

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held virtually Virtual - MS Teams on 3 February 2021 commencing at 6.30 pm.

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

Councillor Owen Bierley
Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Jane Ellis
Councillor Cherie Hill
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	Interim Planning Manager (Development Management)
George Backovic	Principal Development Management Officer
Rachel Woollass	Development Management Team Leader
Martin Evans	Senior Development Management Officer
Martha Rees	Legal Advisor
Ele Snow	Democratic and Civic Officer
James Welbourn	Democratic and Civic Officer

92 REGISTER OF ATTENDANCE

The Chairman undertook the register of attendance for Members and each Councillor confirmed their attendance individually.

The Democratic Services Officer completed the register of attendance for Officers and, as with Members, each Officer confirmed their attendance individually.

93 PUBLIC PARTICIPATION PERIOD

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

94 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Councillor D. Cotton made a statement to the Committee relating to comments he had made at the meeting of the Planning Committee in December 2020. He stated that, in relation to the lobbying that had taken place regarding one specific application, he wished to clarify that whilst it was imperative for Members to declare whether they had been lobbied, lobbying itself was not illegal. He apologised if his comments had misled the Committee and he wished to put on record his clarification.

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 6 January 2021 be confirmed as an accurate record.

95 DECLARATIONS OF INTEREST

Councillor I. Fleetwood declared that he had been copied into an email sent to Officers in relation to planning application 142148 but he had not responded or dealt with the email. He also declared that he was the Ward Member for application number 141033 but he had not had any representations placed in front of him and he would remain in the Chair.

Councillor R. Waller declared that he would speak as Ward Member for application number 142148 and would leave the meeting at that point.

Councillor A. White declared that she had called in application number 142065 but she would remain in her seat as Committee Member.

96 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard from the Interim Planning Manager (Development Management) regarding updates and changes in planning policy. He stated there was a Government consultation underway on the **draft revision to the NPPF**. This was to incorporate the “Building Better, Building Beautiful Commission” report and placed greater emphasis on beauty and place-making, and new trees. Local Planning Authorities would be required to produce local design guides and codes.

There was also a consultation on the draft **National Model Design Code** which would close on 27 March 2021. The proposals could be found at:

<https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

Members also received the following update regarding Neighbourhood Plans.

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham, Dunholme, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern, Saxilby, Welton, Willoughton, Glentworth, Spridlington, and Sudbrooke.	Full weight
Scotton NP	Examination successful. Decision statement	Significant weight

	issued. Referendum to be held 6 May 2021.	
Bishop Norton NP	Examination successful. Decision statement issued. Referendum to be held 6 May 2021.	Significant weight
Gainsborough NP	Examination successful. Decision statement issued. Referendum to be held 6 May 2021.	Significant weight
Morton NP	Examination underway. Examiner's Clarification Note issued. Assuming examination is successful, referendum to be held 6 May 2021.	Increasing weight
Corringham NP	Consultation on Draft Plan (Regulation 14) ended 8 Jan 2021.	Some weight
Sturton and Stow NP	Consultation on Draft Plan (Regulation 14) completed.	Some weight
Ingham NP	Consultation on site assessment report completed.	-
*Caistor NP	Review underway. Consultant appointed.	-
*Nettleham NP	Review underway. Consultant appointed.	-
Neighbourhood Plans - made (17) - in preparation (24) - to be started (42) - being reviewed (2)*	To view all of WLDC's neighbourhood plans go to: https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/	NP stage-weighting -Made–full weight -Referendum successful–full weight -Examination successful/Decision Statement issued–significant weight -Submission Reg16–increasing weight -Draft Reg14 - some weight -Designated – little weight

97 PLANNING APPLICATIONS FOR DETERMINATION

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

98 141033 - BARDNEY

The Chairman introduced application number 141033 as an outline planning application to erect 5no. dwellings with access and layout to be considered and not reserved for subsequent applications, on land adj to 15 Abbey Road Bardney. The Principal Development Management Officer stated there were no updates to the report however he had been provided with some photos to be shown on screen during the registered speaker's statement. The Chairman invited Councillor Robin Darby to address the Committee.

Councillor Darby thanked the Committee and stated he was representing the Bardney Group Parish Council. He stated that the first objection was in relation to the public footpath that ran along the eastern boundary of the property. He explained that this footpath was owned by

the Parish Council and they had not been consulted regarding the proposals. He stated that if the application was granted, access would be difficult for construction traffic and drew Members' attention to the photos on screen depicting the access and narrow layout of the road. He highlighted there had been previous complaints regarding access to homes on the road and the proposed development would worsen the situation. He added that there was currently a request lodged with Lincolnshire County Council for there to be double yellow lines along the stretch of road. With regard to the site, he stated there was insufficient parking allocation for all properties, including existing residents, and it was necessary for residents to park on Station Road. He noted that the proposed pedestrian access would remove two parking spaces which would make parking increasingly difficult. He added that there were existing difficulties with residents parking on Abbey Road which affected the visibility of the road for all users. He invited Members to note the incline of the road and the difference between the site and road level. Councillor Darby explained that drainage in the area and for the proposed development was not sufficient and would increase the risk of flooding in an area that was already liable to flood. He also stated that the property adjacent to unit 5 had been a commercial property with an underground fuel storage tank and removal and decontamination of the area would need to be undertaken. Councillor Darby stated that he believed the application would be granted however, the Parish Council requested that the access to Station Road be blocked, the drainage needs be fully addressed, S106 should be levied, there should be restrictions on traffic movement in place during the construction phase and the Parish Council should be consulted regarding the public right of way.

