

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 13 November 2019 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman)
Councillor Robert Waller (Vice-Chairman)

Councillor Owen Bierley
Councillor Michael Devine
Councillor Jane Ellis
Councillor Cherie Hill
Councillor Paul Howitt-Cowan
Councillor Mrs Cordelia McCartney
Councillor Mrs Jessie Milne
Councillor Keith Panter
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White

In Attendance:
Russell Clarkson Planning Manager (Development Management)
Rachel Woollass Development Management Team Leader
Joanne Sizer Area Development Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer

Also in Attendance: Councillor Jeff Summers
Seven members of the public

Apologies:
Councillor David Cotton

31 PUBLIC PARTICIPATION PERIOD

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

32 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 16 October 2019.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 16 October 2019 be confirmed and signed as a correct record.

33 DECLARATIONS OF INTEREST

Councillor Roger Patterson declared that he would speak as Ward Member in relation to agenda item 6b (139936) and would step down as a Member of Committee for the duration of that item.

Councillor Cordelia McCartney declared that she was Ward Member in relation to agenda item 6a (139552) but would remain as Committee Member for that item.

34 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee were advised by the Planning Manager that the Housing Delivery Test results were due to be published by the Government in November. It was explained that an action plan would be required if delivery fell under 95% of the housing requirement over the previous three years, however the authority had achieved 112% of the housing requirements for 2018.

The Planning Manager explained that Defra had introduced an Environment Bill that contained several measures with implications for the planning system and the opportunities it provided to protect and improve the natural environment. Key measures included:

- a mandatory duty on developers to provide for a 10% net gain in biodiversity, preferably locally to the development;
- a new mapping system would identify opportunities to improve biodiversity at a strategic scale and could be used to inform development plans and the net gain process;
- local authorities would be required to consult on proposals to fell street trees, and would have a strengthened duty to improve biodiversity when delivering their functions;
- there would also be a new statutory body, the Office for Environmental Protection, with the power to enforce the proper application of environmental law.

With Regard to Neighbourhood Plans, the Planning Manager highlighted that the Glentworth NP had been made by Full Council on 4 November 2019. The referendum for the Spridlington NP had been successful with a 49.7% turnout, of which 73.2% were in favour, this would be made at Full Council at a future date. The examination of the Sudbrooke NP had been successful and the referendum date was to be confirmed, the consultation of the Bishop Norton NP had just closed and the draft version of the Gainsborough NP was out to consultation, due to close on 17 December 2019. He reiterated that the status of all Neighbourhood Plans in the District could be found on the Planning and Building pages of the West Lindsey website.

35 PLANNING APPLICATIONS FOR DETERMINATION

RESOLVED that the applications detailed in agenda item 6 be dealt with as follows:

36 139552 - LAND ADJ THE LIMES HOTEL, GAINSBOROUGH ROAD, MARKET RASEN

The Chairman introduced planning application number 139552 and invited the Development Management Team Leader to provide any updates. She explained it was a variation application to change conditions 4, 6, 11 and 15 of planning permission 138607 granted 7 February 2019. There were no updates to the report.

Note: The Chairman declared an interest on behalf of all committee Members as West Lindsey District Council was the applicant.

As there were no public speakers registered, the Chairman invited comments from the Committee. A Member of Committee commended the detail of the report and moved the Officer recommendation.

Note: Councillor Paul Howitt-Cowan declared a personal interest as he was Chairman of the Leisure, Culture, Events and Tourism Group.

With no further discussion the recommendation was seconded, voted upon and unanimously agreed that planning permission be **GRANTED** subject to conditions as detailed below.

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

1. Void

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

None

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

2. The development shall be carried out in full accordance with the Construction Phase Health and Safety Plan (CPHSP) – (PEP Part 2) Rev A dated 7th March 2019 and Environmental Management Plan (EMP) – PEP Part 3 Rev A dated 15th April 2019.

Reason: In the interest of the amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

3. The tree protection measures shall be carried out in strict accordance with details within Tree protection Root Barrier Plan and Specification Rev 00 dated 28th January 2019.

Reason: To ensure that adequate measures are taken to preserve trees and their root systems whilst construction work is progressing on site in accordance with policy LP17 of the Central Lincolnshire Local Plan.

