

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 5 April 2017 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Vice-Chairman in the Chair)

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

In Attendance:

Russell Clarkson	Principal Development Management Officer
Jonathan Cadd	Principal Development Management Officer
Marina di Salvatore	Growth and Projects Officer (Economic Development)
Martha Rees	Lincolnshire legal Services
Dinah Lilley	Governance and Civic Officer

Also present 49 Members of the public

Apologies: Councillor Stuart Curtis
Councillor Roger Patterson

Membership: No substitutes were appointed

81 PUBLIC PARTICIPATION PERIOD

There was no public participation at this point of the meeting.

82 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 8 March 2017.

Councillor McNeill referred to minute 79 (Determination of Appeals) and sought clarification as to whether the Chief Operating Officer had intended writing to the Planning Inspectorate again. The Principal Development Management Officer agreed to verify if this was the case.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 8 March 2017, be confirmed and signed as a correct record.

83 DECLARATIONS OF INTEREST

Councillor Ian Fleetwood declared that he was the County Councillor for Cherry Willingham (re item 7a application 134096) and also a member of the Parish Council in the area but had not had any involvement in the application to date.

Councillor Jessie Milne declared a personal interest in item 7b (135013 – Middle Rasen) as she had facilitated meetings between interested parties and Sir Edward Leigh MP, but had taken no part herself.

Councillor Smith declared that with regard to item 7b (135013 – Middle Rasen) he had made representations to the Planning Inspectorate on housing allocations within his ward, and requested Secretary of State intervention. As Ward Member he had assisted the Parish Council with their response to the application and would remove himself from the Committee and speak as Ward Member on the application.

Councillors Bierley, Milne, Devine, Fleetwood and Smith declared themselves Members of the Prosperous Communities and/or the Corporate Policy and Resources Committee/s at which consideration had been given to the Local Development Order for the Central Lincolnshire Food Enterprise Zone (agenda item 6), and also that they knew Councillor Adam Duguid (as being one of the landowners) however the Governance and Civic Officer noted that the report was before the committee for information and no decision was required.

84 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Principal Development Management Officer noted that the Inspector's reports on the Central Lincolnshire Local Plan and also the Community Infrastructure Levy were both imminent. Members would be kept updated.

85 CENTRAL LINCOLNSHIRE FOOD AND ENTERPRISE ZONE LDO

The Growth and Projects Officer (Economic Development) attended the meeting to provide Members of the Committee with the background to, and an update on the current status of, the Central Lincolnshire Food and Enterprise Zone (FEZ) Local Development Order (LDO).

On 12 February 2015 the government announced proposals for 11 Food Enterprise Zones across the country, including three within Lincolnshire, with a view to attracting investment and encouraging closer ties between food and farming businesses to boost the domestic food and farming sector. The Central Lincolnshire Food and Enterprise Zone Local Development Order (LDO) sought to capitalise on the opportunities associated with the existing businesses/premises at Hemswell Cliff and the availability of adjacent land to support the development of an 'agri-food cluster' located within the A15 growth corridor.

The purpose of an LDO was to simplify and speed up the planning process by providing certainty about the types of development which were permitted within a specific area, and reducing the potential risks associated with the formal planning process, encouraging development to come forward in that area.

The LDO would facilitate development of new premises and facilities for businesses in the agri-food sector, thereby providing a location for new and expanding businesses and encouraging inward investment. Investment in the agri-food sector in this location would also contribute to the Council's regeneration and socio-economic objectives through the creation of employment opportunities and integration with the existing businesses and residential areas of Hemswell Cliff.

In February 2015, the Greater Lincolnshire Local Enterprise Partnership (GLLEP) was successful in attracting funding from Defra to support three pilot schemes for developing Food Enterprise Zones in the geographical area consisting of West Lindsey, North East Lincolnshire and South Holland. West Lindsey received £50,000 to support the development of a LDO at Hemswell Cliff.