The Chairman invited any comments from the Principal Development Management Officer who confirmed there were no alterations proposed to the right of way and it did not fall within the application site. He added that no issues had been raised by the Highways Agency with regards to parking and access and additional car parking provision was given on site. It was not possible to restrict the access on Abbey Road, this had also not been deemed necessary by the Highways Agency. In relation to drainage difficulties, Anglian Water had recommended a condition in their original comments but the Lead Local Flood Authority had not noted any issues. There was a condition proposed regarding the removal of the fuel tank and details of acceptable working practice was contained within the construction management plan.

The Chairman stated he knew the site well and that it had previously been a farm with vehicles going in and out. It had been disused for many years. He added that the indicative plan showed numerous parking spaces on the site.

A Member of the Committee enquired about the specifics of the access points to the site and concerns regarding traffic congestion. It was highlighted that of the two existing access points on Station Road, one would be closed off and that the only comment regarding the access point on Abbey Road had been a minimum width requirement. There had been no issues raised by the Highways Agency regarding visibility on Abbey Road. There had also been parking provision proposed per new dwelling as well as additional parking spaces.

The speaker's comment regarding S106 payment was clarified to be a CIL contribution, for which the new development would be liable, and a proportion of which would go to the Parish Council.

Having been moved and seconded, the Chairman took the vote and it was unanimously

agreed that conditional permission be **GRANTED** subject to the following conditions.

Conditions requiring reserved matters and stating the time by which the development must be commenced:

1. No development shall take place until, plans and particulars of the **scale** and **appearance** of the buildings to be erected, and the **landscaping** of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

3. The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

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

4. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with none technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing

a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site

and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration to accord with the National Planning Policy Framework and policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

5. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

b) Provide attenuation details and discharge rates

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, neighbouring land and property in accordance with policies LP 14 and LP 26 of the Central Lincolnshire Local Plan.

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

6. With the exception of the detailed matters referred to by the conditions of this approval and the outline planning permission, the development hereby approved shall be carried out in accordance with the following drawings and documents:

The Layout and Access shown on drawing no. H3356-3007 Revision A date October 2020;
Layout and Access shown on drawing no. H3356-3005 Revision E date March 2020;
Highway Drawing H3356 -3006 Revision B date August 2019;

Reason: To ensure the development proceeds in accordance with the approved plans in the interests of proper planning.

7. Within seven days of the new access being brought into use, the existing access onto Station Road shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To reduce to a minimum the number of individual access points to the road, in the interests of road safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.

8. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number H/3356 - 3006 dated August 2019 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

9. The minimum width of the access shall be 4.1 metres.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety and in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan

10. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routeing and management of construction traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the hours during which machinery may be operated, vehicles may

enter and leave, and works may be carried out on the site;
(xi) Measures for tree and hedgerow protection;

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

11. The details to be submitted in accordance with condition no. 1 above shall include existing and proposed finished ground levels.

Reason: In order to be able to assess the impact of the development on existing dwellings in the interests of amenity in accordance with policy LP 26 of the Central Lincolnshire Local Plan.

12. The development hereby approved shall not exceed 5 dwellings.

Reason: The application was found to be acceptable on this basis in accordance with policy LP26 of the Central Lincolnshire Local Plan.

13. If any works to the buildings and site take place outside the active nesting season from 1st March through to 31st August a search for nests must be carried out before it begins, and active nests should be protected until the young fledge.

Reason: To protect biodiversity in accordance with policy LP21 of the Central Lincolnshire Local Plan.

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

14. No dwelling shall be occupied, unless the approved surface water scheme and foul water drainage connection to the public sewer has been implemented in full.

Reason: To ensure satisfactory drainage of the site in accordance with policy LP14 of the Central Lincolnshire Local Plan.

15. No dwelling shall be occupied until details of the position and form of 4 integral bat roosts and 2 nest boxes across the site have been submitted to and approved in writing by the local planning authority and the approved details fully implemented.

Reason: In the interests of bio diversity enhancement to accord with the requirements of Policy LP21 of the Central Lincolnshire Local Plan.

99 142065 - NETTLEHAM

The Chairman introduced the second application of the night, application number 142065 for construction of 30no. Entry Level homes and associated infrastructure on land off Deepdale Lane Nettleham Lincoln – resubmission of 140938. There were no updates from the Officer and the Chairman confirmed there were four registered speakers. He requested the first speaker to address the Committee.

Councillor John Evans, of Nettleham Parish Council, made the following statement.

Local strength of feeling on this matter can clearly be judged by the large number of submissions of opposition from the community. But we do understand that developments such as this must be judged on planning grounds.

