

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 6 March 2019 commencing at 6.30 pm.

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

Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine (from item 87)
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Robert Waller (to item 88)

Cllrs also in attendance: Councillor Tom Regis
Councillor Jeff Summers

In Attendance:
Mark Sturgess Executive Director of Operations and Head of Paid Service
Russell Clarkson Planning Manager (Development Management)
Martin Evans Senior Development Management Officer
Richard Green Planning Officer
Martha Rees Legal Advisor
James Welbourn Democratic and Civic Officer

Apologies: None.

Also attending: 14 members of the public

83 PUBLIC PARTICIPATION PERIOD

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

84 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 6 February 2019 were approved as a correct record and signed by the Chairman.

85 DECLARATIONS OF INTERESTS

Councillor Thomas Smith declared an interest in application number 138096 – Sewage Treatment Works, Rasen Road Tealby as it was within his Ward. He had not spoken to anybody regarding this application.

Councillor Owen Bierley declared that he had received an email from the applicant in relation to application number 138836 – Hillcrest Caistor Top, Caistor. It was a routine email on the subject of the application; Councillor Bierley had not responded to it, and had in no way been lobbied.

86 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The National Planning Policy Framework (NPPF) was updated on 19th February, following a consultation. This related to clarification on:

- *housing land supply*

The revised NPPF made clear that Authorities assessing their local housing need for the purpose of plan-making were allowed to use an alternative approach to the government standard method in "exceptional circumstances".

The definition of "deliverable" sites in the NPPF had been amended to make clearer that non-major sites with outline consent should be considered deliverable unless there was evidence to the contrary.

- *appropriate assessment for habitats' sites*

The NPPF now takes into account a landmark European Court of Justice (ECJ) ruling last year on rules around habitat regulation assessments. It now made clear that the NPPF's presumption in favour of sustainable development was dis-applied only where an appropriate assessment had concluded that there was no suitable mitigation strategy in place.

National planning Practice Guidance (NPPG) had also been revised to make clear that planners use 2014-based household projections rather than the more 2016-based figures on a short-term basis.

The Government had published the Housing Delivery Test results for 2018. Central Lincolnshire delivered at 112% of the housing required over the last 3 years (2015-18).

Neighbourhood Plans

Willoughton NP	Examination successful. Referendum to be held Thursday 6 June 2019.
Glentworth NP	Consultation on the submission version(final) closed today - 6 March 2019. Examination arrangements underway.
Spridlington NP	Consultation on the submission version(final) underway and closed on 15 March 2019.
Sudbrooke NP	Consultation on the submission version(final) underway and closed 12 April 2019.
Scotton NP	Consultation on the pre submission version(draft) underway and closed 3 April 2019.

The Cherry Willingham Neighbourhood Plan had been adopted at Full Council on 4 March.

87 138096 - SEWAGE TREATMENT WORKS, RASEN ROAD TEALBY LN8 3XP

The Senior Development Management Officer introduced planning application number 138096 – application for the installation of 25m communications tower, antennas, ground-based apparatus and ancillary development.

The officer confirmed that the latest revisions to the NPPF did not change the recommendation of approval within the report.

The first speaker on this application was Norman Gillan, agent for the applicant, as well as being a planning consultant and member of the Town Planning Institute. He raised the following points in support of the application:

- The Wireless Infrastructure Group (WIG) was a neutral infrastructure provider, and had over 2000 communications sites across the UK. When communications providers identify sites of interest, this was managed by WIG;
- A search had been undertaken for a suitable site in the area to provide 4G by Cornerstone, the infrastructure arm of Vodafone and O2. Sewage treatment works were often ideal locations for such structures as they were often close, but not too close to settlements, and usually had extensive tree planting around them;
- The main concerns around this application were the impact on the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB), residential amenity, and the impact on heritage assets and listed buildings;
- The infrastructure included a 25m lattice shareable tower with additional apparatus, which would be for O2 in the first instance, with the option of Vodafone being allowed to share. The height required for the mast provided a minimum level of coverage;
- The Tealby Sewage Treatment Works were located within the Lincolnshire Wolds AONB. A Landscape and Visual Impact Assessment (LVIA) noted that there would be a 'minor adverse' to 'negligible' effect at distances of over 200 metres. As trees around the site grew, this could reduce to a 'residual' to 'negligible' effect;
- The overall impacts on the AONB were considered acceptable. A future ground based mast should not be required;
- The response from the Conservation Officer within the report was that there was not enough information to make a judgment;
- The LVIA as previously stated noted the lack of impact at distances of over 200 metres; the boundary of the conservation area was 230 metres from the site;
- The visual impact on certain nearby properties could be mitigated by tree coverage, and the screening effect they provide;
- All apparatus used was designed to international standards;

- As the site was within the AONB any future height extension would require future planning permissions;
- Microwave transmission links were used, but were 'point to point' only; communicating between this mast and others within the same network;
- It was considered that the application was in compliance with the development plan. There would be some impacts, but they were considered acceptable. Installations such as this would bring 4G and 5G to settlements such as Tealby.

Note: Councillor David Cotton declared two personal interests as the church at Tealby was mentioned in objections to the proposal, and he worked for the Diocese.

Councillor Cotton also confirmed he was a customer of O2, and could stand to benefit from a mast in that area.

The final speaker was David Naseby, an objector from Tealby Tennis and Bowls' Club. He raised the following points:

- The previous speaker had failed to recognise that the closest point of the proposed tower would be the Tennis and Bowls' Club, which was used for several different types of activity. The closest point was the children's' tennis area, within 200 metres of the proposed mast. A straw poll of parents at the club resulted in 20% of parents saying they would stop bringing their children to the site. This could jeopardise the future of the club;
- A narrow lane was shared between the sewage works site and the tennis club; it was unclear what the impact of a new site would be on the tennis club. It was requested that a full assessment be undertaken;
- Councillors were reminded of statutory obligations in regards to community facilities, and any impact that might be suffered as a result of the proposal;
- Mr Naseby could only object at this point because there was no full assessment on what could happen to the tennis club; and all of the communities that use the site;

Officers responded to the public speakers with the following information;

- There was no specific planning policy requirement to assess the impact on the tennis club; however the officer report detailed what had to be taken into account on the grounds of health. Non-ionising radiation was explicitly referred to in the NPPF;

Following this update, Members provided their comments and questions on the application. These comments, and answers to the questions are provided below:

- The AONB Management Plan was not part of the development plan, but was a material planning consideration;
- Any later increase in the height of the mast would require permission. The adjacent

plantation to the sewage works did provide some screening; in the fullness of time these trees would mature;

- Access to the tennis club could not be conditioned as part of the permission. The access to the tennis club would be a legal right rather than a planning requirement;
- Due process had been followed and the tennis club were aware, and were consulted on the application. There was some overlap between legislation on the health impacts of the application; it was reiterated to Members that the correct assessments had been undertaken and standards had been met;

Note: Councillor Mick Devine arrived at 1858; he did not take part in the debate on this application, and did not vote.

- There was no physical impact on the tennis club. The most meaningful impact would be on the club's shared access with the sewage works, but this was not seen as a reason for refusal. Lincolnshire Highways had not objected to this application;
- The entire development required planning permission as it was within the AONB;

One Member raised the question of whether more harm would be done to the environment within the AONB, and whether this harm would outweigh the benefits that the mast would bring. There were conservation areas within Tealby and Tealby Thorpe, and the mast would have proximity to some listed buildings within the area. This was moved as refusal of the application as printed.

Following this last comment, a vote was taken on refusal of the application, using sub-section d of policy LP25 of the Central Lincolnshire Local Plan (CLLP), policy LP 17 of the CLLP, Paragraph 170(a) of the NPPF, as well as paragraphs 172, 193 and 196. Also listed were section 85(1) of the Countryside Act 2000 and section 72 of the Listed Buildings and Conservation Areas Act 1990.

