

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 3 April 2019 commencing at 6.30 pm.

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

Councillor Matthew Boles
Councillor Michael Devine
Councillor Hugo Marfleet
Councillor Giles McNeill
Councillor Roger Patterson
Councillor Thomas Smith
Councillor Robert Waller
Councillor Mrs Sheila Bibb

Also In Attendance: Councillor Mrs Lesley Rollings
Councillor Lewis Strange

In Attendance:
Mark Sturgess Executive Director of Operations and Head of Paid Service
Russell Clarkson Planning Manager (Development Management)
Ian Elliott Senior Development Management Officer
Martin Evans Senior Development Management Officer
Richard Green Planning Officer
Ele Snow Democratic and Civic Officer

Apologies: Councillor David Cotton
Councillor Mrs Jessie Milne
Councillor Mrs Judy Rainsforth

Membership: Councillor Mrs Sheila Bibb was appointed as substitute for Councillor Mrs Jessie Milne, for this meeting only

Also Attending: 58 Members of the Public

94 CHAIRMAN'S WELCOME

The Chairman welcomed all present and explained the housekeeping arrangements for the night. He explained the procedure for those registered to speak on the planning applications and reminded the public gallery of the need to allow all speakers to be heard.

95 PUBLIC PARTICIPATION PERIOD

There was no public participation.

96 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 6 March 2019.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 6 March 2019 be confirmed and signed as a correct record.

97 DECLARATIONS OF INTEREST

Councillor S. Bibb declared that she would be stepping down as a Committee Member for planning application number 136577 and would address Committee as Ward Member for Gainsborough North.

Councillor M. Boles declared that he was also Ward Member for Gainsborough North but had not communicated about the application and would remain as a Member of Committee.

Councillor O. Bierley declared that he had received an email representation relating to planning application 138971 and a letter relating to planning application 138794, however he had not responded to either.

Councillor R. Patterson declared that he had also received the email relating to planning application 138971 but had not responded.

Councillor I. Fleetwood declared that he had also received the email relating to planning application 138971 but had not responded.

Note: Councillor R. Waller arrived at 6.40pm

98 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Leader advised the Committee of several updates regarding Neighbourhood Plans. He explained that, since the previous meeting, consultation on the submissions versions for Glentworth and Spridlington had ended and examination arrangements were awaited. Consultation on the Sudbrooke final version was due to close the following week and there were two consultations open on draft versions for Scotton and Waddingham. Further details for all Neighbourhood Plans were available on the West Lindsey website.

99 PLANNING APPLICATIONS FOR DETERMINATION

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

100 138971 - IRWIN ROAD, BLYTON

The Chairman introduced the first of the applications to be heard, application number 138971, outline planning application for up to 9no. dwellings with all matters reserved, on land east of Laughton Road adjacent to Irwin Road, Blyton. He invited the Senior Development Management Officer to provide any update to the application and it was explained that since the report was drafted, Severn Trent had confirmed it would want a connection to be at manhole 7301 because the former manhole was receiving the rising main from the Irwin Road pumping station. By making the connection into the above sewer it meant the flows would be going out into Laughton Road and not further into Irwin Road and towards where the issues may be occurring. Additional letters of objection had been received citing the risk of exacerbated flooding and stating unanimous opposition within Irwin Road and Blyton as a whole. The updates did not change the recommendation.

The Chairman notified the Committee that there were three public speakers and he invited the first, Parish Councillor Mark Harrison, to address the room.

Mr Harrison thanked Committee for the chance to speak and highlighted his three main concerns about the application. He stated that traffic entering the village near the junction to Irwin Road and the proposed development was often travelling in excess of 60mph and there would need to be traffic calming measures in place to mitigate the risk of that junction. With regards to top water, Mr Harrison explained that the dykes were not managed and since the previous construction work had been undertaken, when the flood plain had been infilled with rubble and then built on, the dykes were now breached in several places on a regular basis when there was heavy rain. His final point was regarding the sewerage infrastructure and that it was not sufficient for the existing homes, without the risk of adding more properties into the system. He stated that all such problems should be resolved prior to any further building works going ahead.

The second speaker, Mr Marcus Walker speaking as an objector to the application, was invited to address the Committee. He supported the comments made by Mr Harrison in terms of the inadequate drainage systems and explained to Members that he had been in frequent contact with Severn Trent with regards to the drainage and sewerage systems. He stated that they had accepted the system was substandard but had not undertaken any investigations to see what could be done to remedy the situation. He called for the Committee to refuse the planning application on this basis.

The third speaker, Ward Member Councillor Lesley Rollings, reiterated the points made by the previous two speakers and commended their dedication to researching and collating the information they had in relation to the drainage systems. She confirmed that there were already problems with flooding in the area that was at risk of worsening with any new development.

Note: The Chairman requested that additional paperwork submitted by Mr Walker be passed to the Executive Director of Operations as it had not been submitted for consideration prior to the publicised deadline.

Councillor Rollings continued with her allocated speaking time to repeat the concerns about the drainage systems and also the risk to local businesses by flooding. She also asked the Committee to consider ecological impacts not just with watercourse problems but also the

risk to the local environment such as loss of insects, wild flowers and open space.

