

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 12 July 2023 commencing at 6.30 pm.

**Present:** Councillor Jim Snee (Vice-Chairman, in the Chair)

Councillor Emma Bailey  
Councillor John Barrett  
Councillor Adam Duguid  
Councillor Ian Fleetwood  
Councillor Sabastian Hague  
Councillor Peter Morris  
Councillor Baptiste Velan  
Councillor Trevor Young

**In Attendance:**

Russell Clarkson	Development Management Team Manager
Martha Rees	Legal Advisor
Ian Elliott	Senior Development Management Officer
Danielle Peck	Senior Development Management Officer
Andrew Warnes	Democratic and Civic Officer

**Also In Attendance:** 11 Members of the Public

**Apologies:**

Councillor Matthew Boles  
Councillor David Dobbie  
Councillor Tom Smith

**Membership:**

Councillor Trevor Young substituted for Councillor Matthew Boles.  
Councillor Adam Duguid substituted for Councillor Tom Smith.

### 13 PUBLIC PARTICIPATION PERIOD

No statements were made during the public participation period.

### 14 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 31 May 2023 be confirmed and signed as an accurate record.

## 15 DECLARATIONS OF INTEREST

In relation to agenda item 6(a), (application number 142460 – Land West of North Moor Road, Scotter), Councillor Peter Morris indicated that he had been unable to attend the site meeting and would not therefore be voting on this application.

Councillor Peter Morris also indicated that in respect of item 6(b) (application number 146461 – Land at Hillcrest Park, Caistor) the applicant was well known to him and accordingly he would not be taking part in the discussion or voting on this item and would leave the meeting whilst this matter was considered.

Councillor John Barrett indicated that in connection with item 6(b) (application number 146461 – Land at Hillcrest Park, Caistor), he had been involved in correspondence with a Director concerning this application. However, he had a completely open mind and would therefore participate in the discussion and vote as a Member of the Committee.

Councillor John Barrett also stated, that in relation to item 6(c) (application number 146424 – Land adjacent to 51A Washdyke Drive, Nettleham), which was within his District Ward, he had had correspondence with a local resident. However, he had a completely open mind and would therefore participate in the discussion and vote as a Member of the Committee.

In connection with item 6(a) (application number 142460 – Land West of North Moor Road, Scotter), Councillor Sabastian Hague had not been able to attend the site visit and would not therefore be voting on this item.

Also in connection with item 6(a) (application number 142460 – Land West of North Moor Road, Scotter), Councillor Trevor Young advised that he too had been unable to attend the site visit and would not be voting on the application.

Councillor Adam Duguid also indicated that he had been unable to attend the site visit in relation to item 6(a) (application number 142460 – Land West of North Moor Road, Scotter) and would not be voting on this item.

## 16 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee was advised that the Levelling Up and Regeneration Bill had been returned to the House of Lords for its final report stage on 11 July 2023. Changes had been tabled to the proposed Infrastructure Levy, centred around affordable housing. (<https://bills.parliament.uk/bills/3155/stages>)

The Bill contained a number of proposed reforms to the Planning System, previously reported to the Committee. (<https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information#wider-improvements-to-planning-procedures>)

As far as Neighbourhood Plans (NP) were concerned, the Committee was advised as follows:-

- The Keelby NP had been successful at Examination and a referendum would take

place on 20 July 2023.

- The Hemswell Draft NP Examination had been completed and the Examiner's Fact Check report had been received.
- The submission version of the Scothern NP had been received for Examination and the consultation period would expire on 14 July 2023.
- With regard to the Nettleham NP, the review had been subject to a second Regulation 14 Draft Plan consultation which ended on 13 June 2023.

The Planning Officer reminded Members that progress on all Local Neighbourhood Plans with West Lindsey District could be viewed using this link: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

## **17 142460 - LAND WEST OF NORTH MOOR ROAD, SCOTTER**

The first application before the Committee was item 6(a), application number 142460, seeking approval of reserved matters for 43 dwellings, considering only the outstanding matters of appearance, landscaping, layout and scale, following the granting of outline permission on 19 December, 2017 on land west of North Moor Road, Scotter. The application had been referred to the Committee following the receipt of third party objections, including from the Local Ward Member and Scotter Parish Council.

The application had previously been considered by the Committee on 31 May 2023 when it had been resolved that there should be a site visit prior to determination of the application. The site visit took place on 15 June and had taken in the views of the site from North Moor Road and from within the site.