The vote for the above motion was lost; the officer recommendation within the report to approve subject to conditions was then moved and seconded, and it was therefore:

AGREED that the application be **GRANTED** subject to conditions:

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

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).

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

None.

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

2. The development shall proceed in accordance with the following approved drawings: 100 Rev F; 200 Rev F and 300 Rev F.

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

3. The tower shall be coloured goose grey unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate the visual impact of the proposal in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

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

4. No lighting shall be added to the tower unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate the visual impact of the proposal in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

5. Within 6 months of the ceasing of all telecommunications operations at the site, the tower, equipment and fencing shall be removed from the site and the ground returned to its current use.

Reason: To ensure that landscape quality of the area is retained in accordance with Policy LP17 of the Central Lincolnshire Local Plan.

Note: Councillor Thomas Smith requested that his vote against the officer recommendation of granting subject to conditions be recorded.

88 138660 - LAND TO THE REAR OF MARQUIS OF GRANBY, HIGH STREET WADDINGHAM DN21 4SW

The Senior Development Management Officer introduced planning application number 138660 – land to the rear of Marquis of Granby, High Street Waddingham. It was an outline planning application for the erection of 7no. dwellings with all matters reserved.

The revision to the NPPF did not change the officer recommendation. A unilateral undertaking to the application had been received, and was currently being reviewed.

The first public speaker to this item was Councillor Colin Metcalfe, from Waddingham Parish Council. He raised the following points:

- This item had been discussed at a Waddingham Parish Council meeting in December 2018;
- Application 138660 was essentially a resubmission of previous applications; they had been refused;
- This application puts forward some mitigation to previous applications, but the Parish Council was not convinced they would be successful;

- The mitigation for noise appeared to be a wooden acoustic screen around the beer garden of the public house. This would affect the economic sustainability of the public house;
- The physics of sound seem to have been ignored as the screen was close to the noise source; the sound would travel over the top of the screen. In addition, most of the dwellings on the site would have a view over the beer garden;
- The public house hosts events, thus maintaining a community link. By developing the land, the pub would no longer have the land available to host events such as boot sales, and also would not be able to provide caravan facilities;
- There was a suggestion in the report that the village green could be used for community events; the village green was properly registered with legislative restrictions and did not have the same facilities as the pub. It was also adjacent to the main highway through the village; a recent traffic survey showed that 1400 vehicles pass through on that route every day;
- The current owners of the shop and post office in the village were looking to retire; the site of the pub could potentially be a new location for these facilities;
- The current owners had only had the site for two years, and had not maintained it sufficiently despite requests from the parish council. The public house building had deteriorated quite significantly.
- Waddingham Parish Council urged the Planning Committee to refuse the application.

The second speaker was Paul Brailsford, agent for the applicant, and a partner at Freeths Solicitors. He raised the following points:

- Lengthy discussions had taken place with officers at West Lindsey District Council to try and address the issues in the applications that had previously been refused;
- Mitigations included:
 - The majority of the orchard be maintained;
 - An acoustic solution for the pub around the beer garden;
 - Window glazing to a high specification for the new homes;
 - A legally binding undertaking not to use the beer garden at the pub beyond 11pm, with no amplified music;
- It was not unusual to have homes being adjacent to a pub. There had been similar developments in the district at Normanby by Spital, Langworth and Ingham. Pubs can thrive alongside new and existing homes;
- A number of pubs had now closed in the district;
- The Marquis of Granby had been acquired by a small pension fund, with the objective of securing a capital receipt from the sale of part of the site for residential development, with the proceeds going towards developing the pub. It was in the best

interests of the client for the pub to thrive;

- The pub was designated as an Asset of Community Value;
- The fact that the pub was currently vacant was not a situation engineered by the applicant; the premises had been marketed extensively. A lease was close to being agreed, and the mitigations did not concern the incoming tenant;
- If planning permission were agreed, the applicant would look to agree additional investment works with the incoming tenant;
- There were mixed local views; when the applicant held a consultation following the previous refused application, 62% of those who responded supported development. A number of residents had written to oppose the application, as had the parish council and the Ward Member. It was often the case that the quiet majority supported the proposal;
- There was nothing unusual about the application, and no defensible reason to refuse planning permission.