The Parish Council **strongly objects** to this application and respectfully requests that the committee should refuse this application for 30 homes off Deepdale Lane on the following planning grounds:

1. This is not an allocated site in the adopted Nettleham Neighbourhood Plan (Nettleham Neighbourhood Plan) or CLLP.
2. The developer claims that this is an entry-level exception site so under NPPF 71 development on an unallocated site is permissible. However the proposal is contrary to para b) of the NPPF 71 as it does not comply with the design policies or standards as per D-6 and D-3 of Nettleham Neighbourhood Plan.

Nettleham Neighbourhood Plan D-6 clearly states that new development should recognize and reinforce the local character in terms of height, scale, density, etc. This is supported by LP26 c).

The Nettleham Neighbourhood Plan also identifies the max density for new homes in Nettleham as 20 homes per Ha, which is reflected in the adjacent recent development by Larkfleet/Allison Homes where a total of 86 homes were originally approved (PA 135567) on a site of some 4.6Ha. giving a gross density of 18.7 homes /Ha. Even when the additional 7 homes were approved for the site in August 2020 it resulted in 20.2 homes/Ha.

LP2 spacial strategy section 4 on large villages refers to -
Exception sites are **unlikely to be of a scale over 25 dwellings / 1 ha per site.**
This proposal seeks to produce 33 homes/Ha. leading to an inappropriate urban density in a sensitive rural village edge setting.

The design and access statement and officers report seeks to justify this high density by comparing it to that of the adjacent residential care home development for older people which was a part of the earlier development. This would be a totally inappropriate and invalid as a comparison for a housing development such that proposed now.

3. It is clear that none of the properties in the proposal have garages and the parking provision is in place of a front garden which will provide a car cluttered street scene. This is more usual in urban developments and does not reflect the character of Nettleham.

4. The applicant, and officer's report, seek to identify local need by referring to the housing register which is inappropriate as that refers to rented accommodation requests not entry level or affordable housing which is the subject of this planning application. Mention is also made of the SMHA but that was published 6 years ago and is currently under review so the document cannot be relied as evidence in 2021.

Over the past 3 years Nettleham village has had planning permission approved which includes 71 affordable homes, a yield of over 27%.

LP11 calls for 20% of new housing allocation in rural locations to be affordable, which equates to 47 based on the total number of new homes allocated to Nettleham in the CLLP. So we are already delivering 51% more affordable homes than envisaged in the CLLP.

Additional development in Nettleham Parish include 24 affordable 1 bed flats at Roman Gate (PA 142230), and Minster fields is also providing some 93 affordable homes. Affordable homes delivered in the Parish of Nettleham since 2016 will total some 188.

Clearly there is little local need for additional entry level housing on the proposed site as well as that already in the pipeline.

Nettleham Parish Council submits that based on the above grounds alone, this opportunistic planning application should be refused. It is contrary to the adopted Nettleham Neighbourhood Plan and not compliant with NPPF 71 b, in that it does not comply with local design policies and fails to reflect the character in terms of housing density of the surrounding area.

There is also no up to date assessment showing local housing needs for this type of property.

However should the LPA be minded to approve the development then provision for children's play equipment on site (via S106 agreement) or a financial provision should be required for the Bill Bailey recreation ground some 700m. away along Deepdale Lane.

Deepdale Lane lacks a footpath on the development side the lane, so for safety and amenity purposes there should also be a S106 requirement for the developer to be required to provide one to meet up with the existing footpath on the north side of the road.

Nettleham Parish Council requests that it is made a party to any S106 agreement.

The second speaker, Mr Mark Mann, made the following statement.

My name is Mark Mann, and I am speaking on behalf of Allison Homes.

The application before you today, is a resubmission of the one refused in August. Whilst it remains an '*Entry Level*' scheme; designed to provide much needed affordable accommodation for younger people, the scheme has been amended to take on board the reasons for refusal. In addition, following further discussions with officers, changes were made to better reflect the housing needs of the village.

At the heart of Members concerns was that the density was considered too high, being above the figure referred to in the Neighbourhood Plan. And, that it did not meet the parking levels required by policy D3, despite meeting the Local Highway Authority's. However, elsewhere in Nettleham, exceptions to these requirements have been agreed by the Council. This flexibility is supported by the Neighbourhood Plan, which allows for exceptions, particularly in respect of affordable housing.

Nevertheless, the applicants have sought to compromise. The revised scheme has a lower density and has more parking spaces. The only shortfall, is that one of the *cluster units* of 1

bed homes, has only 1.5 spaces per dwelling. Of note is that the other cluster unit, and all the other dwellings, meet the requirements of policy D3. As such, it has a lower density than the LACE scheme and the 7- unit scheme recently approved by Members in August 2020, both of which are adjacent. It also has a much greater level of parking than both those schemes.

Elsewhere, the Council has accepted higher densities as well as lower parking provision, than that required in the Neighbour Plan. For example, the recent development at Lodge Lane.

Your officer's report examines in detail, what weight to give to the Neighbourhood Plan policies, bearing in mind the age of that Plan, and the fact that it was adopted before the Council's own Local Plan and the NPPF. My only comment is that the Neighbourhood Plan states that its parking policy was in accordance with the Council's own local plan. This is not the case. The WLLP (2006) policy specified a maximum number of spaces per dwelling, whereas D-3 requires a minimum. It cannot be in accord with the WLLP. To compound this error, the Plan also advises that within the village, over 57% of households had access to just one car or none at all. I believe this application would fail to meet those earlier LP policies as it provides too much parking!