The Planning Officer presented the report and gave an update. Since the report had been published, two further representations had been received. The first was from Scotter Parish Council along the following lines:-

The Parish Council had concerns over the proposed footpath that linked the development to the centre of Scotter. Due to the third party ownership of the footpath, it could not run the full length of North Moor Road on the same side as the development. Therefore, the Parish Council contended that the elderly and those with young families in particular would have to cross the busy North Moor Road twice, which would deter them from visiting facilities in Scotter. Whilst appreciating that third party ownership was not within the control of the Planning Authority or the developer, the Parish Council was of the view that further investigations should be undertaken to find a satisfactory solution such as the provision of a Zebra Crossing or Pelican Crossing.

The second representation had been submitted by a resident of "Applegarth", Messingham Road. This was similar to the statement to be read out by the Democratic Services Officer.

Reference was made during the Planning Officer's presentation to a revised drainage plan submitted by the applicant. Reference was also made to the proposed ridge heights.

Having received the Planning Officer's presentation, the Vice-Chairman welcomed the agent for the applicant, Mr Chris Dawkins, who addressed the Committee along the following lines:-

"Thank you and good evening everyone.

At the previous Committee meeting concerns were raised regarding the height of the 3 bedroom bungalow at Plot 43 and its potential impact on the neighbouring property known as "The Rustlings".

Since then, a site visit has been carried out and we have submitted an additional site section drawing showing the relationship of the proposed bungalow and the existing property which you have just seen as part of the presentation.

I would like to reiterate some of the key points illustrated by that drawing, which is that the ridge of the proposed bungalow is 0.88 metres lower than the ridge of the existing property, "The Rustlings". The eaves of the proposed property are 0.51 metres lower than the eaves of "The Rustlings" and the proposed properties are 89 square metres smaller in footprint than "The Rustlings", which is a significant difference. And the other adjacent properties, are of similar height and proportions to "The Rustlings", so it is therefore quite clear that the proposed bungalow is smaller in all regards than the existing neighbouring properties and entirely in keeping with the scale, form and massing of properties in the area.

On this basis, we do not think that it is reasonable to call the proposal excessive in scale given the fact that it is substantially smaller than all of the existing adjacent properties. We also believe that the proposal clearly demonstrates that there will not be any significant impact on the amenity of the existing properties and that good separation distances have been achieved.

I would also just like to reiterate that we have already lowered the roof of a property by about half a metre to accommodate the neighbour's request, and we have achieved that by lowering the roof pitch to 30 degrees, which is lower than an average roof pitch for this type of property. To lower it any further would compromise the aesthetics of the property and result in a squat and unattractive appearance.

The roof pitch again of "The Rustlings" is around 41 degrees which is significantly steeper than the proposed bungalow.

I would also just like to draw attention to some previous comments from the neighbour suggesting that his view of the field may be lost due to the proposed development. However as I am sure you are all aware that is not a planning policy matter or a valid reason for refusal as there is no protection of views over privately owned fields in this instance.

In summary, we have designed the proposed plots in accordance with urban design good practice, and we have considered the amenity of the existing residents at all stages of the design development. During the planning process we have made further compromises to

the design to accommodate the feedback from the neighbours. We have demonstrated that our proposals are in keeping with the scale form and the massing of the neighbouring properties and have no impact on their amenity. On that basis I hope that the Committee will consider approval of the application. Thank you”.

The Vice-Chairman thanked Mr Dawkins for his contribution and then invited Mr Russ Murray to address the Committee. Mr Murray commented along the following lines:-

“Good evening I am Russ Murray, of “The Rustlings”, Messingham Road, Scotter.

Because of my earlier statement it was agreed to have a site visit. The fact that the site visit was arranged without informing Scotter Parish Council or any of the residents, I believe it was a one-sided meeting. You did not want to hear about the facts, related to and relevant to the site and you decided not to invite anyone and obtain any factual information or witnesses. What was the actual point? I just do not understand what you are frightened of. You are public servants and you fail to invite the public. You made us feel irrelevant. We do not live in China or Russia.

Steamrollers come to mind. If things were simple and easily resolvable, why did you not ease our minds at that meeting and take all this anxiety and stress away. I just find it unbelievable.

