

## 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 11 January 2017 commencing at 6.30 pm.

**Present:** Councillor Stuart Curtis (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:**

Oliver Fytche Taylor	Planning Services Team Manager
Jonathan Cadd	Principal Development Management Officer
Ian Elliott	Senior Development Management Officer
Graeme Moore	Development Management and Major Projects Officer
Stuart Tym	Lincs Legal
Dinah Lilley	Governance and Civic Officer

**Also present**

24 Members of the public  
Councillor Jackie Brockway - visiting Ward Member  
Councillor Lesley Rollings – visiting Ward Member  
Councillor Angela White - visiting Ward Member

**Apologies:**

Councillor Ian Fleetwood  
Councillor Roger Patterson

**Membership:**

There were no substitutes appointed

## 62 INTRODUCTION

The Chairman invited the Planning Services Team Manager to introduce the Officers attending the Committee.

A Member also requested that case officers' names be included on reports, to enable technical questions to be asked of the appropriate officer, when necessary.

## 63 PUBLIC PARTICIPATION PERIOD

Mr Steve Taylor addressed the Committee in the Public Participation part of the agenda. Mr Taylor emphasised the importance of village halls to local communities, and questioned why, when Scothern was facing a possible increase in housing of 34%, no planning obligation monies had been received for community facilities. Mr Taylor believed that the Council had no clear policy on this and that officers were erroneous in the advice they gave, when other authorities did support such projects. Communities were losing out on the ability to leverage additional grant funding. Mr Taylor requested that Councillors stand up for their communities and prove that they care, by rejecting officer advice and adopting a supportive policy for village halls.

Mr Taylor was informed he would receive a written response in due course

#### **64 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING**

Meeting of the Planning Committee held on 14 December 2016.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 14 December 2016, be confirmed and signed as a correct record.

#### **65 DECLARATIONS OF INTEREST**

Councillor Smith declared a personal interest as he was the Ward Member for item 6d (132946 – Middle Rasen) and had also submitted comments to the Planning Inspectorate regarding the Central Lincolnshire Local Plan in respect of Policy LP2.

Councillor Cotton declared a personal interest in item 6c (133907 – Marton) as the village lay within his ecclesiastical parish.

Councillor Devine declared a personal interest in item 6c (133907 – Marton) as he had family and friends who lived opposite the proposed development.

Councillor Milne declared a personal interest in in item 6c (133907 – Marton) and item 6e (135056 - Scotton) as she had facilitated meetings between interested parties and Sir Edward Leigh MP, but had not taken part herself.

Councillor McNeill declared a personal interest as he had liaised with the public regarding item 6b (135429 – Nettleham) but had not taken part in discussions.

All Members of the Planning Committee had a personal interest in item 6c as the developer was a fellow Member, Councillor Kinch.

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

The Planning Services Team Manager informed the Committee of a number of updates. The Central Lincolnshire Local Plan (CLLP) had been through its examination which concluded on 14 December 2016, after five weeks. A number of modifications had been identified, as was normal procedure, these were being

agreed between the Planning Inspectorate and the Joint Planning Committee and would then be subject to further consultation. The final report was expected to be available towards the end of March 2017 and hopefully adopted in early April. Further updates would be given as work progressed.

Preparation was ongoing for the examination of the Community Infrastructure Levy (CIL) and an announcement of a date was imminent, possibly late February or early March.

A Housing White paper was also to be discussed by the Government, an announcement was imminent and its possible impact on CIL was to be reviewed.

## **67 PLANNING APPLICATIONS FOR DETERMINATION**

**RESOLVED** that the Planning Applications as set out in Item 6 be determined as set out below.

### **67a 133741 - SAXILBY**

Planning application to erect six detached, two-storey houses with attached garages and driveways with a new vehicle and pedestrian access from Gainsborough Road on land to West of Fosdyke House, Gainsborough Road, Saxilby.

The Senior Development Management Officer updated the Committee regarding clarification on ownership of the footpath, as the question had been raised during the site visit that had taken place. The western part was in the ownership of the applicant and the canal bank was owned by the waterways, who had no objection to the footpath.