In West Lindsey there is a shortage of affordable homes as confirmed by officers. The Council acknowledge that this shortfall cannot be met solely by market led schemes and that more needs to be done. This includes working with developers to bring forward wholly affordable proposals like this application.

Prior to paragraph 71, it was very unlikely that we would have developed this site. However, this amendment to the NPPF changed the planning position of this site, as well as others. It removed any objection *in principle* to such developments.

In terms of design, character, and appearance the development is very similar to phase 1. The density is higher, but that is the nature of affordable housing. That is accepted by the Neighbourhood Plan and this Committee, when in August, the 7-unit scheme was approved. The LACE scheme is higher still, and whilst it contains apartments, it also contained bungalows. The only distinction of the LACE development is that it is for the over 55s. It is not a care facility. All 36 dwellings are 2 bed units, yet parking provision is substantially less than what we provide for our 1 bed units. In fact, compared to our revised scheme, which provides 64 spaces for 30, mostly 1 and 2 bed homes, the LACE development provided 39 spaces for the 36, 2 bed dwellings. Strict adherence to Policy D3 would require 72 spaces. This is despite evidence that indicates car ownership levels are greatest for those aged 60 plus!

The above clearly demonstrates that the Council can apply policy flexibly and the Neighbourhood Plan allows for such flexibility, as does the Council's own Local Plan.

To conclude the development will provide:

- much needed affordable housing in the area.
- It will look like the housing already approved.
- It will provide attractive open space at the front of the site, and
- It will provide more parking than some recently approved/built developments.

There are no objections from statutory consultees such as highways, the flood authority, etc., and your officers consider the development will comply with the policies in both the Local Plan and the Neighbourhood Plan.

We trust therefore that Members will support their officer's recommendation and approve this revised application.

The Chairman invited the next speaker, Sally Lidbury, to address the Committee. She made the following comments.

Statement from residents of Nettleham Chase in relation to the following planning applications:

140938 - construction of 30 entry level homes and associated infrastructure

I have been asked to speak on behalf of residents of Nettleham Chase. We have many concerns about the quality and integrity of the developer, but fully appreciate this is not the forum to share our concerns.

Local support – an application should demonstrate there is local support for it, as stated in LP26. It is clear that there is a **distinct lack of local support** for this proposal. Given the high number of LOCAL objections to the previous application, the objection by Nettleham Parish Council and a unanimous refusal by WLDC planning committee, we find it astonishing that again the developer has submitted a further plan.

Larkfleet's original design statement CLEARLY stated that the land would be retained as agriculture land. Planning was granted on that basis. Therefore, we are astounded that the developer has chosen to submit a further application.

Density – in their application the developer has chosen to compare the density of the proposed housing to that of the Lace Housing development and NOT their own existing development of residential dwellings.

The current Larkfleet development is **8.13 per hectare**. The proposed density is however **18 per hectare**. We feel the density of the application will drastically affect the character of the area. One of the key points in the Nettleham Neighbourhood Plan was to retain a village feel and the character of the village. It states that this particular piece of land should be an area of local green space.

Need – We do not feel sufficient need for this proposal has been demonstrated. LP 11 states: In rural areas, where through a local needs assessment there is both a need and clear local community support for affordable housing. *Has a LOCAL needs assessment been carried out or is only the wider area of Lincoln being used to determine need?*

The existing development **already has 42% of affordable homes**. Double the suggested 20%. This proposal of 30 affordable homes, plus the 7 given permission would mean there would be a total of 73 affordable homes and 50 residential properties. A staggering 59% would be affordable homes on this development.

Parking – there is a lack of parking for visitors. Given the density of the proposal, this would undoubtedly mean vehicles would be forced to find alternative parking. This could negatively impact on the existing development. For those planned houses which would have direct access to driveways on Baker Drive, visitors would be forced to park on the roadside. At certain points of Baker Drive there is already an issue when two vehicles try to pass each

other. The road is not wide enough. Visitors to these properties would be forced to park on the roadside which would cause a hazard to road users. The only alternative would be to park on the pavement – which is not acceptable.

Larkfleet have recently written to residents of Phase 1, reminding them of their duty to adhere to covenants and not park vehicles incorrectly. This suggests that there is already an existing issue with parking availability for both homeowners and their visitors. Whilst all residents of Phase 1 will endeavour to abide by the legal requirements, human nature suggests that future homeowners and their visitors would cause more significant issues.

Design and appearance – the application is not in keeping with the character of the village. The neighbourhood plan states: new housing should be of a scale, design and **density** to fit within the existing character of the village. The Lincolnshire Local Plan suggests 50 homes per site to maintain the character and feel of the village. We notice that the original planning application by the developer sought permission for 90 dwellings but this was rejected.

The final speaker, Councillor Giles McNeill, speaking as Ward Member, made the following statement.

The Committee in its wisdom chose to accept the arguments of myself, the Parish Council and members of the public in refusing the previous submission of this planning application a mere 23 weeks and 1 day ago. You did so for good reason. As is clear from the minutes of that meeting, Councillor White's call-in request, and the submission of the Parish Council, that you are being asked, by the developer, to reconsider the Committee's view, taken in August, of Paragraph 71 of the National Planning Policy Framework and how it integrates with the other parts of the Local Plan.