Two miles away from Scotter in the next village, Messingham a far larger development has been held up because of concerns with a rainwater issue. Permission will not be approved until it has been resolved. What a difference between the two authorities - one with rainwater one with sewerage – it is not right, unfair and unbelievable. It was stated at the last planning meeting that it was only hedge and environment issues that needed to be resolved. However, surely sewerage is a part of the environment.

I question why the planners approved the development without a sewerage scheme, vetted and approved by the relevant water authority when there was common knowledge of the sewerage problems. “Coach and horses” comes to mind!

Building Control would not pass the building of one dwelling without full approval of important calculations i.e. roof structure, insulation, drainage, etc and you will pass a development without an approved sewerage system for the site and any future developments.

With the increase in traffic speed in North Moor Road and with access to the motorway this is going to be even greater, and we have to take that into account. I would suggest a small circle similar to the one at Messingham at the junction with Holme Lane.

Could the access to the north end of the site be changed to slow down the traffic. Traffic is only going to get greater over this road with access to the M180. Could we please consider this and ensure there are no more serious accidents. I just thought that this would be a sensible move for the benefit of everyone.

In conclusion, we should think about the future. I thought the planners would have a duty to

care more about the existing residents, and yet here we have approval of a site in a future flood risk area. The water tables are rising all over the world and there are sites in the village well above it. Foresight and logic comes to mind. The site access on the road has safety issues and the development has inadequate sewerage arrangements. I would respectfully ask the Committee to defer approval until the receipt of a full and complete report with regard to the surface water run-off and the foul sewers and road safety.

My neighbour is still awaiting a reply to a letter sent on the 26th of June with a picture of the outfall in the garden. The main drain runs through their land. A large timber building on their land was taken down the river, which again shows future problems with the water table. Thank you”.

The Vice-Chairman thanked Mr Murray for his contribution and invited the next speaker to address the Committee, Councillor Karen Carless, one of the District Ward Members for Scotter, who commented along the following lines:-

“Good evening Councillors and attendees. Firstly, can I thank Council for this opportunity to represent and speak on behalf of the residents in Scotter Ward. There may be references within my speech heard before by the Committee, but I feel the need to reflect on them again because of their importance.

The residents of Scotter Ward have brought to my attention as a serving District Councillor of their ward, a number of issues. There are ongoing issues and concerns regarding the road safety aspects of North Moor Road, Messingham, Road and the proposed entrances to the new housing development site. My prepared statement is as follows:

I visited the Ward in question on the 12th of July 2023 at 2.35 p.m. alongside two Scotter residents. They brought to my attention the severity of their concerns. May I also add these are not just concerns of the residents already living at this location, but also for the residents who may come to live on the new development. There are a few key points of consideration and interest that I would like to put forward.

There are no clear footpaths available on the side of North Moor Road and where the proposed site entrance is to be established. It cannot be presumed that any resident who may come to reside on the proposed new housing development site will have access to a mode of transport and therefore, would likely use walking as their main mode of travel. Consideration is needed regarding the age and mobility issues of any resident who may come to reside on the proposed new housing development and their access to safe passage within Scotter Ward.

Vehicles are legally allowed at present to park on either side of North Moor Road. I feel that this is a major safety issue. I witnessed yesterday a parked Transit van on North Moor Road creating a blind spot. Further consideration must be given to North Moor Road as it hosts 24/7 a diverse range of vehicles of all sizes and weight.

Whilst I can appreciate North Moor Road has stipulations in place for a 30 miles an hour, speed restriction zone, North Moor Road junctions with another major road through Scotter, that of Messingham Road. It can be argued, that there are peak and quiet flows of traffic on

the said roads, but I have witnessed first-hand a vehicle at 2.45 p.m. yesterday, exceeding the speed limit.

I therefore conclude that this is still a priority issue of concern for the residents who seek only transparency and clarity around this road safety issue and this is why I have brought this matter to tonight's meeting. Can the residents be assured that either a viable footpath, alternative, safe crossings or any other viable option is delivered so that North Moor Road allows safe passage to all its residents to access all of Scotter's roads and amenities? Thank you".

The Vice-Chairman thanked Councillor Carless for her contribution and invited the Planning Officers to comment on any of the views expressed. The Planning Officer reminded the Committee that permission had already been granted for the development. This was an allocated site within the Central Lincolnshire Local Plan and the Neighbourhood Plan. The only matters for consideration this evening were appearance, layout, landscaping and scale. The Highway issues (access) had been considered and approved by the local Highway Authority and the drainage issues (both foul and surface water) had been through the statutory processes and the scheme submitted for the development had been accepted.

