

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 31 May 2017 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman)
Councillor Owen Bierley (Vice-Chairman)

Councillor Matthew Boles
Councillor David Cotton
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith

In Attendance:
Mark Sturgess Chief Operating Officer
Oliver Fytche-Taylor Planning Services Manager
Russell Clarkson Principal Development Management Officer
Marth Rees Lincolnshire Legal Services
Dinah Lilley Governance and Civic Officer

Also present 23 Members of the public

Apologies: Councillor Stuart Curtis
Councillor Michael Devine (submitted retrospectively)

Membership: There were no substitutions

5 CHAIRMAN'S WELCOME AND NOTICES

The Chairman welcomed all present to the meeting and took the opportunity to send the Committee's good wishes to Councillor Stuart Curtis during his illness. The Chairman also thanked the Committee Clerk for her services over the past few years as this was to be her last meeting of the Planning Committee.

6 PUBLIC PARTICIPATION PERIOD

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

7 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 5 April and 8 May 2017.

RESOLVED that the Minutes of the meetings of the Planning Committee held on 5 April and 8 May 2017, be confirmed and signed as a correct record.

8 DECLARATIONS OF INTEREST

Councillor Smith declared a personal interest in item 6c (134096 – Cherry Willingham) as a family member worked for the Forestry Commission, but that no discussion had taken place on the application.

Councillor Smith declared an interest in item 6d (135750 – Gainsborough) as he was a Member of the Prosperous Communities Committee which had agreed the proposals, and was therefore of a pre-determined disposition, so would leave the room for that application.

Councillor McNeill declared that Sir Edward Leigh MP had commented on item 6d (135750 – Gainsborough) but although Councillor McNeill was acting as Sir Edward's election agent there had been no discussions on the application.

Councillor Fleetwood declared that he was the County Councillor for the Cherry Willingham application.

Councillor Bierley declared that whilst he was a Member of the Corporate Policy and Resources Committee which had considered the proposals in application 135750 Gainsborough, he retained an open mind as to the determination of the application.

Councillor Boles declared that whilst he was a Member of the Corporate Policy and Resources Committee which had considered the proposals in application 135750 Gainsborough, he retained an open mind as to the determination of the application.

Councillor Boles declared that he worked with one of the speakers on application 135750 – Gainsborough, but had not discussed the application.

Councillor Milne declared that she had arranged a number of meetings between Sir Edward Leigh MP and interested parties for item 6d (135750 – Gainsborough), she had not taken part in any discussions on the application.

Councillor Cotton declared that whilst he was a Member of the Corporate Policy and Resources Committee he had not been present at the meeting when the Gainsborough application had been discussed.

Councillor Fleetwood declared that he was a Member of the Corporate Policy and Resources Committee which had considered the Gainsborough application, but had not taken part in the vote at that time, and was therefore free to debate the matter at this meeting.

9 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Planning Services Manager echoed the Chairman's thanks to the Committee Clerk for her services to the meeting over the years, and also the good wishes to Councillor Curtis.

The Central Lincolnshire Local Plan (CLLP) had now been formally adopted, following all the Inspector's proposed modifications being accepted. This was a significant achievement and provided clarity and a robust basis for the determination of applications.

The following hyperlinks provided access to the Plan, and hard copies would be provided to Members in due course. The new Central Lincolnshire Local Plan is available here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/> . The accompanying Policies Maps are available here: <https://www.n-kesteven.gov.uk/central-lincolnshire/policies-map-and-interactive-map/>

The Community Infrastructure Levy (CIL) public examination had taken place in March and was now progressing towards adoption and approval by Council. The proposed lower rate would have implications for infrastructure funding and a report was to be submitted to the Prosperous Communities Committee in July. No fundamental risks were anticipated and it was hoped for adoption by the end of 2017 or early 2018. The Charging schedules remained to be set.

The Chairman informed the Committee that a training session on the CLLP was to be provided, and it was verified that a range of training sessions on various aspects of Planning had been set for the year, some of which included invitations to Town and Parish Councils.

