

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 28 June 2017 commencing at 6.30 pm.

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

Councillor David Cotton
Councillor Michael Devine
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Angela White JW ^{16/04/18}

In Attendance:
Oliver Fytche-Taylor Planning Services Manager
Jonathan Cadd Principal Development Management Officer
Richard Green Development Management Officer
Martha Rees Lincolnshire Legal Services
Jana Randle Governance and Civic Officer
Katie Coughlan Governance and Civic Officer

Also present 33 Members of the public
Councillor Lewis Strange (visiting member)

Apologies: Councillor Matthew Boles
Councillor Stuart Curtis
Councillor Hugo Marfleet

Membership: Councillor Angela White was appointed as a Substitute for Councillor Matthew Boles.

12 CHAIRMAN'S WELCOME AND NOTICES

The Chairman welcomed all present to the meeting.

13 PUBLIC PARTICIPATION PERIOD

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

14 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 31 May 2017.

A point of clarity was raised by the Planning Services Manager in relation to Minutes of the Previous Meeting item 10e. The following statement was read out:

“The Committee may recall at its previous meeting, under item 6e (Dunholme) that Officers considered that an earlier outline planning permission on the site had recently expired. It has subsequently come to light that the applicant had in fact submitted an application for reserved matters late in the day, but nonetheless in time.*

The consequence of this is that the site still benefits from (outline) planning permission and WLDC is now to determine an application for subsequent reserved matters. The Reserved Matters Application has been registered with reference no. 136225, and has now been publicised by WLDC. WLDC has a target date to determine the application by the 29th August.

May we apologise for any confusion and misunderstanding that may have arisen”.

Officers confirmed to the committee that there were no implication for the decision made by the committee arising from this update.

RESOLVED that the Minutes of the meetings of the Planning Committee held on 31 May 2017 be confirmed and signed as a correct record.

15 DECLARATIONS OF INTEREST

Councillor Smith referred to the meeting of the Planning Committee on the 5th April 2017, declaring a personal interest in item 6a (135013 – Caistor Road). As per previous Minutes, Councillor Smith 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.

Councillor McNeill declared a non-pecuniary interest as an Agent of Sir Edward Leigh MP.

16 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Planning Services Manager advised that there was no update on the planning policy per se but there was an update in relation to a staffing matter. Nev Brown, previously of Hull City Council, had started working full time in the role of Senior Neighbourhood Planning Officer at WLDC.

Officers advised that hard copies of the Central Lincolnshire Local Plan (CLLP) were now available on request.

17 PLANNING APPLICATIONS FOR DETERMINATION

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

17a 135013 CAISTOR ROAD MIDDLE RASEN

Outline planning application for residential development of up to 300no. 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 for Land at Caistor Road, Middle Rasen.

The Principal Development Management Officer provided an update on this application stating that this application was deferred at the 5 April 2017 Planning Committee meeting to address a number of concerns which had been raised. Since the earlier meeting, the Central Lincolnshire Local Plan (CLLP) had been formally adopted and now formed the Development Plan against which this application had to be determined. The application site was allocated for residential development in the Development Plan with an indicative capacity of up to 300 dwellings.

The Officer referred to the Report, highlighting responses from a number of authorities including the Environment Agency, Highways Authority, the Lead Local Flood Authority as well as responses in relation to the foul sewerage system. Following this process, the recommendation remained to approve the application subject to the signing of a s106 planning legal agreement.

The discussions relating to amenity space and play equipment had been concluded, and on top of the provisions noted within the report, the Developer also agreed to contribute £45,000 towards youth equipment which would be directed towards a skate park within Market Rasen.

Correspondence was received from Lincolnshire County Council's (LCC's) rights of way department, in relation to the proposal to create a footpath to the site. The formal process to confirm the right of way started in 1987 and was now under way and interested parties and land owners were being contacted for views.

The final change was in relation to condition 8 - namely to ensure the footpath to the A46 extended to the full extent of the site not just to connect to the existing network.

There were five registered speakers present, each having up to five minutes to speak.