4. With the exception of the detail matters referred by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

MRLC1-CPM-01-00-DR-A-X-2001 revision C02 dated 12.09.2018
MRLC1-CPM-01-01-DR-A-X-2002 revision C02 dated 12.09.2018
MRLC1-CPM-01-ZZ-DR-A-X-2010 revision C02 dated 12.09.2018
2001 Rev C04 dated 30.11.18

The works shall be in accordance with the details shown on the approved plans and in any other documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

5. Prior to the commencement of construction of any buildings, the vehicular access to the development shall be improved in accordance with amended drawing number SK004 B.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

6. Prior to any of the buildings being occupied, the detailed arrangements for the foul and surface water drainage shall be completed in accordance plans MRLC1-CUR-00-00-DR-C-9201-C02 dated 17.10.18 and MRLC-CUR-00-00-DR-C-9209-C03 dated 22/07/19. The scheme shall be retained and maintained in full in accordance with this strategy.

Reason: To ensure the site is adequately drained in accordance with policy LP14 of the Central Lincolnshire Local Plan.

7. The arrangements shown on the approved plan 2001 Rev C04 dated 30.11.18 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

8. The development shall be carried out in strict accordance with the ecological reports (Extended Phase 1 Habitat Survey by CBE Consulting dated 14 October 2016 and Review of Ecological and Aboricultural Reports by CBE Consulting dated 25 October 2018) submitted with the application, including provision of any proposed details of habitat protection/ creation.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with LP21 of the Central Lincolnshire Local Plan.

9. The development shall be carried out using the following materials –

Timber cladding – NORclad Scandanvian Redwood 15mm gap
NORclad Scandanvian Redwood 30mm gap

Curtain Wall Frame – RAL 8019

Render – WEBER Mushroom

Brick – IBSTOCK Leicester Multi Cream

Reason: To ensure the materials proposed create a positive appearance and safeguard the character of the surrounding area in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

10. Prior to occupation, a landscape management plan including ongoing maintenance and management shall be submitted to and approved in writing by the local planning authority. This shall include the maintenance of the acoustic fence.

Reason: In the interests of visual and residential amenity in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

11. The acoustic fence shall be erected as shown on plan 2001 Rev C04 dated 30.11.18 prior to occupation and maintained and retained thereafter.

Reason: In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

12. In the event that a complaint is raised to the Local Planning Authority on the grounds of noise within the first 12 months of the development's first use, noise monitoring shall be carried out by a suitably qualified person, subject to a methodology that has been agreed in writing by the Local Planning Authority prior to monitoring works. Should noise be deemed as reaching unacceptable levels (>50dB LAeq, 1hour) by the Local Planning Authority, a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority including a timescale for implementation. Mitigation shall be carried out in accordance with the agreed mitigation strategy.

Reason: In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

13. Prior to occupation details of the lighting for the site (excluding the 3G pitch) including positioning, timings and intensity, and a final light spill diagram, shall be submitted and approved in writing by the Local Planning Authority. The lighting shall only be in accordance with these approved details.

Reason: In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

14. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment as recommended by Public Protection.

15. The landscaping shall be carried out in accordance with the details submitted on plan 9601 Rev C02 dated 30.11.18 and 2001 Rev C04 dated 30.11.18.

Reason: In the interests of visual amenity and biodiversity in accordance with policies LP17 and LP21 of the Central Lincolnshire Local Plan.

16. Prior to occupation and notwithstanding the technical details required by the highway authority, the footpath and tactile crossing shall be installed in accordance with plan SK008 A.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

17. The development shall be carried out in accordance with mitigation measures included in Noise Impact Assessment to inform Planning Application report ref: 21096R01bPKsw by Environoise dated 16 October 2019.

Reason: In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

18. Within seven days of the new access being brought into use, the existing access onto Gainsborough Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

Reason: To reduce to a minimum, the number of individual access points to the development, in the interests of road safety.

19: The approved development shall not be occupied until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

20. Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; between 08:00 and 13:00 on Saturdays and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings in accordance with policy LP26 of the Central Lincolnshire Local Plan.

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

21. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with

others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with policy LP17 of the Central Lincolnshire Local Plan.

22. The use hereby permitted shall not be open to customers outside the following times 07:00 to 22:00 Monday to Sunday and shall not open on Christmas Day, Boxing Day or New Years Day.

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with LP26 of the Central Lincolnshire Local Plan.

23. The lighting for the 3G pitch shall only be illuminated between the hours of 06:45 and 22:15. The illumination shall be in accordance with details in Lighting Impact Assessment Report Issue P02 by built environment consulting Ltd dated 9th January 2019.

Reason: In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

24. The development shall be carried out in strict accordance with the amended Travel Plan (Framework Travel Plan by Turvey Consultancy Limited dated January 2019).

Reason: To ensure that access to the site is sustainable and reduces dependency on the car in accordance with the National Planning Policy Framework.