It was verified that all Councillors would receive a hard copy of the CLLP, not just the Planning Committee, and that Parish Councils could obtain a hard copy on request.

Members also requested that they continue to be notified of the adoption of any new Neighbourhood Plans and it was confirmed that a process was in place for this. All made Neighbourhood Plans and the status of each emerging plan can be viewed here: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/>

10 PLANNING APPLICATIONS FOR DETERMINATION

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

10a 134096 CHERRY WILLINGHAM

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

Nick Grace of Ryland Design addressed the Committee raising the concerns that had been set out in the report – highways and sustainability, and questioned the fact that when the application had previously been considered by the Committee it had been deemed sustainable, but was now stated as not being so. The proposals were to be adjacent an existing construction site and would be 100% deliverable. A refusal would mean the loss of much needed affordable housing. The centre of Cherry Willingham was accessible by walking, cycling and public transport, and the school was also walking distance. The site was not remote like much of Lincolnshire and was a logical location for housing. Forty two

houses had already been sold in phase 1 and another 18 under construction in phase 2. It was questionable as to whether the site was in the open countryside, and felt that it would be pragmatic and sensible to approve the application.

Members discussed the application and questioned the distances into the town centre, feeling that most facilities were not within walking distance, and that public transport was not frequent. Whilst Cherry Willingham was a major settlement with facilities, the site was not close to the village centre and was recognised as being distinctly separate from it.

Councillors asked the question as to why the application had been deemed sustainable when previously considered, but was now not so. It was clarified that since being before the Committee previously the Central Lincolnshire Local Plan had been adopted and the site was not allocated for housing in the new Plan. There had been the opportunity for the site to be included as a housing allocation in the Local Plan but it had not been selected and other sites had been selected. Hawthorn Avenue was now designated as a hamlet and was remote from both Cherry Willingham and also Nettleham, and was more linked to Lincoln. It was confirmed that development in hamlets was permitted for single infill plots, and that 15% was for small and medium sized settlements and did not apply in this case.

It was also considered that the proposals were of a high density for a rural area, and although modifications had been made to accommodate additional parking there were still problems of overlooking of properties.

Reservations were also expressed regarding the proposed provision of additional consulting rooms for the doctors' surgery at Nettleham and how this would not benefit Cherry Willingham.

The recommendation in the report to refuse the application was moved and seconded and upon being voted upon it was **AGREED** that the application be **REFUSED**.

10b 134553 TORKSEY

Planning application for use of land for the siting of holiday accommodation units with an associated building to provide restaurant, village shop and tackle shop, with associated access, parking and landscaping on land adjacent Locklands Lake, Lincoln Road, Torksey Lock.

The Development Management Officer informed the Committee that as had been requested, a management evacuation plan as part of the flood risk assessment, had been provided, and that if approved, a condition should be included for the proposal to be in accordance with the Flood Risk Assessment.

George Martin, agent for the applicant, addressed the meeting and thanked the Development Management Officer for her assistance and support in the preparation of the application. Mr Martin noted with disappointment, the comments from Fenton Parish Council, as it was felt that the application was more relevant to Torksey than Fenton, and that Torksey Parish Council had not objected. This was proposed to be a unique development of attractive shepherds' huts, with associated landscaping and the provision of local facilities, which were currently lacking in the area. The proposals complied with all

relevant policies.

Councillor Stuart Kinch, spoke as local Ward Member, noting that many years ago Torksey was a very popular tourist location with many camping and caravan sites, with full, well used pitches, which supported local shops and businesses. As many of these sites had been lost to residential development local businesses had suffered and closed. Residents did not eat out with the same frequency as holiday makers. The current proposals would assist to regenerate the tourist industry and benefit the local economy.

Members commended the proposals and felt that the development would assist with employment and transformation of the area. It was hoped that visitors would be directed to the facilities in Torksey and Gainsborough.

It was agreed that the Parish Council comments were not considered relevant to the planning case before the committee.