Your responsibility is to determine planning applications in accordance with the local plan and other relevant policies. The application before the Committee this evening is, in my opinion, materially the same as that which was previously refused.

I contend that in August the Committee discharged its responsibility to determine the previous application properly and should align its decision tonight with that decision. This is why:

When the permission was granted for the first phase it was understood that a higher number of homes (86) for the allocated site (of around 50) was acceptable as the trade-off for the housing development for older persons that was contained therein.

I would respectfully request that the application be refused permission on the basis that it conflicts with:

National Planning Policy Framework paragraph 71 (b)

I contend that in relation to NPPF 71 (b), the requirement for the development to 'comply with any local design policies and standards' remains not met.

I accept that the site is adjacent to the existing settlement, that there are no protected assets or areas and is narrowly proportionate in size – The area of this site is only very narrowly below the 1 hectare limit (down to 9,118 square metres from 9,167 square metres) – which is a direct and lingering consequence of the developer 'playing the system' and splitting the previous application in two – for which he has secured permission for the bungalows.

The proposal fails to meet the requirement for an entry level exception site to comply with local design policies and standards as articulated in the *Nettleham Design Statement*.

The Nettleham Design Statement makes it clear that development along the 6 access roads – such as Deepdale Lane, should be avoided. Each of the house types are two story dwelling that are highly urban in their character and therefore in my opinion do not accord with this policy. Elsewhere the Nettleham Design Statement contends: “New developments should respect the country lane character of the village approach roads”.

The statement also makes clear that “Any new buildings should be of similar proportions to houses in their vicinity.” The nearby properties on Baker Drive are of a very different order to those being proposed by the developer and the, permission for bungalows, approved in August.

This is reinforced by the conflict with:

NNP Policy D-6: Design of new development

The proposal fails to recognise and reinforce the local character in relation to height, scale, density (65% greater than the specified maximum) and spacing (a); reflect existing residential densities in the locality of the scheme (b); merge into the existing rural village context and respond to the wider countryside setting (e).

And:

Policy LP26: Design & Amenity

The proposed development fails to take into consideration important design principles, including respecting the, landscape character and identity, relating well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths (c); fails to provide a tight village nucleus but building away from the village’s centre (d); and reflect or improve on the architectural style of the local surroundings (j). It also fails to meet the Local Plan’s amenity considerations (which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy) in respect of the compatibility of this phase of development in relation to the first phase (m).

I will not reiterate the arguments advance by Nettleham Parish Council to include **Policy LP11** (the applicant’s failure to demonstrate local support) and **NPPF 127** (as the proposal would not be sympathetic to the local character).

Finally, I am also deeply concerned at the representation made by Anglian Water that the Nettleham Water Recycling Centre does not currently have capacity to treat the flows from this proposed development.

Whilst I have no desire to see the Committee grant planning permission on the application I would be remiss not to highlight that they strongly recommend that conditions are included to ensure no occupation of any dwellings takes place until the Nettleham Water Recycling Centre has capacity to treat the waste water flows that the development will generate.

This is important to protect the Nettleham Beck, ensuring the development does not make the current phosphorous issues worse and cause any other pollution. Nettleham Beck was classified as poor for phosphate in 2019 in the Water Framework Directive; the major reason for this failure was identified as continuous discharges from sewage treatment works. There is a Phosphorous improvement scheme due to be completed by 22 December 2024.

However Anglian Water are not aware of any plans to increase capacity of the Nettleham Water Recycling Centre before 2040. This is a material consideration. I would contend that this proposal conflicts with **NPPF 170 (e)** and **NPPF 8 (c)** – the third of the three pillars of sustainability, the environment. I would therefore request that should the Committee be minded to ignore the arguments advanced for refusal of this application then a condition be applied, in line with the request from Anglian Water, that habitation of any dwellings not take place until the completion of capacity improvements at the Nettleham Water Recycling Centre at the absolute earliest after 2040.

Chairman, Members of the Committee, thank-you for your consideration

The Chairman thanked all speakers for their comments and invited the Development Management Team Leader to offer any response. She stated that maximum density was not included in the Neighbourhood Plan and it was seen as being too prescriptive. Community support was not necessary on entry level sites and affordable housing was based on the authority rather than parish need, however, the Nettleham needs assessment did demonstrate a high need for affordable housing. With regards to parking, there was parking provided on the site and that of the existing site was not a material consideration for this application. Regarding drainage, Anglian Water had stated there was capacity but they were obligated to provide drainage from the site.

The Chairman invited comments from Members. A Member of Committee stated it was disappointing that local support was not required given the strength of feeling against the application. She stated that Nettleham had already provided affordable housing and there was a significant number of new residents to be integrated into the village. She supported the comments made by the Parish Councillor and Ward Member.

There were further comments made regarding the water recycling and the Officer clarified that the comments made by the Environment Agency were based on old information and Anglian Water had since confirmed there was capacity. A Member of Committee noted that it had been misleading for the site to have been said to be remaining as open land as that had not been the case.