Mel Holliday, MD of Chiselwood developers, spoke about the application, describing how this was a local firm which had won awards for design of kitchens and conversions. Local partners were used and high standards maintained. The site passed the sequential test, as the waterways were managed with lock gates and there had been no instances of flooding. The whole development was proposed to be built above the predicted worst case flooding level. The site was higher than that of the opposite bank so any high water would go elsewhere. The Environment Agency had no objections and consideration had been given to the Saxilby Neighbourhood Plan. Letters of support had been received. The footpath would be important as there was a dangerous stretch of road.

Members discussed the application and although it was felt that there were some inconsistencies in the statutory consultee responses set out in the report, it was generally felt that the proposals were of a good design, and with good environmental credentials. It was agreed that the site was sustainable in terms of its proximity to the settlement of Saxilby, and generally felt that there were no justifiable reasons to refuse the application.

Concerns were expressed regarding bedrooms being on the ground floor in terms of flood risk, however it was clarified that the ground floors are to be raised above the

minimum level.

It was moved and seconded that the application be granted, as it was felt that the sequential test had been met and the development was sustainable, and therefore noted that conditions would need to be attached to the permission. A number of suggestions were made, such as restricted Permitted Development Rights, an Archaeological Survey to be carried out, and the retention of as many trees as possible. The Senior Area Development Officer read out the proposed conditions, as set out below.

**Note** Councillor Marfleet joined the meeting at 6.58pm.

The application was then voted upon and **AGREED** that planning permission be **GRANTED** subject to conditions.

**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

2. No development shall take place until a details of a scheme for the disposal of foul/surface water (including soakaway/percolation tests if appropriate) including a drainage plan has been submitted to and approved in writing by the local planning authority

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006 and local policy LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036.

3. No development shall take place until details of all external materials of the dwellings and garages have been submitted and agreed in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding open countryside to accord with the National Planning Policy Framework and saved Policies STRAT 1, NBE 10 and NBE 20 of the West Lindsey Local Plan First Review 2006 and local policy LP17 and LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

4. No development shall take place until a landscaping scheme has been submitted

including the following details:

- All trees and hedging to be retained along the boundaries.
- Position, species, height and planting formation of any new or replacement trees and/or hedging.
- All boundary treatments identifying plot boundaries and division to existing dwellings.
- Access road and driveway surface materials.

Reason: To ensure that appropriate landscaping is retained and introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework and saved policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 and local policy LP17 of the Submitted Central Lincolnshire Local Plan 2012-2036.

5. No development shall take place until a construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) shall be adhered to throughout the construction period. The statement shall provide for:

- (i) the routing and management of traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) wheel cleaning facilities;
- (vi) Protection of the river bank
- (vii) measures to control the emission of dust and dirt;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

6. No development shall take place until details of a 2 metre high obscurely glazed screen to the west elevation of the terrace (highlighted red on attached plan) to the proposed dwelling to the west of the access have been submitted and agreed in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and in the interests of the future residential amenity of plot 2 to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

7. No development shall take place until details of the proposed arrangements for

future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established).

Reason: To ensure that the future maintenance of the streets serving the development thereafter, are secured and shall be maintained by the Local Highway Authority under Section 38 of the Highways Act 1980 or via an established private management and maintenance company to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

8. No development shall take place until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies and of the Development Plan to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006 and local policy LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036.

9. No development shall take place until, details of the form and position of the protection measures to protect the retained trees within the site and on its boundaries including their root protection areas have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the existing trees on and around the site during construction works, in the interest of visual amenity and the health of the protected trees to accord with the National Planning Policy Framework and saved policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 and local policy LP21 and LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

10. No development shall take place until details of the position of three bat boxes, three starling bird boxes, three sparrow bird boxes and three artificial insect refuges on the site have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP21 of the Submitted Central Lincolnshire Local Plan 2012-2036.

11. No development, demolition or site clearance shall take place during the bird breeding season (1<sup>st</sup> March to 31<sup>st</sup> August) in any year unless, a detailed survey is undertaken to check for the existence of bird nests. Any active nests shall be protected until the young fledge. Completion of bird nest inspection shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any demolition works commence.