On seeing photographs of the proposed huts, the Committee agreed that it was to be an attractive site. The question of the eastern access restriction was raised, and it was affirmed that this could be controlled by condition. It was noted that the shop would be constructed prior to siting of the huts.

It was moved and seconded that the recommendation in the report be **AGREED** and that permission be **GRANTED** with the additional condition as noted.

Additional Condition

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) prepared by R M Associates, dated 1 July 2013, including the following mitigation measures detailed within the FRA:

- The internal finished floor levels to be set no lower than 5.6mAOD (above ordnance datum) i.e. at least 600mm above the adjacent external ground level.
- The proposed developments to incorporate appropriate flood resistant and resilient measures, giving consideration to the recommendations of the Environment Agency and DEFRA report, 'Improving the flood performance of New Buildings – Flood Resilient Construction' (ISBN 9781859462874).
- In the event of a "Flood Warning" for the area being issued by the Environment Agency, the site to be evacuated and closed down and remain closed until the flood warning is no longer in force.

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reasons: To reduce the risk of flooding to the proposed development and future occupants, to reduce the consequence of flooding and to facilitate a quicker recovery in the event of a flood and to ensure the safety of the occupants of the site and to ensure that there is no additional burden placed on the emergency services during times of flooding.

10c 134332 GAINSBOROUGH

Planning application to erect a four storey block of 17 apartments with associated access and car parking-resubmission of 131913 on land on corner of North Street. Gainsborough.

John Bayley, of Keystone Architecture spoke in support of the application, describing how proposals for the site had been ongoing for a long time. He had worked with planning officers and amended the design through pre-application advice, and also had discussion with other departments, such as the Conservation officer, and their predecessor. Two areas of concern had been raised, conservation area and waste collections, both of which had been addressed. The highways department had raised no objections and the plans accorded with all requirements and the proposals would tidy a derelict site in the town centre.

Members noted that the site had a long history of applications, and previous permissions had been granted, none of which had materialised. Concerns were expressed regarding the lack of parking provision (eight spaces for 17 flats), as even though in the town centre, should require at least one per dwelling. It was felt that there was insufficient space in the public car parks nearby, which could often be full on Market days. The traffic on the roundabout was felt to be a problem with motorists entering the roundabout when they were not able to exit it, thereby causing a backlog of traffic. This could cause problems for emergency vehicles.

The Principal Development Management Officer pointed out that the Central Lincolnshire Local Plan did not include parking standards, so no requirement was set, and also the NPPF guidance was that in a town centre with access to public transport, there would be no requirement to set a minimum number of spaces.

Whilst it was agreed that the derelict site was an eyesore at the entrance to the town centre, concerns were raised whether the proposed development was appropriate. One Member noted the development of the flats on Church Street, and how this had become a mess, and whilst applications had to be determined on their own merits, it was important to learn lessons from previous developments.

Several Members of the Committee, whilst acknowledging all the concerns and potential problems, felt that there were no justifiable planning reasons to refuse the application. Further clarification was sought on the lack of developer contributions due to viability implications.

The recommendation to approve the application was moved and seconded, and on being voted upon the votes were equal at four votes for and four against. The Chairman then used his casting vote to **AGREE** that permission be **GRANTED** subject to the conditions as set out in the report.

Note Councillor Cotton had abstained from voting, and Councillor Smith requested that his vote against the approval be recorded.

10d 135750 + 51 GAINSBOROUGH

Note Councillor Smith left the meeting for consideration of the following item.

Planning application for demolition of former Sun Inn hotel and 37 Market Street, construction of hotel (use class C1) and restaurant (use class A3); alterations to and demolition of rear part of 27 Market Street and change of use to allow A1,A2,A3,A4 and A5 uses at ground floor; alterations to and demolition of rear part of 29 Market Street; alterations to 35 Market Street and change of use to allow A1,A2,A3,A4 and A5 uses; alterations to 3,7,11 and 5,9,13 North Street and demolition of outbuilding to rear; works to expand and reconfigure car park; landscaping, access and associated works.