With the Officer recommendation moved but not seconded, the Legal Advisor reminded Members that it was a Paragraph 71 application which did fall under most recent policy. An alternate proposal for refusal, on the basis that the application was contrary to LP26 and D6 of the Neighbourhood Plan, was moved and seconded. Based on this the Chairman led the vote and it was agreed that permission be **REFUSED**.

100 142148 - SADBROOKE

The Chairman introduced the final application for the evening, application number 142148 for demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping at Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln – resubmission of planning application 140180. The Senior Development Management Officer provided the following update.

Since the report was written additional objections had been received from residents of 28, 61

and 96 Wragby Road, Sudbrooke; 50 Windsor Close, Sudbrooke; 10, 21 and 35 Sibthorpe Drive, Sudbrooke; 3 and 5 Courtfield Close, Sudbrooke; 2 and 23 Holme Drive, Sudbrooke, 13 Park Close, Sudbrooke; 3 Fir Tree Close, Sudbrooke; and 6 Oak Tree Close, Sudbrooke which were summarised as follows:

- Contrary to several policies in the CLLP and neighbourhood plan
- Harmful to residential amenity by virtue of noise and disturbance, overshadowing, reduced light, increased fumes and light pollution contrary to LP17, LP26 and Policy 9
- Not sustainable development, not best use of existing stock, use of natural resources, is energy inefficient, does not minimise waste or pollution or travel contrary to LP1, LP13 and LP18
- Scale, height, materials and mass are out of keeping with the area and adjacent dwellings
- No need for a HMO and no local support contrary to LP2 and LP4. The proposal is not designed to be a home.
- With 8 double bedrooms up to 16 people could live in the proposal instead of 8 people as considered in the noise assessment and by the planning inspectorate. Rooms could be occupied by more people
- The submitted streetscene drawing is inaccurate because 26 Wragby Road is smaller than drawn and the proposal would be taller than 28 Wragby Road. The application plot is higher than 28 Wragby Road which will emphasise the difference in scale. This erroneous document seems to have been used in the appeal
- Light from car movements, interior lighting and exterior lighting
- 28 Wragby Road is built below the road level meaning any movement to and from the property will increase light pollution from overlooking. The front wall would not prevent this
- There has never been vehicular access to the rear of this cluster of properties and the information submitted regarding 24 Wragby Road is inaccurate. The applicants assertion that parking at 24 Wragby Road causes problems is contradicted by his assertion the proposed parking arrangements are acceptable
- Is a garage proposed?
- It is unclear what type of fence/wall will be built and what the noise assessment recommends
- The site may be levelled off meaning fence heights are increased and this is not shown on the plans
- The proposal does not meet the CLLP objective of promoting healthy lifestyles and wellbeing and provides insufficient amenity
- No push bike facilities. Cars would have to be used
- Plans show inaccurate 45 degree line. It would affect neighbouring windows. Are the plans accurate?
- The property is currently being renovated. The garage has already been demolished.
- The example properties given by the applicant are not comparable to the proposal
- The proposal does not supply housing for local people
- Noise assessment is misleading as it does not account for multi path and reverberation and the use of garden/patio is dismissed. 30 Wragby Road is a noisier location than 28 Wragby Road. If the noise assessment had been done in the garden of 28 Wragby Road with a hedge/fence the ambient noise level would be lower and therefore the impact would be greater. The noise assessment is not independent.
- Group bookings are possible with associated disturbance

- Lincoln City Council's supplementary planning for HMO's details why it used an Article 4 direction and related concerns which are applicable here. 23 Wragby Road could be a HMO
- Lack of amenities in the area
- The road is extremely busy
- Lack of parking for the proposal
- Loss of property value
- If this is passed after umpteen attempts I can only assume that the council have had a backhander from the developer
- Construction impacts and harm to wildlife
- No need for further building in Sudbrooke
- The proposal is not for a replacement HMO. It is for an additional HMO.

These representations did not change the recommendation.

The Chairman thanked him for his update and stated there were four registered speakers to the application. He invited the first speaker, Councillor Peter Heath of the Parish Council, to address the Committee. He made the following statement.

This is the third time that this development has been presented to the committee. The design on each occasion is virtually unchanged from the previous one. It was rejected on both previous occasions and an appeal was also rejected thus confirming the committee's decision.

Sudbrooke Parish Council object to this application for the "Material Harm" it will cause the occupants of 28 Wragby Road by the overbearing nature of the proposed building and usage as stated in the appeal judgment.

I hope the members of the planning committee have had the opportunity to read the objection from Mr Clark, the neighbour at 28 Wragby Road. Mr Clark, has provided a comprehensive rebuttal of the many of the claims made for the application. The applicant misrepresents the current state of the building in the attached photographs, it is shown as a derelict building. The building has since been refurbished with new windows and interior work as shown in the photographs provided by Mr Clark in his objection.

The design drawings show 45 degree line from the rear as having no impact on the neighbouring house. The Line is not in the correct place and will affect the light received by the windows of No 28.

The development is in direct conflict with Policy 2 of the Sudbrooke Neighbourhood Plan, Extensions and alterations to existing dwellings, and Policy 9, Local Design Principles, of the Sudbrooke Neighbourhood Plan.

