

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 11 August 2021 commencing at 6.30 pm.

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

Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Mrs Cordelia McCartney
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White

In Attendance:
Russell Clarkson Interim Planning Manager (Development Management)
Martin Evans Senior Development Management Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer

Apologies: Councillor Jane Ellis
Councillor Cherie Hill

33 PUBLIC PARTICIPATION PERIOD

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

34 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 14 July 2021 be confirmed and signed as an accurate record

35 DECLARATIONS OF INTEREST

There were no declarations of interest at this point in the meeting.

36 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard from the Interim Planning Manager (Development Management) with the following update.

Revised NPPF / National Design Code

A revised version of the National Planning Policy Framework (NPPF) was published on 20 July 2021:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

alongside the National Model Design Code:

<https://www.gov.uk/government/publications/national-model-design-code>

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. (paragraph 218)”

The changes, following recommendations of the Building Better, Building Beautiful Commission were to “place greater emphasis on beauty, place-making, the environment, sustainable development and underlines the importance of local design codes.”

Greater emphasis on design quality

- introducing a new test that development should be well-designed (paragraph 134). This says that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*.
- the test goes on to say that "significant weight" should be given to "development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes". Significant weight should also be given to "outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area", the new paragraph 133 says.

An emphasis on using trees in new developments

- The updated NPPF introduces a new paragraph 131 stating that “planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible”. It goes on to say that applicants and local planning authorities “should work with local highways officers and tree officers to ensure that the right trees are planted in the right places”.

Encouraging faster delivery of further education colleges, hospitals and prisons

- A new paragraph 96, which was not included in the January draft version, states: "To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted."

Councils should 'retain and explain' statues rather than remove them

- A completely new paragraph 198 states: "In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal."

Tightened rules governing when isolated homes in the countryside can be acceptable

- In paragraph 80 in the rural housing section, it sets out the circumstances in which isolated homes in the countryside can be acceptable. Previously, it said such homes would be acceptable if the design was "truly outstanding or innovative" - now the word "innovative" has been removed.

Draft Central Lincolnshire Local Plan Consultation

There was only just under two weeks left (24th August) to get consultation responses in for the Central Lincolnshire Local Plan. West Lindsey District Council's formal response was discussed and agreed at the Prosperous Communities Committee on 29 July and would be submitted this week. A summary of key areas of discussion were as follows:

- Allocation levels within some villages appear out of character in relation to rural settings and unclear why there is that level of allocation when overall numbers are reducing.
- Emphasised the importance of securing a strong and sustainable future for RAF Scampton.
- Clarity needed on the map for wind energy policies and understanding that only limited areas would be considered (map seems to be read 'the wrong way around')
- Importance to capture within the policy and supporting text heritage preservation and as the driver for regeneration in Market Rasen and Caistor needs strengthening
- Quality of design within housing development is very important and could be further emphasised
- Importance of maintaining role and validity of Neighbourhood Plans is key and shouldn't be undermined
- Concern around the inclusion of the First Homes Exception sites in the National Planning Policy Framework and the potential impact this may have on the provision for social rented housing required to meet genuine needs
- General support for greater emphasis on green infrastructure policies

Following the close of the first consultation period a full assessment of responses would be made. A summary of the responses would be presented at the next Central Lincolnshire Joint Strategic Planning Committee on 18 October 2021. The report would be made public and would be available on the Central Lincolnshire Local Plan website prior to the meeting taking place.

These responses would be used to help inform further refinement to policy. The Draft Local Plan would then be presented to the Central Lincolnshire Joint Strategic Planning Committee again early 2022 and would then again be publically consulted on in spring 2022.

This regulation 19 consultation would provide a further opportunity for councillor, resident and stakeholder comment and ultimately shape the final draft, which would be submitted to the Planning Inspectorate for Examination in Public. It was hoped that the new CLLP would be adopted later in 2022.

The following update regarding Neighbourhood Plans was provided.

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, Sudbrooke, Scotton, Bishop Norton and Atterby, Gainsborough, and Morton.	Full weight
Scotton NP	Made/adopted by Full Council on 28 June 2021.	Full weight
Bishop Norton NP	Made/adopted by Full Council on 28 June 2021.	Full weight
Gainsborough NP	Made/adopted by Full Council on 28 June 2021.	Full weight
Morton NP	Made/adopted by Full Council on 28 June 2021.	Full weight
Corringham NP	Submission NP consultation completed. Examiner appointed. Examination underway.	Increasing weight
Hemswell Cliff NP	Consultation on the draft version of NP(Reg14)underway. Closes 15 August 2021.	Some weight
Reepham NP	Draft Character Assessment prepared.	Little weight
Sturton and Stow NP	Parish councils have approved joint NP for submission (Regulation 16). WLDC expect to receive this in near future.	Some weight
Neighbourhood Plans - made (21) - in preparation (20) - in pipeline (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