The Principal Development Management Officer updated the Committee that Historic England and also the Victorian Society had maintained their previously notified objections, having been consulted on revised drawings. Condition 9 would require updating to reflect the revised plans submitted, and also an additional condition on the planning application to secure the recording of archaeological finds, as recommended by LCC Archaeology.

It was clarified that the Listed Building Consent was a separate application and would require to be determined individually, for referral to the Secretary of State, if agreed.

Clarification was also given on the relationship between North Street (Gainsborough) Limited and WLDC and it was confirmed that WLDC did not have an interest in the company making the application

Three people were in attendance to speak in support of the application. Dave Hale of Dransfield Properties gave assurance of the commitment to Gainsborough and described the work over many years to redevelop the site to a hotel, an Italian restaurant, with improvements to the car park and shops. This was a key site and a gateway to the town centre, and the proposals were supported by local businesses and residents, with a potential economic benefit to the town.

Richard Kane, Chairman of Gainsborough Trinity FC, which played in the Conference North league, described the need for a hotel to accommodate visiting teams and supporters, instead of having to direct visitors to Lincoln or Scunthorpe. The site was currently an eyesore and the proposed development for a high quality scheme was welcomed, and would benefit the visitor economy.

David Milles, Director of Hexadex, a subsidiary of Eminox, a multi-national company, also welcomed the creation of a hotel to accommodate visitors and business colleagues from overseas.

Members debated the application and agreed that the proposals would be of major significance in their benefit to Gainsborough and the wider economy, improving what was currently a derelict and unattractive site. The development would create 72 jobs and avoid directing visitors and losing local investment to Scunthorpe and Lincoln. There was a need to reinforce the message that Gainsborough was 'Open for Business'. It was generally felt that the scheme would provide for a much improved development over the planning permission that is already in place (also for a hotel) and that the public merits were such that

they outweighed the current Sun Inn's worth as a heritage asset worthy of preserving. It was also felt that the proposals would complement the Court Building opposite and provide significant improvements to a key gateway to the town centre. It was agreed that the revised design was even better than that previously approved.

The recommendation to approve the planning application was moved, seconded and voted upon and it was **AGREED** that planning permission be **GRANTED** with the additional conditions as noted earlier and set out below.

Condition 9 to read:

9. With the exception of the detailed matters referred to by the conditions of this permission, the development hereby approved shall be carried out in accordance with the following drawings:

- 8315s/101L – Proposed Site Layout;
- 8315s/102K – Proposed Ground & First Floor Plans;
- 8315s/103E – Proposed Second & Third Floor Plans;
- 8315s/104E – Fourth Floor Plan / Roof Plan;
- 8315s/105N – Proposed Elevations;
- 8315s/108A – Proposed Boundary Wall;
- 8315s/109A – Proposed Demolition Plan;
- 8315s/111 – Proposed Wall Setting Out Plan;
- 8315s/128A – Proposed Street Elevations;
- 8315s/sk113K – 27 Market Street Proposed Ground & First Floor Plans;
- 8315s/sk115J – 27 Market Street Proposed Elevations;
- 8315s/sk123J – 35 Market Street Proposed Floor Plans and Elevations;
- 8315s/sk138H – 29 Market Street Proposed Ground & First Floor Plans;
- 8315s/sk140F – 29 Market Street Proposed Elevations;
- 0620-1 REV D Indicative Landscape Plan.

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 in order to accord with the provisions of the Central Lincolnshire Local Plan.

Insert new Conditions (on the planning permission only):

Condition [X]: No development (other than demolition) 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:

- i. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
- ii. A methodology and timetable of site investigation and recording.
- iii. Provision for site analysis.
- iv. Provision for publication and dissemination of analysis and records.
- v. Provision for archive deposition.
- vi. Nomination of a competent person/organisation to undertake the work.
- vii. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall be undertaken only in full accordance with the written scheme. Following the archaeological site work 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 preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National

Condition [Y]: 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 [X]** 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).