The final speaker was Councillor Jeff Summers, Ward Member for Waddingham and Spital; his Ward including the site in question. He raised the following points:

- A comment on the points raised by the previous speaker; the incoming tenant was not a certainty. Also, the application approved at Normanby by Spital was opposed by the local community, so should not be used as a precedent to support approval in this application;
- There were refusals on the site dating back to 2014. Application 136769 was refused in 2018 because it did not meet the requirements of the present local plan – the site today was the same as this site refused in 2017. That site was refused due to not providing a satisfactory living standard, and because it could affect the viability of the community asset;
- The previous refusal also highlighted the loss of the ancient orchard. In that refusal, the scheme of delegation report stated that planning permission should be refused for loss of irreplaceable habitats unless the benefits clearly outweighed the loss, under paragraph 118 of the NPPF and LP21 of the CLLP;
- Whilst there may be existing dwellings in the proximity of the pub, it did not necessarily mean that development was acceptable;
- Some trees have been felled since the first application, and were no longer there;
- Cllr Summers was looking for a level decision making process; the layout of the site compared to previous refusals was identical, therefore LP1 of the CLLP had not been mitigated against. The benefits of the development do not outweigh the loss of future opportunities for the site. LP15 of the CLLP includes the pub itself;

- The pub was definitely a community asset, and was undoubtedly run down. The developer was not willing to invest in the community.

The Senior Development Management Officer then responded to the public speakers, and gave the following information to committee:

- The applicant had undertaken a significant amount of extra work in terms of physical mitigation;
- Two of the veteran trees in the orchard had been removed. These trees were not protected by Tree Preservation Orders (TPOs), were not in the conservation area and could be removed immediately if required. Conditions on the application offered an opportunity to preserve what was left for future generations;

Following this update, Members provided their comments and questions on the application. These comments, and answers to the questions are provided below:

- There were no reasons found to object to the application on noise grounds. A unilateral obligation restricted amplified music in external areas after 11pm. Licensing legislation prevents live music after 11pm unless the pub is specifically licensed;
- Could be unrealistic to expect people to buy a house surrounded by an acoustic screen; however it was pointed out that this screening would be around the pub, and not the proposed developments;
- There was a village hall on the village green; Waddingham had been lucky in being able to use the public house for events as it was someone else's property. Pubs were often at the centre of villages and should be encouraged;
- Aside from the two bungalows, the houses were four bedroomed dwellings. There was not enough provision for car parking, in a rural village where a car would be required. In addition, if the pub starts to thrive, more space would be needed for car parking;
- The south west corner of the site was allocated as important open space. Over time the back gardens of houses appear to have been extended;
- The site meets most of the tests required for residential development; it meets the CLLP tests and most others;
- The site met the requirements for the CLLP, as it was 7 homes on a site that could take up to 9.

With no further comments from the Committee the recommendation in the report was moved and seconded, and then voted upon and agreed that permission be delegated to officers to **GRANT** the application subject to conditions and the receipt of a unilateral undertaking securing no amplified music played in the beer garden or any external areas and the beer garden will not be used after 2300 hours.

In the event it is not received within 6 months of the date of this committee the application will be reported back to the next available committee.

Conditions:

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

1. 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).

2. No development shall take place until, plans and particulars of the layout, scale and appearance of the building(s) to be erected, the means of access to the site 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.

3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters 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 commenced:

4. The reserved matters referred to by condition 2 shall include no public pedestrian link between the application site and public right of way Wdgm/72/1.

