

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 26 July 2017 commencing at 6.30 pm.

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

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

In Attendance:
Oliver Fytche-Taylor Planning Services Manager
Martin Evans Senior Development Management Officer
George Backovic Principal Development Management Officer
Mandy Wood Lincolnshire Legal Services
Jana Randle Governance and Civic Officer

Also present 11 Members of the public
Councillor Jackie Brockway (Speaker)
Councillor Angela White (Speaker)

Apologies: Councillor Stuart Curtis
Councillor Roger Patterson

Membership: No substitutes were appointed.

19 CHAIRMAN'S WELCOME AND NOTICES

The Chairman welcomed all present to the meeting.

20 PUBLIC PARTICIPATION PERIOD

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

21 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 28 June 2017.

RESOLVED that the Minutes of the meetings of the Planning Committee held on 28

June 2017 be confirmed and signed as a correct record.

22 DECLARATIONS OF INTEREST

Councillor Cotton declared that he had made comments as the district ward Councillor in relation to the Burton Waters application expressing some concerns. However he would keep an open mind when listening to what was put to the committee during the meeting in relation to this application and would make his decision based on that.

Councillor McNeill declared that he worked for Lace Housing approximately 10 years ago and knew the director who was also present at this meeting.

23 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Planning Services Manager introduced himself and the two planning officers also present.

The Planning Services Manager advised that there hadn't been a huge amount of changes post-election. The Neighbourhood Planning Act had come into force and a briefing note had been put together by the Officers and was due to be sent out to all Councillors the following day giving further details and the opportunity to ask any questions in relation to this.

24 PLANNING APPLICATIONS FOR DETERMINATION

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

24a 136125 - BURTON LANE END BURTON WATERS

Planning application for residential development for 9no. dwellings, surface parking and associated landscaping.

The responsible planning officer confirmed that there was no update on this application.

Note: As per the recently agreed rule, all Objectors, Supporters/Applicants, Town and Parish Councils and also Ward Councillors must register if they wish to speak at the Committee by 5pm on the Monday of the week of the meeting. As Councillor Brockway did not register to speak by the deadline, the Chair's permission was sought which was given on this occasion and she was invited to speak.

Councillor Brockway advised that she was asked to speak against the application. She agreed with the officers that this application was very finely balanced. Councillor Brockway stated that Burton Waters was an excellent and unusual concept offering safe and secure living in a very pleasant surroundings.

The application sought to convert a potential business premises into housing. This was however not supported by the Parish council, other local members and Councillor Brockway herself. The biggest concern was that the proposed development was not a sustainable development due to lack of facilities with no schools, church, childcare facilities, village hall or doctors being available and only a few specialist/business shops which did not supply the

daily living essentials being available. The location of the premises within the Burton Waters development was pointed out, highlighting that there was need for more successful businesses in the area and not for more houses. It was therefore felt that there was no need for this development. Councillor Brockway quoted the Central Lincolnshire Local Plan (CLLP) policy LP1 (not a sustainable development) and LP4 (houses not needed/housing supply is already present) as the grounds for asking the committee to reject the application.

Officers clarified that there were currently no buildings on the site and the applicant's own chartered surveyors recommended that due to lack of demand it would not be viable to bring these units forward. In terms of sustainability, the CLLP (policy LP2) designated Burton Waters as a tier 5 medium village within the settlement hierarchy and it was considered to be a sustainable location for limited residential development contrary to some of the representations received as per the report.

Councillor McNeill asked for clarification regarding the sequential test, which relates to residential development in areas at high risk of flooding, the relevance of the previous local plan and whether this development was additional to the identified allocation within the CLLP five year plan and therefore the committee was being asked to consider it as an exceptions request. Further issue raised related to employment land being sacrificed for housing.

Officers confirmed that the previous local plan was no longer a material planning consideration. The site has a permission for B1 offices. The applicant had shown that despite continued long term marketing, no significant interest had been received. The applicant's chartered surveyor's recommendation, which was quoted directly in the report, was against the development of these units due to the lack of demand and the potential holding costs. For that reason, a small number of additional dwellings were proposed for consideration to avoid a 'rather strange' undeveloped area.