Listed building consent for demolition of 37 Market Street, alterations to and partial demolition of 29 Market Street and works of alteration to 35 Market Street. Sun Inn Hotel, 1 North Street, Gainsborough.

Robert Barnes, Planning Prospects, addressed the meeting on the Listed Building proposals. Whilst supporting the preservation of listed buildings and heritage assets Mr Barnes agreed with the sentiments expressed by the Planning Committee that the public benefits of the proposed application outweighed any reasons to preserve the building.

It was then moved, seconded and voted upon and **AGREED** to notify the Secretary of State of the intention to grant listed building consent, subject to conditions.

Note Councillor Smith returned to the meeting.

10e 135790 DUNHOLME

Planning application to erect 64 dwellings with roads, garages and residential parking, including community parking and public open spaces on land North of Honeyholes Lane, Dunholme.

The Principal Development Management Officer informed the meeting that a letter had been received from the Chairman of Governors of Dunholme St Chads CoE Primary School, stating that the school had recently had to increase its capacity to accommodate additional children, and requested that any s106 contribution monies be directed to the school to update the existing facilities to make them fit for purpose.

Councillor Cotton sought clarification as to whether the school was voluntary or church aided, as this information was not available, Councillor Cotton took the decision to declare a personal interest and not take part in the determination of the application, as a minister of the church.

Anjum Sawhney spoke as the Chairman of the Parish Council, noting that the report did not address the loss of open space that could occur if the application was granted. The primary path to the school would be reduced and there would be a loss of amenity. Mr Sawhney

also commented on the lack of communication and consultation with the applicant, even though invitations had been issued to attend meetings. The original application had been well laid out and supported, however the proposed additional housing had been wedged in to a previously good application. It was feared that a further application would be submitted for a greater increase in the future. This application was now sited within a green area which had been used to defend against other applications and been supported by the Inspector.

Councillor Steve England, present as Ward Member, noted that the Neighbourhood Plan had encouraged the development of the site of the previous application, but that the current application represented a 30% increase. The Housing Needs Survey recommended a mix of all types of housing, however the proposal appeared to be mainly for larger dwellings, and the layout concentrated the affordable homes in one area rather than them being integrated across the development. The surface water drainage scheme was not acceptable to Anglian Water, and there were concerns that no responses had been received from the NHS or LEA. It was felt that if the application was for Outline Permission the outstanding issues could be addressed.

The Principal Development Management Officer indicated that the provision of open space was not significantly different to the previous application, although the sports and recreation facility was not now included. The density of 25 dwellings per ha. should not be considered as high. The Anglian Water objections to the drainage strategy could be addressed by conditions. Whilst the green wedge had been defended at appeal on other sites, this site was now allocated for housing within the Central Lincolnshire Local Plan and Dunholme Neighbourhood Plan.

Members of the Committee debated the housing mix and felt that the bias was in favour of four bedroomed homes, and that the affordable housing should be 'pepper potted' across the development. Concerns were expressed regarding the lack of dialogue with the developer, as there were benefits to all parties through proper consultation. Further reservations were expressed regarding school capacity and the inability of local children to gain places at their local school.

The Committee was reminded that valid Planning Policy reasons would need to be provided to refuse the application. Councillor Smith proposed that the proposals were contrary to Policies LP52, LP24, LP22, LP11 and LP10, and therefore proposed refusal on these grounds.

The proposal to refuse permission was seconded and on being voted upon it was **AGREED** that permission be **REFUSED** for the reasons as set out below.

Contrary to policy LP52 – Overdevelopment of the site above the level identified in LP52 and the Dunholme Neighbourhood Plan

Contrary to policy LP24 – insufficient new open space provided, contrary to policy

Contrary to policy LP22 – adverse impact on the adjacent open space allocated in the local and neighbourhood plan

Contrary to policy LP11 – a lack of integration of affordable housing across the site, resulting in a layout contrary to the integration required by the policy

Contrary to policy LP10 – development would fail to provide a mix of housing types needed to deliver a balanced site meeting different local needs

11 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.33 pm.

Chairman