Reason: In order to prevent undue disturbance harmful to residential amenity by virtue of passing pub customers, in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

5. The reserved matters referred to by condition 2 shall include biodiversity enhancements including bat boxes and bricks and bird boxes.

Reason: To secure ecological enhancements in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

6. The reserved matters referred to by condition 2 shall include at least 11 car parking spaces for the use of the Marquis of Granby Public House.

Reason: This is the basis on which the application has been made and is considered to be an appropriate amount of vehicle parking for the pub in order to prevent parking harmful to amenity in accordance with Policies LP13 and LP26 of the Central Lincolnshire Local Plan.

7. The reserved matters referred to by condition 2 shall include details demonstrating at least 30% of the dwellings shall be constructed to the higher

access standards of Part M(2) of the Building Regulations (Access to and use of buildings) and details of the types and sizes of all dwellings.

Reason: To help support the creation of mixed, balanced and inclusive communities and to cater for the needs of less mobile occupants, including older people and disabled people in accordance with Policy LP10 of the Central Lincolnshire Local Plan.

8. The reserved matters application referred to by condition 2 shall include a scheme of noise mitigation based on the principles established in the submitted noise assessment, namely:

- private rear gardens to be screened from the pub by the dwellings permitted;
- enhanced acoustic glazing and alternative ventilation so that windows facing the pub can be kept closed;
- a 2m high acoustic screen to the boundary of the beer garden.

Reason: To prevent undue harm to residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

9. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- 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;
- provide attenuation details and discharge rates which shall be restricted to greenfield run off rate;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and;
- 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.

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 the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

10. No development shall take place on the site until a Written Scheme of Investigation (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) shall have been submitted to and approved in writing by the local planning authority. This shall involve monitoring of all groundworks in the northwest corner of the site (west of the Marquis of Granby) only, with the

ability to stop and fully record archaeological features. The scheme shall include an assessment of significance and research questions and:

- i) the programme and methodology of site investigation and recording;
- ii) the programme for post investigation assessment;
- iii) the provision to be made for analysis of the site investigation and recording;
- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v) the provision to be made for archive deposition of the analysis and records of the site investigation;
- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

Reason: To secure appropriate assessment and recording of potential archaeology at the site in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

11. No development shall take place until an estate road phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall 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.

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 in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

12. No development shall take place until, a contaminated land assessment and associated remedial strategy, 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. 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 as recommended by the Environmental Protection Officer in accordance with Policy LP16 of the Central Lincolnshire Local Plan.

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

13. The removal of any vegetation should take place outside of the bird nesting season March – September inclusive. If works within the nesting season are unavoidable, a nesting survey must be carried out immediately prior to any works to ensure that no birds are currently nesting and that any young have fledged.

Reason: To protect nesting birds in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

14. The development hereby permitted shall not be occupied before a 1.8 metre (minimum) wide footway, to connect the development to the existing footway network to the east of the indicated access point, has been provided in accordance with details that shall first have 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 runoff from the highway.

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 in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

15. Tree protection and construction activities shall proceed in accordance with sections 3, 4 and 5 of the submitted Arboricultural Method Statement.

Reason: To ensure the protection of the veteran and orchard trees on the site in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

16. Prior to the first occupation of the development hereby permitted, a maintenance and management plan for the areas of existing (including remaining orchard trees) and proposed soft landscaping outside residential curtilage shall be submitted to and approved in writing by the Local Planning

Authority. Such areas shall be maintained in accordance with the approved details.

Reason: To ensure appropriate long term treatment of soft landscaping areas in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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

None.

89 138836 - HILLCREST CAISTOR TOP, CAISTOR LN7 6JG

The Planning Officer introduced application number 138836, Hillcrest Caistor Top, Caistor, an application to vary condition 24 of planning permission 135031, granted on 14 December 2016 to allow local business to use the site (D2 Use).