The Vice-Chairman then duly opened the item up for debate by the Committee.

Concerns were still expressed regarding the suitability of the drainage arrangements and the highways safety aspects. It was felt that the site visit had been helpful to Members of the Committee in having an overview of the site and the possible impacts of the highway and drainage arrangements. A number of Members were unconvinced that these matters had been addressed satisfactorily.

The Committee's Legal Advisor reminded Members that there were two types of planning permission - outline permission establishing the principle of the development, which had previously been agreed, and thereafter subject to detailed approval relating to appearance, landscape and scale of the development – the subject of this evening's discussion. Condition 3 actually required a footpath scheme to be submitted to and approved by the Council, so whilst appreciating the speakers' and some Members' concerns, those details would come forward in due course and be dealt with in liaison with the Local Highway Authority. With regard to drainage matters, these had been addressed as a condition on the outline permission. The scheme had been shaped in accordance with the requirements of the water authorities and Members were advised that a satisfactory scheme had been approved.

Having been proposed and seconded, the Vice-Chairman put the application to the vote, and it was agreed by a majority vote that permission should be **GRANTED** subject to the following conditions:-

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

See Outline Permission 134677

**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:**

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:

- 12062 10001 Rev P18 dated May 2023 – Site and Landscaping Plan
- 12062 10005 Rev P7 dated May 2023 – External Materials Plan
- 12062 10007 Rev P7 dated May 2023 – Roof Tiling and Road Surfacing Plan
- 12062 39200 Rev P5 dated 3rd May 2023 – Drainage Plan

Elevation and Floor Plans (unless stated all dated September 2018)

- 10400 Rev P2 dated July 2021 – Warwick Floor Plans (3B5P)
- 10600 Rev P3 dated July 2021 – Warwick Option A Elevation Plans (3B5P)
- 10601 Rev P4 dated July 2021 – Warwick Option C Elevation Plans (3B5P)
- 10401 Rev P2 dated September 2020 - Mawbray Floor Plans (3B6P)
- 10407 Rev P1 dated April 2021 – Mawbray Floor Plans (Handed) (3B6P)
- 10615 Rev P1 dated April 2021 – Mawbray Option A Elevation Plans (3B6P)
- 10616 Rev P1 dated April 2021 – Mawbray Option B Elevation Plans (3B5P)
- 10402 Rev P3 dated October 2020 – Grasmere Floor Plans (3B6P)
- 10604 Rev P3 dated July 2021 – Grasmere Option A Elevation Plans (3B6P)
- 10612 Rev P3 dated July 2021 – Grasmere Option C Elevation Plans (3B6P)
- 10410 Rev P1 dated April 2021 – Coniston Floor Plans (Handed) (4B7P)
- 10403 Rev P4 dated October 2020 – Coniston Floor Plans (4B7P)
- 10621 Rev P1 dated April 2021 – Coniston Option A Elevation Plans (4B7P)
- 10622 Rev P1 dated April 2021 – Coniston Option B Elevation Plans (4B7P)
- 10404 Rev P2 dated September 2020 – Harrington Floor Plans (4B8P)
- 10606 Rev P2 dated September 2020 – Harrington Option A Elevation Plans (4B8P)
- 10607 Rev P3 dated October 2020 – Harrington Option C Elevation Plans (4B8P)
- 10405 Rev P4 dated October 2020 – Harrington Plus Floor Plans (5B10P)
- 10609 Rev P4 dated October 2020 – Harrington Plus Option C Elevation Plans (5B10P)
- 10415 Rev P1 dated March 2023 – Buttermere Floor Plans (2B4P)
- 10630 Rev P1 dated March 2023 – Buttermere Option A Elevation Plans (2B4P)
- 10631 Rev P1 dated March 2023 – Buttermere Option C Elevation Plans (2B4P)

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

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2012-2036 and policy H3, D5 and T9 of the Scotter Neighbourhood Plan.

2. No development above ground level must take place until the following additional



landscaping details have been submitted to and approved in writing by the Local Planning Authority. Details must include:

- Species, planting height and aftercare of all new trees.

The development must be completed in strict accordance with the approved details.