Reason: In the interest of nature to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP21 of the Submitted Central Lincolnshire Local Plan 2012-2036.

12. No development shall take place until details of the pedestrian footpath shown on plan 325-A-009 dated May 2016 have been submitted and agreed in writing by the Local Planning Authority. Details to include:

- Construction method (including a section drawing) and materials
- Safety measures
- Responsibility for management and maintenance

Reason: To ensure the proposed footpath is constructed from an appropriate material, is safe for all users and is maintained to a good condition to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP17 of the Submitted Central Lincolnshire Local Plan 2012-2036.

13. 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.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework (2012) and saved local policy STRAT 1 of the West Lindsey Local Plan Review 2006.

14. 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 13 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012) saved local policy STRAT 1 of the West Lindsey Local Plan Review 2006.

**Conditions which apply or are to be observed during the course of the development:**

15. 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:

- 325-A-004 Rev F Proposed Site Plan dated Aug 2015
- 325-A-008 Proposed Site Levels and Flood Risk Strategy dated Nov 2015
- 325-A-009 Proposed Pedestrian Footpath Plan dated May 2016
- 325-A-100 General Arrangement Plans dated Nov 2015
- 325-A-101 Proposed Elevations dated Nov 2015

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.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

16. The development shall only be carried out in accordance with the details approved in condition 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of this permission and shall be so retained.

Reason: In the interests of the visual amenity of the area and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (SGA, November 2015) and the Proposed Site Levels and Flood Risk Strategy (SGA, November 2015), including the following mitigation measures:

- Finished floor levels to be set no lower than 6.3m above Ordnance Datum (AOD)
- Access road and driveways to the dwellings to be set no lower than 6.0m AOD
- Dwellings to have a minimum of two storeys

The above mitigation measures shall be fully implemented prior to occupation



and subsequently remain in place.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036.

18. No dwellings (or other development as specified) shall be commenced before the first 25 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 325-A-004 Rev F dated Aug 15 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Gainsborough Road to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

19. No dwelling or dwellings shall be occupied until the estate street affording access to those dwellings has been completed in accordance with the Estate Street Development Plan.

Reason: To ensure that the estate streets serving the development and completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

20. The development shall be completed in accordance with section 6.1, 6.4, 6.5 and 6.7 of the Extended Ecological Appraisal & Protected Species Survey Report (EEA) completed by Sherwood Associated dated October 2015.

Reason: In the interest of nature to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP21 of the Submitted Central Lincolnshire Local Plan 2012-2036.

21. No occupation shall occur until the foul and surface water methods shall be completed in accordance with the details approved in condition 2 of this permission.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006 and local policy LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036.

22. No occupation of the dwellings shall occur until the access road and driveways have been completed in accordance with the details shown on drawing number 325-A-004 Rev F dated Aug 2015.

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 saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006.

23. No occupation of the dwellings shall occur until the pedestrian footpath shown on plan 325-A-009 dated May 2016 has been completed in accordance with the details agreed in condition 12 of this permission and retained thereafter.

Reason: To ensure the completion of the pedestrian footpath prior to the use of the development for the benefit of the wider community to accord with the National Planning Policy Framework and saved policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 and local policy LP17 of the Submitted Central Lincolnshire Local Plan 2012-2036.

24. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 13.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012) and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006.

25. Following the archaeological site work referred to in condition 23 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.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012) and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006.

26. The report referred to in condition 24 and any artefactual evidence recovered from the site shall be deposited within 6 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.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012) and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

27. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no external alterations to the dwelling including the insertion of a structure or building within the curtilage of the dwelling other than as authorised by this permission.

Reason: To ensure the dwelling retains enough outside amenity space for the enjoyment of the occupiers to accord with the National Planning Policy Framework and saved Policies STRAT 1, RES 3 and CORE 10 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

## **Advisory**

### Highways

Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge the conditions of this consent.

### Trees

There should be no changes in existing natural ground levels within the RPA of any trees to be retained, to avoid tree decline and risk of collapse. N.B. This will affect the intended lowered ground for flood attenuation.