		<p>-Draft Reg14 - some weight</p> <p>-Designated – little weight</p>
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37 143218 - MARQUIS OF GRANBY, WADDINGHAM

The Chairman introduced the first application of the evening, application number 143218, for change of use of public house into 1no. dwelling including removal and replacement of existing extension, update front and rear windows, and install patio doors - resubmission of 142444 – at Marquis Of Granby, High Street, Waddingham, Gainsborough. The Committee heard from the Officer that since the report was published, two further objections had been received from residents of 2 Millstone Way, Waddingham and The Elms, High Street, Waddingham. He summarised these as follows:

- The village needs a public house, now more than ever, and people value a centre where they can socialise.
- Detrimental impact on the look and feel of the village centre to have new properties built in that location. Some comment are made regarding three storey design but this relates to a different adjacent application within the pub grounds.
- It is unclear why this application has been submitted. The applicant should have appealed the previous refusal.
- The applicant makes claims that are not material considerations namely one additional large house is not significant to the needs of local people. Smaller starter or family homes are needed for the rural community. The adjoining development is already providing two large houses; it is unclear how the site is highly sustainable; proper maintenance of the building would not have led to a situation whereby its appearance would be improved by the proposal; antisocial behaviour linked to the empty property is not evidenced; the pub also served food. It is not a material planning consideration to make assumptions about how the pub will be operated; window refurbishment costs need to be met regardless of the outcome of this application; repair costs are inflated and cheaper alternatives may be available and could be phased; internal layout changes are not a reason for non viability; It is disingenuous to put forward the costs of refurbishing the kitchen as a reason for non viability of the pub as this is ultimately a decision based on the business model to be adopted; the cellar has always been damp and had water ingress and this is due to local land levels; water used to bubble up through the car park; previous tenants claimed the cellar kept the beer in good condition.
- It is the owners responsibility to maintain the building. This is how tenants and customers are attracted. This has not been the case for this pub.
- The village hall serves different community purposes and is not suitable for pub use without significant structural changes that would affect current users renting the space.
- The addition of other services is a matter for operators to consider.
- During the consultations around developing a neighbourhood plan many alternative streams of revenue were considered such as hosting rural based events. The potential to develop a proper community hub was considered. This avenue was

closed when outline planning permission was granted for residential development in the pub grounds.

- Waddingham Parish Council has no significant capital assets and is not permitted to accrue them without reference to its residents.
- In conclusion the viability of the pub should not be based on the submission of a shopping list for refurbishment and maintenance due to the negligence of current owners/tenants to do so. There is nothing in the application that suggests any demographic or needs analysis has been undertaken

The Officer confirmed that these comments did not change the recommendation.

The Chairman stated there were two registered speakers, one to address the Committee and one who had submitted a short statement to be read aloud. He invited the first speaker, Mr J Benson, to address the Committee. Mr Benson made the following statement.

“Thank you for giving me the opportunity to represent my client at this evenings meeting. I would like to give thanks to the Council in their support throughout the planning application process which has enabled us to receive a recommendation for approval.

Planning Application 142444 was refused on 6th April this year for the same development put forward today as the Council stated that insufficient evidence was provided to evidence the fact that the public house was no longer fit for purpose or an alternative use has been sought or that there is provision close by. Despite the disappointment of this outcome we have provided all the necessary evidence from various technical specialists to confirm that the use of the building as a public house is no longer viable.

In short, to bring this building up to modern day standards to operate as a public house would cost in the region of £390000 and combined with the purchase price means that this has immediately put off any potential suitors. Seeking alternative community uses, taking away the costs of a new kitchen and bar facilities, would still be extraordinarily high. Even if the establishment was 'wet-led', and doesn't serve food but relies entirely on the sale of drinks for its business these are wholly unsustainable in rural locations as well as many urban centres. There has been a systematic change in the culture of pub use over the years and there is a clear shift that an establishment that is a 'vertical' drinking destination in a village with circa 600 people would not be successful. Given the relatively low population of the village and that of the wider geographical area, presence of nearby long standing and established public houses with continued support, there is no consistent customer base to sustain such a business in the area.

The building has been empty since 2019 and despite being actively marketed, there have been no firm expressions in purchasing the business as a going concern.

Despite objections to the proposal, the community have been less than forthcoming in looking to actively work together to obtain the necessary funds to purchase the building and use it for a public house or another community asset. In other parts of the country, where there has been a real passion from a local community to retain a public house, they have been active in pursuing avenues to move things forward in a proactive manner. However, the very nature of the objections show that they feel the onus is very much on the applicant which is totally unreasonable. There is simply no realistic chance that the building could have a future use which would further the social wellbeing or social interests of the local

community and the Council now support the recommendation to change the use of the building.