**Reason:** To ensure that appropriate landscaping is introduced and would not harm the character and appearance of the site or the surrounding area to accord with the National Planning Policy Framework, local policies S53 of the Central Lincolnshire Local Plan 2023 and D5 of the Scotter Neighbourhood Plan.

3. No development above ground level must take place until a detailed specification and plan for:

- a 1.8 metre wide footway with tactile crossing to connect the development hereby approved to the existing footway network to the north east and/or south east **and**
- a 1.8 metre wide footway to the front of the site to connect development hereby approved to Northmoor Park Playing Field to the north.

has been submitted to and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway. No occupation of the development must take place until the connecting footway and tactile crossing has been fully completed in strict accordance with the approved scheme.

**Reason:** To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and T10 of the Scotter Neighbourhood Plan.

4. No occupation of a dwelling hereby approved must take place until, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, must be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels to accord with the National Planning Policy Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and D5 of the Scotter Neighbourhood Plan.

5. No development above ground level must take place until an Estate Road and Phasing Plan for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The Plan must set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development. The development must be completed in strict accordance with the approved details.

**Reason:** To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development to accord with the National Planning Policy Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and D5 of the Scotter Neighbourhood Plan.

6. No occupation of each individual dwellings must take place until its individual driveway or parking space(s) has been completed in accordance with site layout plan 12062 Rev P17 dated May 2023 and retained for that use thereafter.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and policy D5 and T9 of the Scotter Neighbourhood Plan.

7. The development must be completed in accordance with the external materials plan 12062 Rev P7 dated May 2023 and Roof Tiling and Road Surfacing Plan 12062 Rev P7 dated May 2023.

**Reason:** To safeguard the character and appearance of the site, the area and the area of great landscape value and to ensure the proposal uses materials and components that have a low environmental impact to accord with the National Planning Policy Framework, local policies S53 of the Central Lincolnshire Local Plan 2023 and policy D5 and T9 of the Scotter Neighbourhood Plan.

8. As identified on site plan 12062 Rev P17 dated May 2023 plots 23, 24 and 30 to 43 must be completed to accord with standard M4(2) of the Building Regulations (access to and use of buildings) and retained as such thereafter.

**Reason:** To accord with the policy requirement to comply with the 30% M4(2) standard to accord with the National Planning Policy Framework and local policy S23 of the Central Lincolnshire Local Plan 2023.

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

9. All planting or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding season following 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 must 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. The landscaping should be retained thereafter.

**Reason:** To ensure that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework, local policies S53 of the Central Lincolnshire Local Plan 2023 and policy D5 of the Scotter Neighbourhood Plan.

10. Notwithstanding the provisions of Classes AA of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order with or without modification) the bungalows hereby approved on plots 30-43 must not be extended in the form of an additional storey (not including the conversion of the roof accommodation) unless planning permission has first been granted by the Local Planning Authority.

**Reason:** To enable any such proposals to be assessed in terms of their impact on the resulting amount of space around the dwelling to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

**Note:** Councillor P. Morris left the Chamber at 7.15 pm in advance of the next item of the meeting.

## **18 146461 - LAND AT HILLCREST PARK, CAISTOR**

**Note:** Councillor S. Hague left the Chamber at 7.15 pm.

The Chairman introduced the next application of the meeting, Item 6(b), application number 146461 seeking permission for the erection of a wind turbine on land at Hillcrest Park, Caistor. The application had been referred to the Committee for determination as the applicant was a close family member of a serving District Councillor.

**Note:** Councillor S. Hague returned to the Chamber at 7.17 pm, missing part of the presentation. This meant that he could not vote on the application.

The Planning Officer presented the report and gave an update. It was reported that the applicant had been in contact to query the first reason for refusal and had questioned the reference to the proposal being contrary to Policy 12 of the Caistor Neighbourhood Plan.

The Planning Officer stated that the Neighbourhood Plan did say that to maximise the proportion of electricity source locally, residential and commercial developments were encouraged to incorporate appropriate energy generation technologies, either on-site or off-site. However, it was the view of the Officers that the proposal would not amount to an appropriate energy generation technology and therefore did not benefit from the support of Policy 12, although it was accepted that it would not be directly in conflict with the policy and it was therefore recommended to that reference to the policy be removed from the first reason for refusal.