25. Plant noise shall not exceed background noise (41dB LA90(15min) for daytime and 29dB LA90(15min) for night time as per details within the Noise Impact Assessment to inform Planning Application report ref: 21096R01aPKsw by Environoise dated 09 January 2019.

Reason: In the interests of residential amenity in accordance with LP26 of the Central Lincolnshire Local Plan.

37 139936 - HIGHCLIFFE BUSINESS PARK, THE CLIFF, INGHAM, LINCOLN

Note: Councillor Roger Patterson stepped down from Committee for the duration of this item.

The Chairman introduced planning application number 139936 for the erection of 3 no. buildings to provide either B1 (Business) or B2 (General Industrial) floor space; with provision of vehicle parking spaces, hard landscaping and means of enclosure. The Committee heard this was a resubmission of planning application reference: 139515 and the Area Development Officer confirmed there were no updates to the report.

The Chairman stated there were three registered speakers for the application and invited the first to address the Committee.

The first speaker introduced himself, Councillor Mark Nicholson from Ingham Parish Council. He explained that the Parish Council were undertaking a development plan and that all people involved were supportive of the business and employment opportunities this development would bring to the area. He stated there was housing development underway, providing a 15% increase in housing and the Parish Council would like for there to be employment opportunities for those people to work locally. The proposed development would provide opportunities for greener employment with people able to walk or cycle to work. He reiterated the Parish Council's support of the proposed development and thanked the Committee for their time and consideration.

The Chairman invited the second speaker, Mr James Rigby, the applicant, to address the Committee. Mr Rigby explained that his company felt the Officer's report had oversimplified the case and that, in relation to LP5, the site should not be considered as being in the countryside. He added that LP5 established support for generating employment in these areas and the proposal was for employment development. There was support for 50 jobs, the area locally was considered to be an employment site which would be in accordance with LP5 and paragraph 84 of the revised framework. Mr Rigby commented on the suggested visual impact to the area and advised the Committee that the proposed development would benefit from substantial screening, the buildings would sit below the treeline and he was confident no harmful visual impact would occur. He added that there was strong demand from businesses looking to expand into the area and he believed the proposals would provide significant benefit to the area. He thanked the Committee for their time and consideration.

The third and final speaker, Councillor Roger Patterson, Ward Member, was invited to address the Committee. He stated that he could not find any grounds for refusal of the application. Councillor Patterson explained that the building sat on the ridgeline, there were other businesses along the same building line, the site itself was part of an old airfield and the A15 ran alongside the area. He agreed that the area was countryside but it was a significant industrial area with some major businesses operating around the proposed development site. He stated LP5 was supposed to allow businesses to thrive. Councillor Patterson highlighted that the proposals would make the development the greenest office building in West Lindsey, using green energy as well as requiring minimum vehicle use from employees living in the local area. He quoted LP55 part E, paragraphs A and D and LP1 regarding sustainable development. He also drew Members' attention to section 2.4 of the CLLP, designed to encourage expansion for existing businesses. To conclude, Councillor Patterson stated there would be no visual impact of the building, there were no objections within the community, the community and workers supported and wanted the development. He invited the Committee to look favourably on the application.

Note: Councillor Roger Patterson left the room at 6:49pm

The Chairman invited further comment from the Planning Manager who clarified that 'brown field sites' related to areas which had previously been developed whereas the site in question for the application was a green field site. He advised the Committee to consider whether it was a local employment site, and whether it was expanding an existing business or building on new ground.

The Chairman invited comments from the Committee. Initially, several Members of Committee expressed their support for the application and agreed with the arguments in

favour presented by the speakers. This was countered by other Committee Members who felt that the site was isolated and separated from the village. It was suggested that the commendable green credentials of the development could be implemented in other locations and there were other sites available that would be more suitable to such a development. It was also commented that Members should be consistent and support the relevant policies, a Member of Committee moved the Officer recommendation to refuse planning permission and this was promptly seconded.

At the close of discussions, the Chairman enquired whether there was any Member offering a second proposal to Committee. After giving fair time, but receiving no second proposal, he put the original proposal to the vote.

With five votes in favour of the Officer recommendation, and four votes against the Officer recommendation, it was duly resolved that permission be **REFUSED** for application number 139936.

Note: Councillor Roger Patterson returned to the room at 6:55pm and re-took his seat at Committee.

38 DETERMINATION OF APPEALS

The Chairman commented on the statistics of dismissed appeals and that it was a positive for the Council that the Inspectors agreed with the final decisions.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 6.57 pm.

Chairman