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

The first speaker, Mr John Matthews, the Chairman of the Market Rasen Town Council, addressed the Committee stating that the town council had no objection to Chestnut Homes as a developer, however, they objected to the development due to grave concerns in relation to a number of issues including the proposed density of development for the site, issues with recent flooding, drainage issues with so much porous land being covered, the lack of pavement which together with a busy road created a grave and dangerous situation. The development was also believed unsuitable due to the pressure it would put on the existing infrastructure with the schools, dentists and doctors being reportedly at full capacity. The boundary issue as to whether the site was in Middle or Market Rasen was also raised. It was felt that the infrastructure needed to be put in place first before such a development could go ahead and that this was too much in the wrong space.

Mr Neil Kempster, Land and Development Director at Chestnut Homes, then spoke in support of the application, highlighting that since the April meeting the CLLP had been formally adopted and the site was now allocated for residential use with Market Rasen being identified as a tier 3 settlement and that the inspector had determined that the proposed development was proportionate. The use of the greenfield site had been approved by the local planning authority through the local plan and there was therefore a strong presumption for approval without delay in the absence of any material considerations that could lead to a contrary decision. There were highways concerns but it had been concluded that the identified congestion would occur whether or not the development proceeded. The impact of the proposed development was accepted in line with the NPPF as not being so severe as to warrant refusal. LCC have not objected to the application. Flooding and drainage had been raised but again the statutory authorities had not objected. The Environment Agency had confirmed that the site was in Zone 1 (the lowest risk of flooding) and it was the Agency, not the developer that had instigated the recent change. There would be a controlled discharge of surface water from the site, providing a betterment to the existing free-flowing scenario. Attenuation would ensure that the discharge rates were the same following the completion of the development as it was whilst it was farmland. Anglian Water confirmed that foul drainage could be accommodated within the existing sewage network. Health and education contributions had been agreed to mitigate the effect of the development. In summary, there were no statutory objections or material considerations to this planning application which would lead to a justified planning reason for not conforming with the presumption in favour of approval. Mr Kempster stated that they were aware of the level of opposition to this application but asked the committee to consider the positive benefits of the development, naming several, including the provision 300 homes out of which 20% would be affordable housing in line with the Council's 5-year housing supply, providing employment for local people and making a significant contribution to the local economy.

Mr John Edser spoke on behalf of the Rasen Action Group outlining the objections of local residents. Mr Edser queried the administrative area of the plot stating that Sir Edward Leigh MP, who shared their concerns, had written to Manjeet Gill asking for clarification and received a response from Mark Sturgess recognising that, administratively, the site was in the Parish of Middle Rasen and not Market Rasen. Mr Edser referred to the NPPF highlighting that a realistic approach was needed at the planning stage to develop Market Rasen in a planned and sustainable way to ensure that economic, environmental and social requirements of the proposed development were addressed early on, rather than build a large housing estate hoping that everything around would suddenly expand to accommodate it. The Rasen Action Group felt that the proposal failed to comply with the national planning policy as there was very little local employment, no land had been identified for providing business growth, contributions to expand Market Rasen primary school had been agreed but the school would have no obligation to take children from the proposed development which was in Middle Rasen, the development was not a high quality build environment as required but a very high density build with 25% low cost housing; the combination of so much local housing and the lack of local jobs was a recipe for social problems which went directly against the requirements. Due to lack of local employment, residents would have to travel elsewhere by car as public transport was inadequate, nothing could be done to alleviate the traffic problems without providing a bypass and this provision had not been included within the plan. No protection was offered to the historic centre of Market Rasen which would be harmed by the increased traffic. The cycling lanes were inadequate which would encourage car use for school trips.

In summary, the proposed development was in Middle Rasen and did not satisfy the three

main sustainability requirements, instead, it was simply a very large, high density housing estate located in the Parish of a large village that had no housing allocation within the CLLP plan, on these basis it was proposed that the application was rejected.