A Masterplan for Hemswell Cliff, including the proposed LDO site was completed in 2016. The intention of this document was to "guide the future growth and development of Hemswell Cliff as a strategic employment area and establish a more sustainable residential settlement" supporting strategic economic policy (as set out in the Greater Lincolnshire Local Enterprise Partnership's Strategic Economic Plan (2014) and the promotion of Hemswell Cliff FEZ.

In June 2016 Members approved the adoption of the Hemswell Cliff Masterplan report along with the Emerging Regeneration Delivery Programme to drive forward the social, economic and environmental regeneration of the wider settlement.

The LDO provided Outline planning consent for only those uses specified under 'Agri-Food sector uses' set out in part 1 of the Order. It did not remove the need to obtain other statutory consents from the Council or other organisations, such as building regulations, highways consents or environmental permits.

The site was located immediately north of the A631 and west of the existing Hemswell Cliff Business Park. Access to the site would be direct to the A631 at or close to the existing access points. The boundary of the LDO site was shown to Members on a presentation slide.

Councillor McNeill questioned the amendment for revocation of the order on page 9 of Cushman Wakefield's Statement of Reasons and asked what the future process might be in that case. The Growth and Projects Officer responded that the duration of the order was 10 years, and that the LDO did not supersede any current planning applications. A review and assessment would be undertaken at the end of the 10 year period. A clearer response would be provided to the Councillor shortly.

RESOLVED That Members note that the Central Lincolnshire Food and Enterprise Zone Local Development Order (LDO) was currently undergoing public consultation and would conclude on 14 April 2017.

86 PLANNING APPLICATIONS FOR DETERMINATION

RESOLVED that the applications detailed in the report be dealt with as follows:-

86a 134096 CHERRY WILLINGHAM

Planning application for erection of 69 dwellings on land off Hawthorn Road, Cherry Willingham.

Andy Booth, representing Cherry Willingham Parish Council addressed the Committee and presented the concerns of the Parish Council. It was noted that the Cherry Willingham Neighbourhood Plan was now at an advanced stage of preparation but appreciated that this is not yet at a stage where it could be considered a material consideration. The parish's aspiration was to grow sustainably, but the current application would adversely impact on its objectives. It was acknowledged that only part of the site was allocated for development within the adopted West Lindsey Local Plan (WLLP), and that the development was at odds with the WLLP and the emerging Central Lincolnshire Local Plan, therefore the proposals were at odds with current policy. The National Planning Policy Framework, which was a material consideration, defined sustainable development as protection of the countryside, encouragement of use of public transport, low carbon development, management of flood risk etc. The report acknowledged that none of these criteria would be met by the proposals. Use of the private car would increase, as acknowledged by the refusal on recent nearby applications. The principle of 'squaring off' the current development was not justification for approval.

Andrew Alison and Jeremy Stanton, agents for the applicant, spoke in support of the proposals, describing work undertaken with officers. It was felt that the site comprised a natural infill adjacent existing development and was within 20 minutes' walk of facilities such as shops. Parking concerns had been addressed by the revised layout. Financial contributions had been negotiated for affordable housing and towards education, health and open space provision. Forestry restocking would be undertaken and there would be no adverse visual impact on existing or future residents. Development would complete the existing site and make it less disjointed and was partly allocated within the Local Plan.

Mr Stanton, drainage representative, assured Members that a full drainage design strategy (via infiltration or drainage dykes to the western perimeter) had been formulated and would be submitted to Anglian Water and the highways department, for which approval was expected and did not have concerns with respect to future flooding problems.

The Principal Development Management Officer affirmed that the Parish Council had yet to publish a draft Neighbourhood Plan and therefore there was no Plan to take into consideration. It was also affirmed that part of the site was allocated within the WLLP as for development, and the current proposal would help to square off the site. The first part of the NPPF presumption in favour of sustainable development was to "approve development proposals that accord with the development plan without delay". Planning Practice Guidance was that for major development, sustainable drainage proposals (SUDS) should be provided unless demonstrated to be inappropriate. If SUDS was inappropriate, other methods could be considered. The recommendations therefore were that the application be approved.