The Chairman welcomed the applicant Mr Oliver Lawrence who addressed the Committee along the following lines:-

“My name is Oliver Lawrence and I own the redeveloped Hillcrest Park in Caistor. It is written all over this (office) building that West, Lindsey District Council is entrepreneurial and committed to achieve a Net Zero carbon footprint. This wind turbine would serve 17 small local businesses.

West Lindsey District Council press releases have highlighted the success of this site and I have been asked how you can replicate and improve the business model which has been featured on “Look North”. The feedback we got was the need to protect small businesses

from sudden energy price rises. Solar does not work on this site because the majority of our electricity consumption is in winter. We are on the top of the hill and it is a perfect location for a wind turbine.

One of the primary objectors is the national air traffic, who, ironically, are one of the fastest growing contributors to carbon pollution. Frustratingly, the correspondence with NATS is not included in the officer's report, but it was forwarded.

NATS have said that the turbine only might be an issue and there are two much larger turbines nearer to them that are not an issue and they could upgrade their system. If they needed to, but they do not really want to spend the money. I feel that NATS' budgetary policy is taking precedence over West Lindsey's planning policy in this instance. Please do not confuse this with a large commercial wind turbine. The Telegraph poles in the area are getting towards 10 metres and directly behind this site, are four radio masts over 70 metres tall.

I ask the Committee to please stand by West Lindsey District Council's commitment to net zero carbon and allow this and other local small-scale green energy solutions to go ahead, otherwise change will not happen. Thank you".

The Vice-Chairman then opened the application to debate by the Committee.

The Committee was advised that the Council had to consider the representations of NATS as a statutory consultee. The technical report from National Air Traffic Services had stated that this proposal would affect radar and that there was an aviation safety issue.

Officers further advised Members that the Development Plan supported renewable energy schemes but the application did include a number of criteria that had to be met. Members were advised that the Development Plan stated that any proposals for renewable energy schemes, including ancillary development, would be supported where the direct, indirect, individual and cumulative effect impacts were acceptable. A number of tests had to be met. It set out the need to consider scale and impacts on character and visual amenity and the impacts on aviation and defence navigation systems and communications. The application required the submission by the applicant of robust evidence of the potential impact on any aviation defence navigation systems and communications.

A diverse number opinions were expressed by Members of the Committee but after some debate, it was proposed and seconded that the application be refused for the reasons set out in the Officers' report, subject to removal of the reference to policy 12 of the Caistor Neighbourhood Plan.

Upon being put to the vote, the proposal was, by a majority decision, declared to be **LOST**.

It was thereupon proposed and seconded that the application be deferred to enable further information to be obtained by the officers as follows:-

From the applicant – how he intended to overcome the original reasons for refusal in relation to the landscaping, visual impact and effects on the biodiversity of the site of the proposed development and furthermore how the energy generated would be utilised within the site.

From NATS – clarification as to why, in its opinion the development would have a significant effect on air traffic control systems, extending to them an invitation to attend the Committee to expand upon their reasons for objection.

Upon being put to the meeting the proposal was, by a majority decision it was

**RESOLVED** that the application be **DEFERRED** for the reasons indicated above and that the officers be asked to proceed as stated.

**Note:** Councillor P. Morris returned to the Chamber, after the Committee had taken its decision, at 7.52 pm.

### **19 146424 - LAND ADJACENT 51A WASHDYKE LANE, NETTLEHAM**

The Committee then moved on to consider the last application of the meeting, item 6(c) application number 146424 seeking outline planning permission (all matters reserved) for the erection of 3 dwellings on land adjacent to 51A Washdyke Lane, Nettleham. The application had been referred to the Committee following the receipt of third party representations including from Nettleham Parish Council, referring to the Neighbourhood Plan policy.

The Chairman invited the Planning Officer to present the report, concerning which there were no updates. However it was indicated that condition 5 referred to a construction method statement but unfortunately it referred to a demolition and construction method statement. The word “demolition and” should therefore be deleted from the condition as no demolition was involved.

The Chairman welcomed Parish Councillor Angela White, Chairman of Nettleham Parish Council to address the Committee. Parish Councillor Angela White commented along the following lines:-

“Good evening. I am Angela White, chairman of Nettleham Parish Council. I am here to represent the objections agreed by the Nettleham Parish Council, as listed on page 67 of the officers’ report.

I would query the comment on page 75 of the report that the existing Nettleham Neighbourhood Plan is silent on smaller residential development within the developed footprint of the settlement. Policy D6 Design of New Development includes infill and so D6C referring to housing proposals reflecting existing residential density in the locality of the scheme could be taken into consideration.