### Archaeology

The written scheme required by condition (insert number of ARCH1) shall be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor (tel 01522 554---)

### River and Canal Trust

***Any drainage discharges to the adjacent Fosdyke Navigation will require the prior consent of the Canal & River Trust. Please contact the Canal & River Trust Utilities Team at the Hatton Office on 01926 626100 in the first instance for further advice. Please also be advised that the Trust is not a land drainage authority and such discharges are not therefore granted as of right; where they are granted, they will usually be subject to completion of a commercial agreement.***

The northern boundary of the application site adjoins a strip of land approximately 5-7m deep which is owned by the Canal & River Trust. Any access to or overhanging of this land, or removal of trees or other vegetation on it will require the prior consent of the Trust. Please contact the Trust's Estates Team at the Fazeley office on 01827

252000 for further advice.

Environment Agency

The proposed finished floor level is 600mm above the 1% (including climate change) flood level, not the 0.1% (including climate change) flood level as incorrectly stated in the Flood Risk Assessment.

**Conclusion:**

The decision has been considered against saved local policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement Hierarchy, STRAT 12 Development within the Open Countryside, RES 1 Housing Layout and Design, CORE 10 Open Space and Landscaping within Developments, NBE 10 Protection of Landscape Character and Areas of Great Landscape Value, NBE 14 Waste Water Disposal and NBE 20 Development of the Edge of Settlements of the adopted West Lindsey Local Plan First Review 2006 in the first instance and local policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages LP10 Meeting Accommodation Needs, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP26 Design and Amenity and LP55 Development in Hamlet and the Countryside of the Submitted Central Lincolnshire Local Plan 2012-2036. In addition consideration has been given to the position and policies of the Draft Saxilby with Ingleby Neighbourhood Plan and guidance within the National Planning Policy Framework and National Planning Practice Guidance.

The development passes the sequential test as the land to the north and south of the site is at a lower level greatly reducing the flood risk. The proposal is in a sustainable location due to the walking distance to facilities in the large village of Saxilby and the flood resilience of the site. The propose footpath, flood resilience and use of energy efficient technologies meet the exceptional circumstances set out in LP2 of the Submitted Central Lincolnshire Local Plan 2012-2036. The proposal will allow a growth of 6 additional houses which will not have a significant adverse impact on visual amenity, residential amenity, highway safety, archaeology, or ecology. The proposal will therefore subject to meeting a number of conditions accord with policies STRAT 1, STRAT 3, RES 1, CORE 10, NBE 10, NBE 14 and NBE 20 of the adopted West Lindsey Local Plan First Review 2006 and local policies LP1, LP2, LP3, LP4, LP10, LP14, LP17, LP21 and LP26 of Submitted Central Lincolnshire Local Plan 2012-2036.

**67b 135429 - NETTLEHAM**

Planning application for the full demolition of the two storey element of the existing outbuilding, extensive repair and renovation of the single storey sections together with the rebuilding of the two storey area, first floor extension and change of use to form a family annex at The Cottage, 10 Church Street, Nettleham.

The Principal Development Management Officer updated the Committee on the status of the concurrent Listed Building application. Conditions 2 and 4 were to be

amended to end with the words “and be retained as such thereafter.” A further plan was to be added to Condition 4 - RDS11066/01 revision B.

Mr and Mrs Harris, neighbours to the proposed development, addressed the meeting, pointing out that although an earlier consent had been granted to refurbish an existing barn, that building had now been demolished following it becoming unsafe. Therefore the present application was for a completely new building, proposed to be 30% taller than the original. It was asserted that there was no need for the new building to be on the same footprint which was 1.15 metres from the neighbouring windows. The garden was 1760 square metres so there was plenty of room for the building to be moved further away and not have the detrimental impact of the current proposal, which would cause overbearing, overshadowing and loss of light.

The Principal Development Management Officer affirmed for Members that the original approved application could no longer be implemented following the demolition of the barn. It was felt that the new proposals were not significantly different from those approved previously. However some members sympathised with the neighbouring residents and felt that the new application was sufficiently different to cause a number of problems of loss of light and overshadowing, and questioned the need for the new building to be on the same footprint, and whether it ought to be of the same height as the original.