Councillor Smith, spoke as a Ward Member on the application, further reiterating the objections raised so far. Councillor Smith referred to the Report which showed that the application site was allocated for residential development in the Development Plan under Site CL1364 and whilst that was true, he argued that that allocation was within Market Rasen, not Middle Rasen, where the LPA admitted the site lies. Therefore the allocation within CLLP was fatally flawed as there were no allocations within Middle Rasen. Councillor Smith then proposed refusal quoting a number of policies which would be relevant to warrant refusal of the application – namely:

LP1,

LP2,

LP13(b),

LP13(c),

LP17,

LP18,

LP26(b), (c) and (d)

LP52; and

Under NPPF paras 7, 29 (77.6% currently using a private motor vehicle), 34, 58 on two counts – 1) respond to the local character, 2) accessible environment.

Councillor Smith therefore urged the Committee to reject the application as it was unsustainable.

Councillor Lewis Strange, speaking as the County Councillor for the area, reiterated the objections raised by the previous speakers. Of particular concern was the fact that the Gallamore Lane extension/bypass was not actioned, no land was left clear for the bypass across the site for the future, the footpath issue remained unresolved, the development was crowded and would exacerbate the existing congestion issues. The money proposed towards infrastructure was deemed not to be adequate to resolve the likely medical and schooling issues. The location of the site was raised again as a potential breach of planning due to it being in Middle Rasen. The traffic flow implications in and out of the site were raised. Flooding in the past and current risk of flooding was highlighted stating that the road was two feet deep in water recently which was at odds with the Environment Agency's recent lower risk category being given to the site. The issue of building on land regularly prone to flooding was highlighted. Councillor Strange felt that this was the wrong development in the wrong place. The issue of the wrong Parish was further raised stating that the Central Planning Team had claimed the designated site in the wrong Parish. Councillor Strange addressed the developer in relation to his comment - 'it's got to go through' – saying that it was the Planning committee who decided what went on, not what was in the local plan. Councillor Strange also urged Members to read what Sir Edward Leigh MP had written on the matter as well as many local residents.

The Principal Development Management Officer responded to the comments raised by the speakers. In relation to the boundary issue, he referred to page 41 of the report, which showed that, although located within the Parish of Middle Rasen, the Central Lincolnshire Local Plan identified the site as part of Market Rasen, explaining that administrative parish boundaries and strategic planning allocations could be differentiated and this was not an

unusual arrangement. Therefore, whilst the site may well fall within the Parish of Middle Rasen, it was to all intents and purposes a physical extension of the settlement of Market Rasen. It was not an error but a strategic decision on the most appropriate locations to enhance the role of Market Rasen as a growth settlement.

In relation to the Central Lincolnshire Local Plan, it was stressed that this was the adopted plan of West Lindsey following rigorous, public consultations, an examination process and investigations by government inspectors. Policy LP51, residential allocations – market town, therefore identified the application as allocation CL1364 as an appropriate location for around 300 dwellings and given the Local Plan adoption it should be supported in line with planning law and it would be difficult to defend any refusal at appeal.

In relation to the volume of development, considerations were made in relation to traffic movements and the wider growth of Market Rasen and the CLLP planning inspectors approved the site as suitable for up to 300 houses. In relation to physical access to facilities and whether this site was sustainable, it was acknowledged that some of the roads and footpaths were narrow with limited ability to improve them due to historic structures in the town centre. Nevertheless despite this the Highways Authority had determined that the existing network suitable and safe to accommodate the traffic/ pedestrians generated from the development. The site was also deemed to be within reasonable walking distance of the facilities within the town as required within the NPPF. The severe impact test required by the NPPF to resist proposals on highways grounds was also not met. In terms of the economic sustainability, the policies allocated around 111 hectares of land within Central Lincolnshire with only 33 hectares of land needed, significantly over-supplying the land needed. It was accepted that a number of existing permissions in place on these sites which were yet to be taken up but there still remaining significant level of allocated site available. This included a number of site on the Gallamore lane estate. Further proposals could also be considered under the development plan policies through planning application and schemes would be determined on their merits. Equally there were contributions proposed to mitigate the impact on schools and the health centre and these would be directed to physical improvements. It was noted that residents wanted new doctors, nurses and teachers but this was not within the remit of the planning system to provide.