Despite the fact that Highways say that the driveways are of adequate width and visibility this is still an area of concern at this stage, although it will be finalised in reserved matters.

I do not know the exact length of the driveway, but it is much longer than the 10 metres recommended to be widened from 3.4 metres to 4.1 metres. It has three sharp turns and is the only access to four properties. There is mention of a turnaround area for emergency

vehicles, but will the driveway be wide enough for access? Furthermore has there been any consideration of pedestrian access: the definition of access on page 82 of the report includes vehicles, cycles and pedestrians.

Trees have already been removed on the proposed development site and numerous others will be felled if the application is approved. It will be desirable to retain enough trees to ensure that there is a green barrier between the properties and the adjacent houses.

So should the application be approved, condition 4, in response to the comments made by the West Lindsey Tree Officer should be closely monitored as there are no tree protection orders in force.

Most of the other provisions of D6 Design of New Development in the existing Neighbourhood Plan, and the review will be considered in reserved matters. But I will indicate some of them here, as they were important considerations in our response.

Protecting natural assets, incorporating adequate landscaping, to mitigate the visual impact and seeking to retain mature or important trees. Thank you”.

The Vice-Chairman thanked Parish Councillor Angela White for her contribution and invited the agent for the applicant, Mr Michael Orridge to address the Committee and he did so along the following lines:-

“Good evening Vice Chairman and Councillors. Thank you for allowing me to speak to you this evening on behalf of the applicant in support of this application. As agent and architect for the scheme, we have worked closely with the case officer during the formal pre-application stage with a view to gaining approval of this application.

As outlined in the officer’s presentation, the application complies with the relevant planning policies and there are no outstanding technical matters associated with this outline planning application. We have carefully considered all constraints; for example, we have considered the layout and the orientation of the proposed dormer style dwellings to respect the privacy of nearby existing properties and the tree constraints and to ensure that all new dwellings are located in Flood Zone1.

The overall site straggles all 3 flood zones and the flood risk assessment submitted demonstrates how the development will not flood on the application site or cause flooding to the community. The new dwellings will be located wholly in Flood Zone 1 along the private driveway shared service access which will come facilitate cars and pedestrians for safe ingress to and access from the site.

Therefore the development satisfies the criteria in the Local Plan and the NPPF to ensure the new dwellings are located in the area of lowest flood risk. Finally, neither the Environment Agency or the local planning authority have raised any objection about the potential of surface water flood risk. The full details of this project will be dealt with at reserved matters stage.

These details will ensure that the new dwellings provide enhancement to the future housing stock of the village of Nettleham, they also provide a windfall site for the sustainable settlement.

All matters raised by the Parish Council in April 2023 were taken account of by the revised proposed site plan, submitted on the 5th of May 2023.

In conclusion, there is no legitimate planning reason for refusing this application in front of you this evening, as it fully complies with the relevant planning policies in the Central Lincs Local Plan and the NPPF. And, further to this, the scheme complies generally with the applicable policies within the Nettleham Neighbourhood Plan review document, which only carries some weight in the decision making process currently.

Therefore I encourage you to support this well considered scheme in line with the officers' recommendation and grant outline planning permission this evening. Thank you for your time".

The Vice-Chairman thanked Mr Orridge for his contribution and invited Mr Michael Carling to address the Committee. Mr Carling commented along the following lines:-

"Good evening, ladies and gentlemen. Nettleham is blighted by flash flooding. If there are thunderstorms or heavy rain, the centre of the village floods although this does not occur if there is steady rain which the current system can deal with.

This is a problem that is getting worse in the 20 years that we lived in the village. When we arrived, thunderstorms would lead to large puddles around drains; what happens now is that the businesses and homes in the centre of the village flood and this has become almost an annual event.

If you look on Nettleham's Facebook page when a thunderstorm is predicted or is taking place, you will find desperate pleas for extra sandbags, and if you talk to friends of mine who live opposite the church by the beck, even these sandbags will not help because the flooding will come up through the floorboards. The reason for this is quite simple - it is the development of the village, particularly to the north side, where essentially the hill is now completely tarmacked over and completely developed, and also by the development to the west of the village, through the Beck, where the developments on the edge of the Beck increase the flow of water when you get flash floods.