Councillor Cotton described the development of the plan relating to this area, highlighting the location of the site, pointing out the additional cost paid by the residents on top of the council tax at Burton Waters. Councillor Cotton agreed with many of the comments put forward by Councillor Brockway relating to lack of local facilities, limited shops, lack of doctors and schools in the area - making a reference to the Ward Councillor summary in the report - and questioning again the sustainability of the proposed development as well as highlighting the lack of local support and lack of allocation in the CLLP in this area which should be followed. There was therefore deemed to be no need for this over-allocation as there was no merit in this development. The possibility of a site visits was mentioned.

Officers clarified that the application posed no change to Burton Lane End and the existing development was permitted under the previous local plan.

Councillor McNeill queried the officer's recommendation in the report. This stated that the case was finely balanced. The recommendation was to support the application (see page 12 of the report) despite exceeding the anticipated growth levels for Burton Waters listing the reason for this. Conversely, the report stated that it was open to Members to determine that the exceedance of growth outlined in LP2/4 was unacceptable and refuse planning permission on this basis.

Having considered the above recommendations, it was proposed that Burton Waters had its necessary level of housing to meet the CLLP and the application should therefore be

refused on that basis (LP2/4).

The above recommendation was proposed, seconded and voted upon and it was **AGREED** that the application be **REFUSED**.

24b 135567 DEEPDALE LANE NETTLEHAM

Planning application for residential development comprising: a new access road and road junction to Deepdale; 50 dwellings with estate roads, public open space and associated development; a scheme of 22 apartments and 14 bungalows for the over 55s with communal areas, shared open space and off street parking.

In addition to the recommended decision within the report, delegation was sought to make the following minor amendments to conditions 4, 24 and 25 (as highlighted in bold below). With regards to condition 4 second sentence should read:

4) . The affordable housing shall be **drawn from the bungalows and apartments as part of the over 55's housing** located within the red line on drawing number A00-NET-SITE-01 Rev C.

With regards to condition 24 the text should read:

24) Prior to the first occupation of the development **within the red line shown on drawing number A00-NET-SITE-01 Rev C** hereby permitted elevations, a floor plan and schedule of finishing materials for the bin store associated with the over 55 year olds dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented in full prior to the first occupation of the development **within the red line shown on drawing number A00-NET-SITE-01 Rev C** hereby permitted and shall be retained for such use in perpetuity.

With regards to condition 25, instead of 56 years, it should read 55 years as below.

25) The bungalows and apartments within the area outlined in red on drawing number A00-NET-SITE-01 Rev C shall be occupied by people aged 55 years and over.

There were four speakers registered to speak on this application who all had up to five minutes to speak.

Councillor John Evans spoke on behalf of Nettleham parish council in support of the application which had been part of the Neighbourhood plan. The site was identified as an important site for development because of its location being on a major road out of the village and also within walking distance to the village centre. It was felt that it would be a good site for accommodation for the over 55's. It was mentioned that 40% of the residents of the village were over 60 years of age and the percentage was likely to grow making supported/sheltered living provision desirable to allow people to continue living in the village by providing extra care facility. As the plans included generous proportion of supported living accommodation, it was felt that the scheme met the needs of the community and should be supported.

The next speaker was Mr Michael Braithwaite, planning consultant for the Robert Doughty Consultancy, acting for the joint applicants - Allison Homes and LACE housing. Allison Homes and LACE housing were both Lincolnshire based organisations. The site was allocated in the MADE Nettleham Neighbourhood plan and in the adopted CLLP. A number

of changes were made to the plan to meet the neighbourhood plan proposal including accommodating the need for the over 55's accommodation as part of the scheme which was identified as a priority for the neighbourhood. Allison Homes opened discussions with LACE housing, a specialist housing association that provides supported accommodation for the over 55's, before finalising the design, which resulted in LACE being a joint applicant on the current planning application. The submitted application is for 50 homes plus 36 affordable bungalows and apartments for the over 55's. All the over 55's units will be affordable housing as defined in the NPPF. This represents a higher level of affordable housing provision than required in the CLLP. The consultation on the application resulted in three requests for contributions towards healthcare, primary education and enhancement to play equipment. The request in relation to play equipment was not CIL compliant. The applicant's legal adviser prepared a draft s.106 covering the health and education contributions and undertaken detailed negotiations with the council's legal team and this was now ready to be signed upon a favourable decision from the committee.