It was proposed and seconded, that a site visit take place in order to be able to assess the impact of the proposed development on neighbouring properties.

On being voted upon a **SITE VISIT** was agreed to be arranged on a date to be determined.

#### **67c 133907 - MARTON**

Hybrid planning application to include outline planning application for the erection of up to 39 dwellings with all matters reserved and change of use of agricultural land to school car park on land off Stow Park Road, Stow Park Road, Marton.

The Principal Development Management Officer read out a number of updates. Comments had been received from Lincolnshire County Council that a system of swales were acceptable for the drainage scheme. There were no objections from the Archaeology department. Condition 12 was to be clarified that the car park was only for use by Marton Primary School.

Mrs T Coulson, agent for the applicant, thanked officers for the work undertaken to date. The original proposal had been for up to 58 dwellings, however had been reduced to 39 following discussions with Planners. Work had also been undertaken with the community and attempts made to address longstanding highways problems. The development would provide much needed housing for young families in the area and contribute towards the five year housing land supply. The proposal was to provide a car park for the school and also a crossing to enable safe crossing of what was a dangerous road, which would not be feasible without the housing. There were no detrimental environmental issues or flood risk and the development would provide

benefits for all.

Clarification was sought as to whether the application would have been delegated for officer approval had it not been the application of a West Lindsey Councillor, however on this occasion it was felt that there were significant enough issues for it to require Committee determination.

Members noted that the five year housing land supply had now been met so this was not a relevant issue to influence determination.

Many Members of the Committee agreed that whilst the size of the development seemed acceptable there were still significant concerns regarding the speed of traffic on the road. Speed traps were frequently in the vicinity of what was a known problem. As the road led to the exit to the village traffic tended to speed up with an open road in sight, and it was questioned whether there were any ways of conditioning a traffic calming scheme.

Officers asserted that whilst there was an acknowledged problem it was felt that once there was residential development on both sides of the road it would alter the perception of the outskirts of the village and the open road. The speed limit adjacent the site was 30mph, and LCC Highways officers had not raised any objections to the application, therefore any related conditions had to be justified. Traffic calming was not therefore a condition which could be justified in the absence of a request from the Highway Authority; it would not be a requirement to make the proposal acceptable.

Questions were raised regarding the ownership of the car park. This was expected to be taken on by the school and a legal agreement would need to be drawn up. It was suggested that a condition be applied to require that the car park be created prior to the first occupation of any of the residential dwellings on site.

Clarification was sought regarding fuel pipes through the centre of the development and it was affirmed that wayleaves were in place to allow for this.

Councillor Smith suggested a number of policies appropriate for refusal – STRAT1.4, STRAT1.6, LP2, LP4, STRAT9, LP12, NPPF para 29 AND NBE20.1.

Whilst concerns remained regarding the speed of traffic on the road the Chairman noted that the application had to be determined on planning, not highways, matters, and the 25% affordable housing provision was a good opportunity for young families.

The recommendations in the report were moved and seconded, with the condition to require the car park to be completed prior to the first occupation of any of the housing on site. On being voted upon it was **AGREED** that:-

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:-

- Capital contribution towards 6<sup>th</sup> Form facilities (amounting up to £18,427) in lieu of on-site provision;
- On site provision of affordable housing equivalent to a 25% contribution of the overall amount of housing;
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space (equating to a minimum of 10% of the overall site) and car park;
- Provision of an uncontrolled pedestrian crossing on the A1500 to serve the development.
- The provision of a 50 space car park with associated bus parking area, landscaping and barrier.

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

#### **67d 132946 - MIDDLE RASEN**

Planning application to erect five dwellings, with garages, access drive and associated landscaping and boundary treatments on land off Gainsborough Road, Middle Rasen.

There were no further updates to be given, and no speakers on the application.

Councillor Smith noted that he had submitted objections to the Planning Inspectorate through the CLLP process, on Policy LP2 so disagreed with the weight being given to that policy..