Councillor Ian Fleetwood (in the Chair) felt that given the level of development in the area, it would be useful to assess its evolution and the drainage issues involved, and therefore proposed that the Committee undertake a site visit. This was seconded and on being voted upon it was **AGREED** that a **SITE VISIT** take place on a date to be agreed.

86b 135013 MIDDLE RASEN

Note Councillor Smith stepped down from the Committee for consideration of the following application.

Outline planning application for residential development of up to 300 dwellings, including areas of landscaping, public open space, sustainable urban drainage scheme and associated infrastructure-access to be considered and not reserved for subsequent applications on land at Caistor Road, Middle Rasen.

The Principal Development Management Officer informed the Committee that the condition requiring works to the foul water network had been requested by the Environment Agency and a further response was now awaited from the Agency following submission of the additional information. Their response may negate the need for the condition. Also Condition 14 was to be re-worded as below:-

Notwithstanding any indicative plans supplied details to be submitted in accordance with condition no. 1 above shall include a minimum of an aggregate of 10% of the site area to be used as public open space. Any details provided shall include a timetable for the provision of such space. These details of the public open space shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans and scheme.

Reason: To ensure sufficient open amenity space is available for recreation, surface water drainage and wildlife promotion and in accordance with saved policy STRAT1, RES1 and RES5 of the West Lindsey Local Plan and the provisions of the National Planning Policy Framework.

Parish Councillor M Stamp addressed the Committee outlining the objections of Middle Rasen Parish Council. A northern bypass was necessary, the area was gridlocked with traffic on race days and with delivery lorries. The land was low lying and prone to flooding, and the Gainsborough Road sewage treatment plant was almost at capacity. The local schools and medical facilities were also almost full and there were no employment opportunities nearby. George Street had been measured as being just 4.1 metres wide and had to be used by lorries, which were unable to be passed by buses. This road could not be widened as there were listed buildings to either side. The development would create an increase of up to 600 additional vehicles.

Neil Kempster spoke on behalf of the developer, Chestnut Homes, describing how the site had been promoted for development within the consultation on the Central Lincolnshire Local Plan. The principle of development had been established and the proposals had sustainable credentials. There was a need for housing in the area and work had been undertaken to mitigate concerns raised by objectors. The Environment Agency had

downgraded the site to Flood Zone level 1, and a drainage strategy had been devised, however there was not anticipated to be any increase in runoff from the site to the Beck compared with the current situation (i.e. it would remain at greenfield rates). Anglian Water had stated that sewage could be accommodated and the highways department had assessed the capacity as acceptable. Whilst there were existing issues these would not be exacerbated by the proposals. S106 contributions had been proposed and agreed and there were no outstanding statutory objections. There would be a contribution to the Housing Land Supply requirement, and the development would contribute towards housing and employment for local people and aid the local economy.

John Edser, of the local Action Group outlined the objections of local residents, stating that there had been clear breaches of both local and national policy. It was not understood why the area had been downgraded to Flood Zone 1, when local people had had their house insurance premiums increased due to flood risk. Access to local schools was not appropriate with no footpath on Gallamore Lane to the primary school and a dangerous narrow path to the secondary school, however both schools were full anyway. The doctors' surgery was also full and had no room to expand. The small junction in the Market Place already experienced significant congestion. Development would be acceptable in a planned and sustainable way.

Councillor Lewis Strange, speaking as the County Councillor for the area and reiterated the objections raised by the previous speakers. Of particular concern was the risk of flooding, and the question of why house insurance in the area had increased, even though the Environment Agency had downgraded the risk level. Rainwater drained into the Brimmer Beck and then to the River Rase before continuing to the River Ancholme. The River Ancholme could only discharge at low tide, at other times there was nowhere for surface water to go. The application should be refused as it was in the wrong place at the wrong time.