The Environment Agency, through its own investigation, regraded the Flood Zone from 3 to Zone1 – the site was therefore not deemed at risk of significant flooding. The applicant was planning to store water on site and release it at manageable levels with the existing greenfield run-off rate being matched with no increased adverse impact.

Lengthy discussion ensued with Members questioning the boundaries between Middle and Market Rasen and the location of the site. It was re-confirmed by the Planning Services Manager that the Parish boundary was simply an administrative line defining the two settlements, whilst the allocation within the plan was clearly linked to Market Rasen and its development. This was not a mistake. The issue had been raised before with the Joint Planning Committee by the Parish Council and the Local Plan Inspectors had considered those submissions, and confirmed that the allocation was intentional and related to Market Rasen not Middle Rasen. The development adjoined Market Rasen on two sides and it would operate directly with Market Rasen rather than Middle Rasen. It was clarified that the local plan did not change the local parish boundaries but was also not bound by them. The plan, and this allocation, was considered in detail previously and found acceptable in line with planning law.

Councillor Milne declared that she had arranged a number of meetings between Sir Edward Leigh MP and the Rasen Action Group which she wished to be noted, but had not made comments on the scheme. Traffic issues in Market Rasen were then raised highlighting issues with cars speeding and narrow roads and pavements.

Legal services advisor warning against the direction the debate was taking, highlighting the fact that the application was in line with the newly adopted Central Lincolnshire Local Plan, applications in accordance with an adopted development plan should be approved without delay and undermining it, through refusing this development, could have serious consequences down the line.

Committee Members expressed continued concerns regarding the regrading of the Flood Zone as despite the proposed run-off rates being equivalent to a green field site, the area already flooded in heavy rain before whilst undeveloped. Of equal concern was the impact of increased traffic on an already congested area and the location of the site.

Officers noted the Caistor Road site was previously found suitable for housing within the development plan process. There was also no plan for a bypass. The impact on the highway infrastructure had been considered and it was felt that the impact from the development was not severe enough to refuse the application on this ground.

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

The road situation continued to be an issue for Councillors. Officers advised that there were no plans for a bypass at this time, the new development plan contained no protected lines for such scheme and that the Highways Authority had determined that the required test of severity of impact on the highway had not been met.

The capacity of the basins proposed to be used to control the surface water run off was queried. It was also pointed out that the traffic increase would be significant with extra 300 houses being built, with 600 extra cars likely as a result, which would lead to significant congestion. Such congestion would be significant and would not to be a 'natural' growth due to increased car use but an 'additional' growth as a result of the development.

The sewerage capacity was also questioned, however, advice was given in relation to this stating that this was an outline application only and this would be agreed under conditions or as part of the reserved matters. No figures were therefore available at this stage.

Officers noted that the detail of the actual drainage system, and indeed any drainage basins would be determined through a detailed drainage scheme which would be required either through reserved matters or conditions and a detailed response could not therefore be provided in relation to the capacity of the basins. The outline application did, however, include an indicative drainage strategy which provided some detail. Investigations undertaken on the site had shown it to have limited permeability, with ground water levels at a shallow depths and some areas with pooled surface water. The report therefore took account of these issues in the indicative drainage scheme. The report had been accepted by

the Lead Local Flood Authority. It was noted that the NPPF stated that developments should not worsen flood risk, but equally it was not the developer's role to resolve an existing issue, only not to worsen it.

It was also noted that the issues relating to schools and doctors potentially being at capacity could be resolved by expanding the services as needed, with a possibility of looking at new locations for the surgery if the current location was not found to be not suitable.

It was stressed that the CLLP was adopted to ensure a 5-year worth of housing supply in line with the NPPF and that a number of applications which had been refused by the Local Planning Authority before had subsequently been overturned on appeal. There was a risk therefore that if development of allocated sites was resisted, this would jeopardise the 5-year plan. This would again make the local plan out of date and difficult for the authority to resist and defend developments in inappropriate locations across the district. It was further added that applications that the committee had previously refused could be expected to be resubmitted.