Mr Ryan Watson addressed the committee advising that he and Mrs Watson owned land adjacent to the site. They were not against the development in principle or the number of houses but had concerns relating to the potential flood risk associated with the surface water basin due to no overflow facility which they believed could pose a serious future risk of flooding to the surrounding properties. Mr Watson suggested that there had been no percolation test done directly in the position of the basin which he felt was fundamental to establishing whether it was a suitable and that there was minimal landscaping around the basin to take the full run off from the entire site.

Councillor Angela White raised the issue of the planning notice which was displayed in the village reportedly having neither date nor signature visible on it when seen and photographed on 15 April 2017 by Councillor White. However it may have done originally. Councillor White further stated that it was not erected in front of the bungalows behind which the proposed development was located but instead was on a telegraph pole to the front of the houses affected. Councillor White also wished for a record to be made of the Ridge and Furrow field being completed. The issue of the Linelands site, a former care home in Nettleham, was raised, enquiring why this site, which closed in April 2013, was not being used.

Officers commented on the issue of percolation testing raised by one of the speakers, stating that the underlying geology of the site was assessed and the central and southern areas of the site, where there was shallow limestone present, which was permeable, was found to be suitable for soakaways. The Lead Local Flood Authority (LLFA) had no concerns about drainage. The above objections were forwarded onto the LLFA and no additional comments were made on that basis. Members were referred to Condition 6 that required a set of various measures to be submitted to the council before development started to ensure the scheme was fit for purpose.

Councillor Cotton advised in relation to the Linelands site that it was a separate issue which could not be addressed under this application. He then went on to say that as this application accorded to the Local Plan and the Neighbourhood plan, he would be happy to move the recommendation.

Councillor McNeill stated that the site allocation was for 50 houses and this was a proposal for substantially more than that which could be seen as a significant departure from the

Local Plan and one of the concerns he had was that the 46% affordable housing provision could not be conditioned (only 25% could be conditioned). Fire and Rescue concerns were raised and the water main on Deepdale lane was also highlighted as it had recently burst and it was questioned whether any measures could be put in place to prevent any additional issues which may be caused by the new development in relation to the infrastructure.

Officers explained that this was within the remit of Anglian Water and as a planning authority we could not impose any stringent measures in that respect. The fire hydrants would be included in the conditions. The dwellings above the allocation in this case were due to the higher density of the LACE affordable housing provided under the scheme which was covered by a policy provision which stated that we could depart from 50 provided there was no harm and none was identified in this case.

Members requested more details on the use of the agricultural land for this development.

Officers responded that the land was already allocated and the loss of that grade of agricultural land was therefore inherently agreed to.

The application was seconded and voted upon and approved unanimously. It was therefore **AGREED** that the application be **APPROVED**.

24c 135618 - SADBROOKE PARK

Hybrid application for approval of reserved matters for up to 130no. dwellings, a new building to provide up to 25no. apartments for retirement living and a full application for a public house/restaurant – as approved at appeal under hybrid application 133284.

In terms of updates, it was stated that a late objection was received which raised no new issues and also that there were additions to conditions suggested which had been sent to Members of this planning committee.

Note: The updated conditions are shown in **bold/italics** in the quoted text inserted below.

'ITEM 6(c) Additions to existing conditions for reserved matters and full planning permission set out below in bold/italics.

