planning application with all matters reserved and did not contain the information that would***



***allow assessment in detail and so were not applicable at this stage. In light of this the proposal was withdrawn.***

***Committee Members felt overly lobbied. The District did have a demonstrable 5 year housing supply and had had for several months. Furthermore West Lindsey Local Plan Policies from 2006 were still in force and carried weight until such time as the CLLP was approved. Members were also of the view that even if the CLLP was in place this application would still not meet the criteria. The Joint Strategic committee had made numerous calls for land, and yet this site had never been offered up. Saxilby was considered an unfair comparison as it was a primary settlement and deemed sustainable. Members also disputed the vision to develop settlements along the A57.***

***The Case Officer responded confirming there was more than a 5 year housing supply. The site had come forward in a SHLAA exercise but carried no planning weight and was not progressed. This was likely due to the site being in flood risk zones 2 and 3. The CLLP had no growth allocations for the settlement.***

***It was therefore moved and seconded and on being voted upon it was AGREED that the application be refused for the reasons detailed above namely: -***

1. The development is proposed within an area at risk of flooding contrary to the sequential approach to site selection, with the aim of steering development to those areas at lowest risk of flooding advocated by the National Planning Policy Framework. The Development does not comply with the saved policies of the West Lindsey Local Plan First Review (2006), most particularly STRAT 1.

2. Development of the scale proposed would result in the growth of this subsidiary rural settlement at unsustainable levels demonstrated by its inability to meet the infrastructure requirements. Future occupants of the development would be heavily dependent on private vehicles to access employment, retail and other basic facilities leading to a significant increase in car travel. 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 saved policies of the West Lindsey Local Plan First Review (2006), most particularly STRAT 1, STRAT 12, STRAT 19, SUS 1 and RES 6.

#### **54c 134990 RISEHOLME PARK**

Planning application for a proposed Agri-Robotics Research Facility to form part of the new Lincoln Institute for Agri-Food Technology Centre - to accompany application reference 134780 at University of Lincoln, Riseholme Park, Riseholme, Lincoln.

The Case Officer confirmed there were no updates to the report.

Ruth Andrews of Riseholme Parish Meeting then addressed the Committee. Riseholme

Parish had recently made its Neighbourhood Plan and therefore had a clear mandate. They were not objecting in principle to the application and understand that agriculture needed to develop and grow, however they urged that any development should be sympathetic to the village. They considered the application had a number of unknowns, for example how the industrial building would sit in a rural setting. Furthermore it would be 1.2 metres higher than any other building on the site, the figure in the report was disputed and thus would be clearly visible. The use of the building was questioned and how this use would affect its surroundings. The application had not been completed in its entirety and would have provided such information. Reference had been made to chemical use in other meetings but was not referred to in the application. How would light and noise pollution affect the area? The Parish questioned what screening would be used, how historical assets would be protected. There were concerns regarding tree removal. The applicant had stated there were no trees in the development site this was simply not true and misleading. Flooding was regular in the area, there was reference to a mains sewer that did not exist. Ownership of the land was in dispute and the list of anomalies identified was not exhaustive. The Parish listed a raft of policies that they considered the application did not adhere to. The recently approved Neighbourhood Plan supported development but only if the character of the village was maintained and key assets were not affected and materials were local and in keeping. They urged committee to either defer the application pending further information and at the very least undertake a site visit.

Mr Simon Pearson, agent for the application then addressed the Committee. He outlined his current role and previous experience in agriculture and indicated he understood the issues. Lincolnshire had a world class agricultural sector and the University aimed to provide first class support to the industry. His organisation had been successful in securing over £10m funding into collaborative research into the agri-sector. He outlined a number of pioneering projects being undertaken. Brexit was likely to impact migrant labour and he considered there had never been a more important or urgent time to develop robotic farming systems. This is what the centre would be used for. One project had a high national priority and would be featuring on a BBC show in December, putting Lincolnshire on the map for agri-tech. The University over recent years had made significant investment in this area and now had the largest establishment in the sector in Europe. Their work was also spreading world wide and world class facilities were required if the momentum was to continue.

The centre would be the first of its kind in the UK and would replace delapidated buildings, subject to its approval it would release £6.2m of funding and investment for the County. This included EU funding, that in light of Brexit was now highly time limited. The funding also required the centre to support 150 SMEs across the county and would bring wide ranging benefits.

The Case Officer responded to the points raised and whilst accepting there were a number of anomalies in the design spec, enough information had been received to determine the application. The recommendation was to approve subject to conditions and these conditions aimed to address the anomalies particularly surface water drainage. There were also conditions to address the materials used.

The Chairman reminded Members that whilst this was linked to another application yet to be determined, it must be determined on its own merits. This had been brought forward on its own due to the related funding issues.

Councillor Brockway, as County Councillor for the area then addressed the Committee and advised whilst she had no particular objections, three areas of concern had been raised with her by residents and these were outlined. Primarily that cognisance of the content of the Neighbourhood Plan should be taken into consideration. Hearing the applications individually did not take account of the cumulative effect. This approach had been taken previously in order that the cumulative effect was accounted for and she considered this should follow the same approach. She urged Committee to defer the application pending a site visit and requested that the size of the building be clarified, in light of the Parish Council's differing figure.