The recently revised NPPF did not change the officer recommendation.

There were two speakers present speaking in favour of the application. The first was Councillor Tom Regis, Ward Member for Wold View. He raised the following points:

- The site had previously been backed by West Lindsey District Council (WLDC), and contained 17 small starter units;
- It had the benefit of a WLDC commercial loan; in addition, because the employment rating had scored highly, the units had received money from the Leader Grant Fund;
- Planning policy needed to be challenged and exceptions made;

Lauren Harpham, a business owner at the site also spoke in favour of the application, raising further points:

- Services provided at 'Soul Healthy' included one to one personal training, nutritional advice and planning, sports massage, Swedish massage and corporate wellness. The services had many benefits to clients;
- Customers were attracted because Soul Healthy was not a large gym establishment; it was currently being run from a garage;
- There were no other venues to run the business in the local area;
- It had been made clear by WLDC that they didn't want this business operating in a residential area;
- The developer had had an assessment done on the noise and parking, and the business would be right out of the way.

Note: Councillor Robert Waller left the Chamber and did not return.

The Planning Officer responded to the supporters by outlining that the previous planning permission was being built out for a number of uses, but this did not include gym use (D2).

As part of the application, a noise assessment had been submitted. The agent was asked for opening times, and the number of customers for the business, but this had not been forthcoming.

The business at the site did not just do one to one classes, there were also other classes such as spin.

Following this update, Members provided their comments and questions on the application. These comments, and answers to the questions are provided below:

- Lincolnshire County Council Highways have objected to the application on the grounds that there was not sufficient parking;
- Officers confirmed that the application would have been refused by them if it had not been required to come to committee;
- Two buildings in the town centre would not in any way be suitable to house the gym; one in particular needed further investment;
- As a council enterprise should be supported. The application had been supported by Caistor Town Council, and they noted that the application brought regeneration;
- Policy 6 of Caistor's Neighbourhood Plan referred to business and start up units; new business units would be supported if they were within existing employment areas, and should include the opportunity for flexible floorspace arrangements;
- This site had been conditioned under a previous application, which granted 17 rural enterprise units, limiting use to 323 square metres. The current application was seen as an intensification on site, and there had been a lack of clarity on timings and level of custom;
- No additional car parking was being provided. This could conflict with other uses on site which needed a number of spaces. This specifically referred to the A1 and A3 uses;
- Under the NPPF, the edge of the centre would be 300 metres from the very centre. This site was 800 metres from the market place in the town centre;
- There had been a refusal for another gym to use the site around 18 months ago;
- It was mentioned in the application that the business would wish to grow and expand; therefore the comments from Highways had to be given weight.

Following these comments, an alternative recommendation of granting permission was moved and seconded, on the grounds of enterprise, and extending permission to business use class D2, relying on Caistor Neighbourhood Plan Policy 6.

A vote to take this new recommendation forward was lost; therefore the recommendation to refuse permission as per the report, which had also been previously moved and seconded was put to the vote, and was supported. It was therefore **AGREED** to **REFUSE** permission for the following reasons:

1. The proposed use is for a Main Town Centre Use (D2 – Assembly and Leisure). Paragraph 86 of the NPPF indicates that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. No sequential test has been undertaken as part of this application which is considered contrary to the NPPF and policies contained with the Central Lincolnshire Local Plan namely LP1, LP2, LP5, and LP13 as well as Policy 8 of the Caistor Neighbourhood Plan.

2. The nearest residential dwelling (Hillcrest House) is located approximately 66 metres to the south of the proposal site (Units No.14 and No.15). As the application contains no information on the proposed opening times, the amount of customers/staff using the facility and therefore increased noise from visiting cars, customers coming to and from the building and noise from within the building from equipment and music playing together cannot be ascertained. No mitigation measures have been put forward as part of this application. Although, the separation distance is approximately 66 metres it has not been possible to ascertain whether the proposal will have a harmful impact on the living conditions of neighbouring dwellings. Therefore, it is considered to be contrary to the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

3. No information has been provided that details the proposed opening hours, the number of people (or visitors) and specific activities that will take place within units 14 and 15 (the application site). No additional car parking provision is provided to that granted under application 135031 which has the potential to impact highway safety and the viability of the other rural enterprise units on the site.