The Chairman asked the officers to confirm the Planning history of the site, which had previously been a caravan and camp site. It was noted that the area needed tidying and it was hoped that the development would assist with this.

The recommendation in the report was moved, seconded and on being voted upon it was **AGREED** that permission be **GRANTED** with conditions as set out in the report.

**Note** Councillor Smith requested that it be recorded that he had voted against the application.

#### **67e 135056 - SCOTTON**

Outline planning application for proposed development for nine dwellings with access to be considered and not reserved for subsequent applications on land south of Eastgate, Scotton.

The Senior Development Management Officer informed the Committee that further representations had been received but which had raised no new issues not covered within the report. Comments had been received from Historic England who had

advised that the application be determined in accordance with local guidance and in house specialist conservation advice.

Ian Hutchinson, agent for the applicant, spoke on the application stating that the applicant had been a local resident for many years and the development had been designed to suit the village. Policy LP2 of the CLLP advised 'reasonable' growth in villages. As a medium village Scotton had a recommendation of 10% which equated to 20 dwellings and the current application was for nine. A sequential test had been undertaken and few other suitable sites identified. Concerns had been raised about the damage to the hedgerow, however the development would improve the hedgerow. A mix of development was proposed on what was poor quality land, the road was to be widened, and a footpath provided.

Dave Burke, spoke on behalf of a number of residents, stating that in the currently adopted West Lindsey Local Plan 2006, the proposals failed under Policies STRAT12 and 9, and that full weight could only be given to new policies once adopted, as echoed by Sir Edward Leigh MP. The development was not necessary for open countryside, and as greenfield land was in the lowest priority identified for housing. It was requested that the applicant comply with CLLP policy LP4 and undertakes a sequential test. Residents had identified alternative sites with potential for five infill dwellings. A recent application for a single dwelling had been refused due to visual impact, overbearing nature and unsustainability. The same officer was now advocating that there would be no detrimental impact from the current application. There were issues of size and scale, and also discrepancies in the report regarding the size of the site which equated to being larger than the retail space of Marshall's Yard.

The local Ward Member, Councillor Lesley Rollings, spoke on the application noting that there were two main issues. The Council was supporting communities to develop Neighbourhood Plans, and Scotton had started the process to consider what was desirable for the village, with no facilities, and where a car was a necessity. The roads were not appropriate for cyclists or pedestrians and residents wanted to keep the village small. The proposed site was greenfield with crops planted, although worth more for housing. There was a responsibility to protect land, and the applicant should be given the opportunity to identify alternative sites.

The Senior Development Management Officer reminded Members that the application was for Outline Permission with access to be considered at this stage and that Reserved Matters such as residential amenity and visual impact were to be determined at a later stage. The CLLP was now well advanced and carried significant weight in the determination of applications. The site was Grade 3 agricultural land designated as good to moderate quality, its loss had to be balanced against the benefits of the development. The Conservation Officer has recommended a comprehensive condition to enable the preservation of the Grade 1 Listed Building. Members were also reminded that any potential future development could not be taken into account in determining this application. Neighbourhood Plans could not be taken into consideration until sufficiently advanced.

In discussing the application Members acknowledged that there was little reason to enable a refusal. As the CLLP advanced the WLLP carried less weight, and as there



was no Neighbourhood Plan in place there were few Policies against the development. The agricultural land was not designated as high quality. It was acknowledged that the Conservation officer had raised concerns regarding the setting of the church Listed Building and would wish to closely monitor the development.

Further concerns were expressed on the visual impact and the single track road, and it was felt that there were other available sites which would not have the same detrimental impact. However it was felt that if the Reserved Matters application were to be considered by the Committee there was an opportunity to secure a good quality development which would help to improve the current setting.

Having agreed that there were no planning policy reasons to refuse the application the recommendation in the report was moved, seconded and voted upon.

It was **AGREED** that outline permission be **GRANTED** subject to the conditions as set out in the report, and subject to the requirement that the Reserved Matters application be submitted for Committee determination.

**Note** Councillor Jessie Milne requested that it be recorded that she had voted against the application.

The meeting concluded at 8.27 pm.

Chairman