The Case Officer responded, advising that the applications needed to be heard on their own merits, contextually, it was small and determining it on its own would not prejudice Members' decision on the larger pending applications. Whilst there was a dispute on the measurement, Officers were of the view whether it was 0.5m or 1.5m it would not be deemed to have an inappropriate visual impact. Conservation had no concerns and Historic England were happy that the Authority could make the determination.

The Committee debated the application and the Vice Chairman proposed that a site visit be undertaken, whilst acknowledging this was a world class facility, the impact on the historic site had to be a consideration. There had been concerns over trees and these could be clearly seen on the illustration. It was further suggested that whilst committee were not determining the other applications referred to, it may be timely to look at the whole site and where other development was proposed in the future. It would also allow the Committee time to review the Riseholme Neighbourhood Plan.

Having been proposed and seconded it was **AGREED** that a **SITE VISIT** be undertaken at a time and date to be agreed for the reasons outlined above.

#### **54d 134663 THE AVENUE, GAINSBOROUGH**

Prior to the debate Councillor Cotton sought clarification as to Members' position, considering that a number of them had debated an exempt report, the previous week. The details of which could not be shared in open session. The Chief Operating Officer had advised Members that they should make the Committee aware of this fact but that it did not prejudice them from taking part. A number of other Members were in the same position and sought further guidance.

A short adjournment was sought by the Legal Adviser and granted, in order that he could better understand the position.

The meeting re-convened at 8.00pm and the Chairman confirmed that on the advice of the Legal Adviser no declaration was required and no conflict had been identified.

Outline planning application for the erection of up to 43 residential dwellings (Use Class C3) with access to be considered and other matters reserved for subsequent applications on land between Castle Hills and The Avenue, Gainsborough.

The Case Officer updated the Committee and advised that a number of slight amendments were required to the conditions contained within the report namely: -

4. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to the 8.1 litres per second green field run off rate (unless further modelling suggests 5 litres per second **in which case this discharge rate should be adhered to**);
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

**Reason:** In order to minimise the risk of flooding in accordance with the provisions of the National Planning policy Framework.

8) Second reason for condition deleted: ~~**Reason:** To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.~~

12. The reserved matters applications shall include an area of not less than 7.5% of the site area for use amenity open space **and include a formal play area, the detail of which is to be approved at reserved matters stage.**

**Reason:** To maintain amenity and an open character to the area in accordance with saved Policy STRAT1 and RES5 of the West Lindsey Local Plan.

17. Access to the site shall be provided in accordance with drawings PL03 rev J.

**Reason:** To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

Additional representations had been received from Ward Member, Councillor Mrs Bardsley,

jointly signed by Ward Member Councillor Bibb, the contents were read to the Committee in full. An amended plan had been received and was displayed to Committee Members via the AV equipment, the main amendment being a revision to the access road which was now wider and the revised geometry safeguarded the trees. The tree Officer had submitted further comments in light of this, confirming she was more comfortable with the revised design. Highways were also in agreement with the revision. A final comment was awaited from Archeology which may result in an additional condition.

In response to the points raised by Local ward Members, particularly regarding the omission of the land concerned from the emerging CLLP green space allocation, the case officer offered further comment advising that a response had been received from the Strategic Planning Team who had asked that Committee note, that the majority of the original open space allocation, included fields immediately adjoining the site, had a housing permission granted on it and that the current application site had the access road running through it. This was a major consideration as to why this remaining smaller area had not been reallocated in the CLLP. It was also noted that the Plan had been through a number public consultations and there had been no requests for this piece of land to be retained as an open space.

Mr Adam Key, agent for the applicant addressed the Committee. He considered the principle of development was appropriate given the level of growth which had been allocated to Gainsborough as a whole through the CLLP. The main access route was already established through the approved development to the west and the development would be an extension of this either side of this spine road. No objections had been received from the Highways Departments. This was private land and the current public access had only been intended to be temporary. However the open space provided for in the proposals would be genuine open public space. In terms of the style of housing, this was an outline application, intended to be as flexible as possible.

The Committee then debated the item, and Councillor Boles, welcomed the agent's response to the Town Council's comments regarding Executive housing. There were no concerns in planning terms with the application, however he did express concern that highways did not consider there was an issue, Gainsborough Members were well aware of the current highways issues on the Avenue and Belt.

Officers confirmed that the issue raised by Fire and Rescue was really a building control matter but an advice note would be included on any planning permission granted.

Having been proposed and seconded 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 Planning Act 1990 (as amended) pertaining to:-

- 25% affordable housing (to be delivered on site; and/or through an offsite contribution)
- A capital contribution (£101,487) in lieu of on site Education provisions
- Provision of a LEAP and open space/attenuation basin and on-going maintenance for these areas and drainage infrastructure.
- Contribution to the provision of a Travel Plan Officer.

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.

**55 DETERMINATION OF APPEALS**

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

The meeting concluded at 8.18 pm.

Chairman