Policy 2 states that:-

Extensions and alterations to existing dwellings within the Parish where planning permission is required will be supported where the following criteria are met:

- A. the size scale, height and materials of the development are in keeping with the original dwelling
- B. the extension and alterations are designed so that there shall be no significant

reduction in the private amenity of the occupiers of neighbouring properties through overlooking, overshadowing, loss of light or an overbearing appearance.

Policy 9 section 2 states that: -

In relation to site design, layout and access it should meet the following criteria:

b) Protects the amenity of neighbouring occupiers

This application fails on both our Policies.

The applicant has made many assumptions in his favour in the design and access statement.

The provision of an 8-bedroom mansion for short term lets will generate noise and disturbance from unregulated arrivals, departures and outdoor enjoyment of the space for potentially up to 16 plus people. The noise created by manoeuvring vehicles to access parking space at the front and rear should not be lightly dismissed. The noise assessment provided by the applicant is partisan and make assumptions in the applicant's favour. Recordings of passing traffic and of the rear garden of an unoccupied house are hardly representative of the potential noise when fully occupied.

Sudbrooke Parish Council are concerned for the safety of occupants arriving and departing by car onto the A158 a main arterial road for access to the coast. The junction of the A158 with Scothern Lane a few hundred yards to the west has been the site of many car accidents as drivers risk pulling out into fast flowing traffic.

The applicant cites other HMO's in Sudbrooke as justification for this. There are 2 small Air B&Bs in Sudbrooke and an HMO in a former 4 bed house. It is run by social services for up to six in long term accommodation for vulnerable adults under supervision. This application is much bigger than all of those combined.

In conclusion this change from a modest family home to a hotel like property will have a huge impact on the neighbouring property It will increase traffic and therefore pollution and risk. It is not sustainable development and is not required or sought after for our village and should be rejected.

The Chairman invited the second speaker, the applicant Mr Vaddaram, to make his comments. He offered the following statement.

My name is Sath Vaddaram.

The refusal of previous application 140180 has been appealed to the Planning Inspectorate who has confirmed that the reasons for the refusal by Planning Committee were not justified. However, the appeal inspector had dismissed the appeal based on totally new ground which is noise and disturbance as a mentioned in point 23 of decision notice.

This application is a resubmission as per the suggestion by the Honourable Judge at High Court of Justice, Queen's Bench Division during the Renewal Hearing of Planning Statutory Review as the noise assessment report was not present at the time the Inspector was deciding.

Regarding objector's comments:

1. About Noise: The Noise Assessment proves that the impact is acceptable and in accordance with the planning policy. Furthermore, this has also been endorsed by the Environmental Protection Officer from the same council who has concluded their own assessment.
2. Disturbances:
 - a. Sight/ Vision: Lights from the vehicles are acceptable and demonstrated through the drawings on the screen (WRA030-HL1-01) and The Road Vehicles Lighting Regulations 1989
 - b. Smell: All the vehicles are subject to annual MOT and emission test. So, smoke comes out the vehicles are acceptable levels.
 - c. Other disturbances like taste, touch, movement, body position are not applicable to this proposal.
3. Anti-social behaviour: As confirmed by the Environmental Protection Officer, this can be dealt with under suitable existing legislation.
4. Highway safety impairment: It was considered and accepted by the Planning Inspector under the point 7. Furthermore, Local Highway Authority have confirmed that the proposal does not have an impact on the public highway in terms of safety and capacity.
5. Parking and vehicle movements: Planning Inspectorate acknowledged this under the point 16 and has not raised any objections. Furthermore, 11 immediate neighbouring properties are currently parking at the rear. Business use at 24 Wragby Road is already causing enormous vehicle movements.
6. Suitability of the site: Planning Inspectorate has dealt this under the point 9 and 13.
7. The design and appearance: This have been covered by Planning Inspector under points between 10 to 13.
8. Overbearing nature: Planning Inspectorate covered this under the point 12.
9. Trees and wildlife: These have no relevance to this development.
10. Loss of light and overshadowing: Planning Inspectorate determined this under the point 15.
11. Light pollution: Officer's Report already addressed this point.
12. Neighbourhood plan: was fully considered by the Planning Inspector as mentioned under the point 2.
13. Need of development: Planning Inspector confirmed under the point 23 this development would provide good quality visitor and business accommodation and diversify the type and choice of accommodation.
14. All the Policies mentioned by the objectors are already covered by the Appeal Decision and the Officer's Report.

Any other non-relevant comments should be disregarded and please note that there are some insulting comments towards the applicant and the council officer's integrity.

As Officer's Report clearly demonstrated this revised application mitigates the only one reason for previous dismissal by the Planning Inspectorate. So, the applicant requests the committee to grant the approval to avoid presenting this planning case in front of the same Judge/ Court.

Thank you, Chairman.

The third speaker, Mr Andy Clark who was speaking on behalf of his father-in-law, made the following statement.

My name is Andy Clark, I am the son in law of Alan Dovey who I am speaking on behalf of this evening; he lives at 28 Wragby Road, next door to the proposed planning application.