Councillor Cotton compared this proposal to that of Saxilby where similar issues were raised by residents but the development went ahead, at appeal, due to lack of evidence to meet the tests identified within the NPPF.

Councillor Cotton continued, by stating that many of the above expressed concerns were shown to have been addressed by the proposed measures – such as the agreed contributions to improve the existing infrastructure, the site being in Zone 1 for flooding and the authorities confirming that the drainage and highways situation was deemed manageable. It was therefore conceded that it would be very difficult to find any solid grounds upon which the application could be refused and if it was refused, it would be likely to be granted on appeal.

Councillor McNeill asked what assurance there was that any conditions in relation to controlling the run-off could be enforced.

Officers advised that the issue relating to the run-off from the site would be covered under reserved matters/conditions and an engineer would confirm whether it was suitable or not. There was an enforcement programme if the developer was not conforming to the plans but this was not a matter for this committee given that the potential for a developer to not build in accordance with their approved plans at some point in the future was based on opinion and not material planning reasons.

A number of positive comments were also made by Councillor Bierley that a lot of the additional traffic would not affect Market Rasen town centre as traffic was likely to go towards Lincoln on the A46 or towards Grimsby avoiding the centre. It was pointed out that the railway station was within a walking distance of the proposed development and that the area was also serviced by the InterConnect bus service and the CallConnect bus. It was mentioned that a bypass may be something to be considered in the future when the need for it had been fully established. It was highlighted that due to the railway line any road improvements would be difficult with the likelihood for a bridge or a tunnel being the only option in the future.

Councillor Bierley also considered the drainage issues stating that it was undeveloped,

agricultural land in an area with clay and high water table which did cause issues, however, this was addressed by the proposed controlled run off/discharge, which could actually benefit the surrounding areas, potentially providing a betterment to the current situation due to the controlled discharge of water.

It was also pointed out that the nearby Gallamore Lane was busy but with further land available providing opportunity for businesses to expand. It was pointed out that the expansion had the potential for businesses to come to the area as there would be more potential employees. In relation to the health facilities being at capacity, the expansion could lead to improved facilities to serve the extra people coming to the area.

The local businesses in the town centre area could also benefit from the increased population as this could help sustain the small, locally run businesses. Further possible benefit to the community could be the proportionate affordable housing it would provide, allowing people to stay in the area. Also, as the application was from a local builder, this could bring extra local employment.

Following a quick summary of the discussion, the Chairman proposed the recommendation as printed looking for a seconder or an alternative proposal. The Vice-Chairman seconded the proposal. The Chairman then asked Members whether there was an Alternative Proposal. Councillor McNeill stated he would make an Alternative Proposal based on some of the grounds highlighted by Councillor Smith previously.

Upon voting, there were four persons in favour of the application and four persons against with one abstention. The Chairman used his casting vote and voted in favour of the application.

It was therefore **AGREED** that the application be **APPROVED**.

Note The Committee adjourned at 7.52pm in order to allow for members of the public to leave the room.

The meeting recommenced at 7.54pm and Councillor Smith re-joined the Committee.

17b 136188 GAINSBOROUGH

Planning application to erect ground floor extension to the rear of the dwelling at 1 Ulster Road Gainsborough.

There was no update for this application and no speakers. This application was only brought in front of the Committee as it related to a Council employee. Had this application not involved an officer, it would have been decided under the scheme of delegations.

The application was proposed, seconded and voted upon and approved unanimously.

It was therefore **AGREED** that the application be **APPROVED**.

18 DETERMINATION OF APPEALS

Councillor Smith thanked Officers for their assistance leading the Gallamore Lane appeal. It

was commented that there had been a flurry of applications recently.

The Planning Services manager added that the appeal results reflected how powerful the new local plan was in providing a robust framework for decisions, with numerous unsuitable developments being refused permission, whilst properly planned growth was being well supported.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.01 pm.

Chairman