Councillor Smith, spoke as Ward Member on the application, further reiterating the objections raised so far. Education and health provision could not be expanded when there was no room to grow. The report referred to Market Rasen (a large town), however the site was in Middle Rasen (a small village). There were existing traffic problems within the conservation area at Oxford Street junction with tail backs to the war memorial, and the proposals would require most travel to be by private car. The current adopted Local Plan was the WLLP and recent appeals had given little weight to the emerging CLLP. Councillor Smith then quoted a number of policies which would be relevant to warrant refusal of the application:-

STRAT1.1, STRAT1.4, STRAT1.6, STRAT9, STRAT12, SUS9, SUS12, MT1, RES1.1, RES1.5, NBE20.1, NPPF paras 7, 29, 34, 58, 69, 72 and 103.

The Principal Development Management Officer responded to the comments raised by speakers. It was not unusual for the Environment Agency to regrade the Flood Zone assessment particularly if the applicant provided additional site specific information i.e. fully surveyed ground levels. This could then be used in re-running their flood models to assess the level of risk. In this case the applicant could also demonstrate the existing greenfield runoff could be matched, and there would be no increased adverse impact. The traffic situation was accepted as busy with existing listed buildings and other historic structures in the town centre and vicinity preventing any real physical improvements, however it had been shown that the system could operate correctly with the exception of one signalised junction. There

would inevitably be issues at certain times of the day, which had been recognised but this would occur due to the natural increase in the growth of car use and other developments but would not be a direct result of the development. Traffic levels using this junction, which could be attributed to this development, would only just be above the material level of traffic to be considered an impact. It cannot therefore be considered that such a level would meet the test of severe impact as required by the NPPF to resist proposals on highways grounds. It was anticipated that 2/3 of the increased traffic would travel in different directions and would only add a minor increase to the existing capacity.

It would not be possible to leave an area of land in anticipation of a Northern bypass as there were no current proposals, nor policies to this effect in the existing or emerging development plan. The education and health infrastructure were being considered and solutions devised to address capacity for both, with the school having potential to expand by .5. It was not possible to increase infrastructure without the certainty of growth to support it. Distances to facilities were cited as being within the DCLG guidelines for non-vehicular means.

Lengthy discussion ensued with many Members questioning the boundaries between Middle and Market Rasen and the location of the site. It was affirmed that the Parish boundary was simply an administrative line defining the two settlements, and that the issue in question was the relationship between the two. The development adjoined Market Rasen on two sides and it would operate with Market Rasen rather than Middle Rasen. Middle Rasen would receive the precepts from residents, but facilities in Market Rasen would benefit from increased usage and sustainability, with benefits to the economy.

Committee Members expressed continued concerns regarding the regrading of the Flood Zone and sought further explanation from the Environment Agency, and also assurance that the site assessment had been undertaken by an independent body.

Of equal concern was the impact of increased traffic on an already congested area, and Members also sought additional information from the highways department.

Members were not persuaded by the arguments for increased educational or health capacity as, even if additional infrastructure was provided, it was difficult to recruit doctors and teachers in Lincolnshire. Although it was acknowledged that it was difficult to go against statutory bodies and defend such arguments at appeals.

It was proposed that consideration of the application be deferred in order for the additional information to be provided, on:- flood risk, sewage capacity, highways assessment, and the CLLP allocation and settlement hierarchy.

Deferral of the application was seconded and voted upon and it was **AGREED** that the application be deferred in order to obtain further information on the matters raised.

Note the Committee adjourned at 8.27pm in order to allow for members of the public to leave the room.

The meeting recommenced at 8.30pm and Councillor Smith re-joined the Committee.

87 DETERMINATION OF APPEALS

Members welcomed the fact that of the four appeal decisions listed, all had been dismissed.

RESOLVED: that the determination of appeals be noted.

The meeting concluded at 8.32 pm.

Chairman