What I would argue is that Nettleham has been the victim of weaknesses in the planning system and piecemeal developments, each of which add an incremental increase in the amount of water. In the event, flash floods have now got to the stage where they are blighting the life of the villagers themselves. Section 5.2, of the Nettleham Neighbourhood Plan states:- "in order to minimise the risk of the effects of flooding, especially flash flooding on the centre of the village, it is considered essential. that no new homes should be built on land that lies adjacent to the Nettleham Beck".

For anybody who lives in Nettleham, and I hope that the Chairman of the Parish Council

agrees, this is a statement of the blindingly obvious. There is a statement indicating it is considered essential that no new homes are built by the Beck because of our endemic flash-flooding problem. Paragraph 3.7 of the local policy, section 21 states the need for a sequential test risk based approach to the location of development. The officer presentation shows a flooding plan and that these houses are safe. The problem in Nettleham is the way in which the flash flooding affects the centre of the village and these houses will make that worse.

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding of any source. Again you have to consider flooding as a whole not just these three houses. What I would like to say is that there is an endemic flooding problem caused by development on the edges of the beck. This development is another incremental increase in flash flooding and should be rejected.

If you do decide that the flash flooding is not your concern, could I ask that paragraph 7 of and conditions include sewerage, because that comes through our house. It is already blocked and having three extra houses on that site will cause us problems. Thank you”.

The Vice-Chairman thanked Mr Carling for his contribution and invited the officers to comment.

It was indicated that in terms of flooding, the application included a flood risk assessment and there had been no objections from the Environment Agency. Access and landscaping were reserved matters and were not for determination at this stage. The trees on the site were category C and their removal was not seen as a constraint to development. There was expected to be some mitigation through the landscaping scheme which was a reserved matter.

The application was then open to debate by the Committee and Members indicated their concerns over a number of matters but particularly the flood risk issues having regard to the comments of the speakers.

It was reported in response to Members’ concerns about specific issues; particularly around flooding, that when determining a planning application, the Council had to be satisfied that the application could mitigate the impacts that it generated. The developer had to ensure that flooding was not made worse by the construction of the three dwellings on this site.

Officers explained that drainage schemes for the treatment of foul and surface water were going to be conditioned and thus would need to be submitted to the Local Planning Authority, taking expert advice as and when appropriate. These properties would be constructed within flood zone 1. Officers were of the view that this development was capable of mitigating itself and would therefore not make the wider village problems worse. That was the statutory test in determining planning applications. If officers felt that a development on this site would make matters worse this would have been explored with the applicant.

The purpose of the application was to consider the principle of development, which included the residential amenity, local character, flood risks and highway safety. It was a matter of



planning law that there was the ability to submit an outline application which simply sought agreement to the principle of development on a particular site, with the details to be approved in due course. The Legal Advisor stated that it was up to Members to decide whether they thought the three dwellings were capable of being sited on the proposed plot site, to which officers had recommended that the application met the relevant criteria.

After further discussion, it was proposed and seconded that permission be granted subject to condition 5 being amended to exclude the word “demolition and”. Upon being put to the vote the proposition was, by a majority vote, declared to be **LOST**.

Upon a proposal to refuse the scheme being made the Vice-Chairman agreed to a five minute adjournment to enable Members and Officers to gather their thoughts and consider possible reasons for refusal and how best to take the discussion forward in the best interests of the applicant and residents.

**Note:** The meeting was adjourned at 8.25 pm for 5 minutes to allow Members a discussion on the next steps. The meeting reconvened at 8.30 pm.

**Note:** Councillor I. Fleetwood declared a non-pecuniary personal interest that he was a Member of the Witham Third Drainage Board, and a Member of the Environment Agency Regional Flood Committee.

Upon return from the adjournment, it was proposed and duly seconded that the application be deferred to seek further information from the applicant on the type of dwellings proposed and details of the actions that were proposed to mitigate flooding showing in particular how this development would not make the flooding issues already experienced within the village worse.

Having been proposed and seconded, upon being put to the vote, it was

**RESOLVED** that the application be deferred for the reasons outlined above.

## **20 DETERMINATION OF APPEALS**

Members were advised about past Committee decisions, and the effect of them on possible appeals. In response to a query about the payment of costs awarded, Members heard that it was the Authority’s responsibility to pay out of existing budgets.

The determination of appeals was **NOTED**.

The meeting concluded at 8.46 pm.

Chairman