The current proposal will significantly affect his amenity as was supported by the Planning Inspectorate. The proposal will cause disturbance, noise and light pollution, the resubmission of this proposal does not resolve this. All the decisions made on this property assumed that the property was unrepairable. It states in the planning and design document that the current property is structurally unsound. Contrary to this the property has already undergone significant redevelopment, the garage has been demolished, 7 new windows fitted, decorating, plumbing and grounds cleared. The proposal does not meet sustainable requirements as it does not make best use of existing stock, use natural resources prudently, minimise waste or pollution, mitigate climate change or minimise the need to travel. This is a great example of building for buildings sake.

A noise survey has been undertaken and while we do not dispute the calculations per say, we completely disagree with a lot of the assumptions made and therefore a significant amount of impact has not been modelled or considered. The report has been used to try and nullify the previous appeal outcome; therefore, it is critical that the assumptions are correct. I believe the noise survey is significantly bias toward Mr Vaddaram.

The survey is modelled on 8 residents only, with an assumption of individual lets, yet as these are double or perhaps even family rooms there could be 20 guests. This potential occupancy and therefore impact has not been measured. Even the inspectorate's decision made this assumption of 8 residents and still deemed it enough to dismiss the appeal.

The assumption that the garden and patio will not be used and therefore not modelled is preposterous. With no local facilities such as pubs or restaurants the garden will undoubtedly be utilised, particularly in Summer. To dismiss interactions between clientele and only factor in 1-minute conversations is flawed, as this does not account for interactions between family groups, couples, or visitors.

Additional noise and disturbance such as cars idling, service vehicles, motorbikes, arrivals and departures especially with luggage as well as potential group bookings have not been considered.

The measurements for the noise survey were taken in the garden of number 30, however, this is not a true representation of the background noise levels I experience in my garden as I am significantly more acoustically sheltered and have less exposure to the road noise. Therefore, the impact is greater than measured.

The assessment is based on spherical spreading and does not account for multi path or reverberation, however as most of the proposed land will be covered in tarmac (or similar) and is boxed in with mainly walls and fences, the sound will be reflected rather than be absorbed (as it is currently). Thus, having a greater impact than modelled. The noise survey report also states there is a garage in the rear of number 24 and uses this in favour of the proposal. For clarity, there is not and never has been a garage in the rear garden of number

24. I do not believe the noise survey materially changes the original application which was refused by this committee and refused on appeal.

There will be a large increase in light pollution from car movements at the front and rear as well as the additional exterior lighting required for the business to meet Health and Safety requirements. The 1m wall at the front, the slope down to the houses and driver behaviours have not been considered in the visual impact statement.

The "Proposed Street Elevation Document" has been used to validate the massing, scale, and appearance of the proposal. However, the proposed ridge height is higher than mine and therefore massing, scale and appearance has been underestimated.

The activity and the comings and goings of 8 people as well as the services to support this will be significantly greater than a single-family household. The possibility of 20 people magnifies this exponentially and has not been considered.

I fear I will be unable to use my own garden if this proposal goes ahead. Not only is there no local support for this development, but there is considerable objection to it. I respectfully request that you refuse this planning application.

The fourth speaker, Councillor R. Waller, speaking as Ward Member, addressed the Committee. He stated that he was surprised to see the application a further time, given that it was virtually identical to the previous application refused by Committee and lost on appeal. He stated that he could not see any material changes. The previous application was refused as contrary to sections of the Local Plan, NPPF and Neighbourhood Plan, he felt all of these remained valid for the current application. He noted that the noise assessment had been based on an assumed eight residents of the property, however it was possible for there to be significantly more people in residence which would greatly impact the noise levels. He also commented that there were no waste storage facilities, with the applicant proposing to collect the waste on a daily basis. It was highlighted that a licensed carrier would be required to clear business waste and the Environment Protection Officer had raised concerns about this proposed arrangement. With such strong objections from the Parish Council and local residents, Councillor Waller hoped that Members would take all objections into consideration, however, should the application be approved, he felt it was necessary for conditions be imposed to address concerns regarding noise and waste disposal, amongst other concerns.

NOTE: Councillor Waller left the meeting at 8:29pm

The Senior Development Management Officer commented that, should the application be approved, licensing regulations could be used to control the occupancy levels in the property. He also highlighted the proposed conditions which addressed the concerns raised, specifically regarding waste disposal, parking allocation and noise levels. He added that the Environmental Health Officer had also undertaken noise assessments and their findings did not raise any concerns.

The Chairman invited comments from Members. Based on the similarities with the previously refused application, the Legal Advisor reiterated that the reason for refusal by the Inspector, following the applicant's appeal, was based on noise considerations which was now addressed by the provision of a noise assessment.

There was strong feeling amongst Members that the concerns regarding noise levels were not the only issue and worries about vehicle movements, light pollution as well as waste removal remained valid. It was also noted that, by the very nature of an HMO, it could prove difficult to monitor the situation should there be continuous change of residents.

With no proposer for the Officer recommendation, it was moved that the application be refused as contrary to LP26 paragraphs M,Q,R and S, NPPF 127a and Neighbourhood Plan Policy 9 part 2. The proposal was seconded and the Chairman took the vote. It was subsequently agreed that permission be **REFUSED** as detailed above.

101 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The meeting concluded at 8.53 pm.

Chairman