90 138728 - 9 LAUGHTON ROAD BLYTON DN21 3LG

The Senior Development Management Officer introduced application number 138728 – a planning application for a change of use of part of a general haulage yard to caravan storage including boundary treatments.

One further letter of objection had been received from residents of 63a High Street, Blyton summarised as follows:

- The application was only submitted following a complaint.
- The applicant initially did not declare their relationship to an officer of the Council.
- Concerned the proposed landscaping will not effectively screen the site due to topography of the area, height of planting, the time it will take to mature and its deciduous nature. There would be harm to the countryside.

- The hardstanding design was not detailed.
- A hedgerow has been removed; drainage was not detailed; the proposal could add to flooding; a flood risk assessment hadn't been submitted; contamination prevention was not detailed; lack of topographical and ecological survey.
- The objector queries why a recommendation was made if consultation is still underway. Consultation had closed.
- They consider the proposal contrary to LP2, LP5, LP17 and LP26.

The changes to the NPPF and additional objection did not change the officer recommendation.

Members checked whether this would have come to committee if the applicant had not been related to an officer of the Council – it was confirmed that it would not and that it would have been approved subject to conditions as per the report.

It was then moved, seconded, and following a unanimous vote the application was **GRANTED** subject to conditions:

1) The soft landscaping shall take place in accordance with the details in the amended design and access statement received 11/2/19 and amended block plan DCL/18/02 Rev A received 11/2/19 in the next available planting season.

Reason: To secure appropriate landscaping in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

2) This permission relates to the following drawings: DCL/18/02 Rev A received 11/2/19 and site location plan DCL/18/01.

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

91 138841 - 9 LAUGHTON ROAD BLYTON DN21 3LG

The Senior Development Management Officer introduced application number 138841 - planning application to erect a 2.1m fence to the eastern boundary at 9 Laughton Road Blyton Gainsborough.

It was confirmed that the revised NPPF did not change the officer recommendation of approval, subject to conditions, as detailed within the report.

The recommendation in the report was moved and seconded, and following a unanimous vote, planning permission was **GRANTED** subject to conditions:

1. The development hereby permitted shall be begun before the expiration of 6 months from the date of this permission.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: DCF/18/02A received 27/12/18 and site location plan DCF/18/01 received 27/12/18.

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy LP17 and LP26 of the Central Lincolnshire Local Plan.

3. Within 3 months of the fence being erected, details of the colour it is to be painted shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be painted the agreed colour within 3 months of the date of approval of the details and be retained as such.

Reason: In the interests of securing appropriate design in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

92 APPEAL AGAINST APPLICATION 138491 LAND TO WEST OF A1133, NEWTON ON TRENT, LINCS

Members considered a report looking at whether to continue to defend reason 2 of the planning refusal 138491 relating to the sterilisation of mineral resources with a minerals safeguarding area.

The paper was moved and seconded, and therefore the additional information offered in relation to refusal reason no.2 of application 138491 relating to the potential sterilisation of minerals within a minerals safeguarding area was **ACCEPTED**. The Planning Committee would not seek to defend this reason for refusal, in the event an appeal was lodged to the Secretary of State against the refusal of planning permission (ref 138491).

This was all subject to no further information being submitted.

93 DETERMINATION OF APPEALS

One Member noted that the inspector comments on appeals were useful if a Ward was close to reaching its quantum of development in its Neighbourhood Plan. These targets were fairly firm; Members could consider this when putting forward reasons why other schemes might not be in accordance with their Neighbourhood Plans.

The meeting concluded at 8.26 pm.

Chairman