Reserved Matters Permission

Conditions – addition of text in 'bold/italics'

7. 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:

002 REV H ; 0101 REV E; 0102 REV D; 0103 REV C; 0104 REV C; 0105 REV C; 0106 REV E; 0301 REV F; 0302 REV G; 0303 REV E; 0304 REV D; 0305 REV D; 0306 REV E; 1001 REV C; 1002 REV A, 1003 REV A; 1004 A; 1005 REV B 1006 REV B; 1007 REV B ;1008 REV B ;1009 REV B 1010 REV B ;1011 REV B ;1012 REV B ;1013 REV A; 1014 REV A; 1015 REV A; 1016 REV A; 1017 REV A; 1018 REV A; 1019 REV A; 1020 REV B; 1021 REV B; 1022 REV B; 1023 REV A; 1024 REV B; 1025 REV A; 1026 REV A; 1027 REV A; 1028 REV A; 1029 REV A; 1030 REV B; 1031 REV A; 1032 REV A; 1033 REV A; 1034 REV A; 1035 REV B; 1036 REV B; 1037 REV A; 1038 REV B; 1039 REV A; 1040 REV A; 1041 REV B; 1042 REV A; 1043 REV B; 1044 REV A; 1045 REV B; 1046 REV A;

1047 REV A; 1048 REV B; 1049 REV A; 1050 REV A; 1051 REV A; 1052 REV A; 1053 REV A; 1054 REV A; 1055 REV A; 1056 REV B; 1057 REV A; 1058 REV A; 1059 REV A; 1060 REV A; 1061 REV A; 1062 REV A; 1063 REV A; 1064 REV A; 1065 REV A; 1066 REV A; 1067 REV A; 1068 REV A; 1069 REV A; 1070 REV B; 1071 REV B; 1072 REV B; 1073 REV A; 1074 REV A; 1075 REV A; 1076 REV A; 1077 REV A; 1078 REV B; 1079 REV A; 1080 REV A; 1081 REV A; 1082 REV A; 1083 REV A; 1084 REV B; 1085 REV A; 1086 REV B; 1087 REV A; 1088 REV B; 1089 REV A; 1090 REV B; 1091 REV A; 1092 REV B; 1093 REV A; 1094 REV A; 1095 REV A; 1096 REV A; 1097 REV A; 1098 REV A; 1201 REV B; 1215 REV *; 1216 REV *; 1250 REV A; 1251 REV A; 1252; 1253; 2400 REV B; 2401 REV B;

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: *In the interests of clarity and proper planning.*

Public House / Restaurant permission:

Addition of text in 'bold/italics'

4. *No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials. **The details submitted must include***

i. all external windows and doors, cill and window header details

ii. eaves and verges including barge boards

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 area.'*

The responsible Officer stated that this was a controversial application and asked for permission to go through the PowerPoint Presentation to give Members a better idea where the development was going to take place. The Officer then outlined the plans, including the design solutions and materials used, access issues, rights of way and the conditions which were imposed in relation to this application.

Mr James Rigby of Glove Consultants Limited spoke as the agent of the applicant - in support of the application. Mr Rigby explained the lengthy design process they had gone through working closely with a team of talented landscape architects, ecologists and designers to deliver a new residential environment of the highest quality which respected its context and the character of the village leading to this low density development. The proposed layout was very much a landscape led scheme. Throughout the consultation process amendments had been made which greatly improved the scheme. The scheme would provide the stipulated 25% affordable housing. The Parish council were keen for the scheme to provide affordable housing for young people which the proposed layout reflected. 52% of the 130 dwellings would be two or three bedroom properties which consisted 68 properties aimed at young families getting onto the property ladder or could provide an opportunity for people in the village to downsize. Access to Sudbrooke Wood would be improved to allow access all year round. Local companies were to be appointed to carry out the building work.

In response to Cllr McNeill's question about the relevance of the previous inspector's decision on this application, Officers confirmed that the planning permission previously granted approval to the principal of the development which was before Members to decide on the night and also to

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the access to the site itself, so this was a significant material consideration.

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

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

25 DETERMINATION OF APPEALS

Councillor McNeill commented that it was very positive that all four decisions were upheld.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 7.33 pm.

Chairman