To be successful, a public house needs regular customers to sustain it and for example, simply relying on weekend visits or occasional visits is not enough to allow a business such as this to be economical. No one is denying that public houses are not of fundamental importance to village / rural life but the most successful pubs are those that are supported by the local community which enables them to thrive. There are now 10000 village halls throughout the UK that operate as village 'hubs' and English Rural (a specialist provider of community led and affordable rural homes) provided a Report on such ventures. Given the size of the village hall, this could easily be utilised for a mixed use arrangement but the community and Parish Council need to work together to make this happen.

Other material planning considerations such as heritage, highways, physical alterations and residential amenity were all supported in the previous application and remain so in this proposal.

If the Officers recommendation for approval is not upheld today then we will all leave this meeting knowing that the building has no future and its appearance and condition will continue to decline with an ever increasing threat of anti social behaviour looming due to the absence of occupation. I fully appreciate that the loss of public houses in villages is a highly contentious but I hope that you look at the bigger picture here and support the recommendation for approval.”

The Chairman thanked Mr Benson and invited the Democratic and Civic Officer to read the statement provided by Wendy Waite. The following statement was read aloud.

“I wish to register to be represented at the meeting to discuss the above. This is an asset of community value and should not even be considered for change of use because of this.”

With no further comments from the Officer, the Chairman invited Members of the Committee to speak, The Committee sought clarification as to whether the premise was registered as an asset of community value, and, if it was, whether the community had been afforded the opportunity to make the purchase, as was expected. It was confirmed that it was an asset of community value, the community had been afforded the opportunity to purchase the building however no offer nor arrangement had been made. Therefore the application as presented to the committee had been made.

There was significant discussion regarding the importance of pubs in rural communities and the impact of, not only a global pandemic, but the practices of breweries prior to any covid-related lockdown. It was acknowledged that significant outlay would be required to enable the pub to trade again, or indeed for the building to be used in any community sense, and that the building was in a poor state of repair.

Having been proposed and seconded, the Chairman took the vote. It was agreed that permission be **GRANTED** subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. Prior to their installation, joinery details of any new external windows and doors shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details. No subsequent alterations or replacement of these items shall take place unless planning permission has first been granted by the Local Planning Authority.

Reason: In the interests of securing good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

3. Prior to their use in the development, details of external finishing materials for the rear extension shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of securing good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

4. Development shall proceed in accordance with the following approved drawings:

004 Rev 01

005 Rev 01

103 Rev 01

Reason: For the sake of clarity and in the interests of proper planning.

38 143270 - LAUGHTON ROAD, BLYTON

The Chairman introduced the second planning application, number 143270 for the construction of manege with 3no. lighting columns on land at 9 Laughton Road, Blyton, Gainsborough. The Officer explained that, since the publication of the report, two further responses had been received. He confirmed that Lincolnshire County Council Minerals and Waste Team raised no objections regarding the impact on mineral resources and Lincolnshire County Council Highways raised no objections to the impact on the public highway. With no registered speakers, the Chairman invited comments from Members of the Committee.

There were enquiries regarding the hours of use for the lighting of the area, the materials used for the surface of the manege as well as whether it would be for personal or business use. The Officer confirmed that the hours of lighting would be conditioned for use between 8am and 8pm, the use of shredded carpet was a usual floor covering and no concerns had been raised by the Environment Protection Officer and the use would be considered business use.

With these queries clarified, and having been proposed and seconded, on taking the vote it was unanimously agreed that permission be **GRANTED** subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. 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 in accordance with Policy LP14 and LP16 of the Central Lincolnshire Local Plan.

3. Manure management shall take place in accordance with the details contained in the amended design and access statement.

Reason: In the interests of residential amenity in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

4. Prior to the use of the lighting hereby approved, a lighting assessment with mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To prevent light pollution harmful to residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

5. Prior to the first use of the development details of the soakaway location, design and infiltration test shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To ensure appropriate drainage in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

6. The manege and lighting hereby permitted shall only be used between the hours of 8am and 8pm on any day.

Reason: To prevent light pollution, noise and disturbance harmful to residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

7. Development shall proceed in accordance with the following approved drawings:

HP/21/01

HP/21/02A

Floodlight details received 13/7/2021 detailing the RHYNE floodlight with antiglare shield and 4.5m light pole.

Reason: For the sake of clarity and in the interests of proper planning.

39 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The meeting concluded at 7.14 pm.

Chairman