With nothing further to be added from the Senior Development Management Officer, the Chairman opened discussions to the Committee.

A Member of Committee noted that Ward Member Councillor Mewis had submitted a Member request for call-in, stating that alongside widespread local opposition, it was also considered that the application was contrary to LP2 (would not be appropriate location or retain core shape and form, would change shape of the village creating further linear ribbon development away from core services), contrary to LP2 and LP4 (outside developed footprint which specifically excludes agricultural land on the edge of the settlement, hedge forms boundary to countryside), contrary to LP14b (Irwin Road flooding and drainage problems would be exacerbated), contrary to LP14e (it would not reduce flood risk overall and would not provide solutions for the wider area) and contrary to LP14 (SUDS not provided). On the basis of those planning policies, the Member of Committee moved a proposal to refuse planning permission which was then seconded with support for the reasons given.

Note: Councillor M. Devine declared that he had also received email contact regarding the application but had not responded to it.

There was further discussion regarding the risk of flooding. The Senior Development Management Officer clarified that the results of any drainage surveys may show that remedial cleansing work was required and the proposal was for the flow to be directed into an area away from Irwin Road. The Legal Advisor confirmed that the applicant was required to demonstrate that their development could be mitigated and that in mitigating their development it would not contribute to other areas. Although there were issues in the locality, the statutory authorities had confirmed that they considered the application to be acceptable.

Following final comments with regards to drainage and the risk of flooding, the Chairman repeated the proposal to refuse permission for the reasons that it was contrary to LP2, LP4, LP14b and LP14e. With nine votes in favour of the proposal and one abstention it was passed that planning permission be **REFUSED** for the reasons given above.

Note: The meeting was adjourned at 7.07pm to allow members of the public to leave the Chamber. The meeting reconvened at 7.10pm.

101 136577 - HORSLEY ROAD, GAINSBOROUGH

The Chairman introduced planning application number 136577, an outline planning application for the development of up to 49no. dwellings, with access to land to the west of Horsley Road, Gainsborough to be considered and not reserved for subsequent applications - resubmission of 134824. He invited the Senior Development Management Officer to provide any updates. He advised Committee that since the report was drafted, additional letters of objection had been received from residents regarding concerns about the impact on infrastructure and services, parking, access and road safety issues, concerns about flood risk and whether the development would be affordable housing. He advised, however, that the updates did not change the recommendation.

The Chairman invited the first registered speaker, Rebecca Housam, to address the Committee. She explained she was speaking on behalf of the applicant and stated there were strong and robust reasons for the application to be approved. She detailed the conversations and testing that had occurred in relation to the drainage considerations and assured Members that the proposal sought to reduce the flood risk overall as well as alleviate the existing problems. She highlighted that the proposal provided sustainable housing as well as other contributions to the local community. It was explained that they had worked closely with the Council to allay any concerns and respectfully asked the Committee to approve the application.

The Chairman then invited Councillor S. Bibb, Ward Member, to speak. She noted that the original objections had centred on the likelihood of flooding to the area and accepted that there were details within the proposals which would aim to alleviate the flood risk, although there was no guarantee of this. She explained that the existing houses did experience difficulties and it would need to be assessed whether the proposals offered reasonable solutions. She also explained that access was another major concern and she found it difficult to understand how the Highways Agency had found the access acceptable. She stated that the roads are already very congested, it was already very difficult to manoeuvre any large vehicle (such as delivery vans) around the area and cars were consistently parked on both sides of the roads. In addition to these concerns, Councillor Bibb raised the environmental impact of losing the biodiversity of the area. She urged the Committee to consider their options, whether that be for refusal or deferment for a site visit.

Note: Councillor S. Bibb withdrew from the Chamber at 7.21pm for the duration of the discussions.

The Senior Development Management Officer clarified that pedestrian access was to be determined as part of the application and that vehicular access was straightforward, as shown on the site map, with no issues raised by the Highways Agency. He added that the issue regarding surface water had been adequately resolved with the plan to pump the water directly into the River Trent. The Chairman opened discussions from Members of the Committee.

There was discussion between Members as to the concerns regarding the risk of flooding and drainage issues on the site, as well as the significant problems regarding access. A Member of Committee, believing the application to be acceptable, moved the Officer's recommendation.

Following further discussion, the proposal for a site visit was moved, with the Member of Committee feeling the access and parking issues needed to be seen before any decision could be made. There were comments made regarding the benefit of a riverside development and the Officer's recommendation was seconded.

The Committee continued to discuss the merits of the application versus the concerns regarding flooding and access. It was highlighted that the application was indicative only and further details would be provided with the full application. The proposal to hold a site visit was subsequently seconded and the Chairman put this to the vote. With five Members in favour and two against it was

RESOLVED that application number 136577 in relation to Horsley Road, Gainsborough, be deferred for a site visit to take place, date and time to be arranged following the conclusion of the meeting.

Note: The meeting was adjourned at 7.34pm for members of the public to leave the room. Councillor S. Bibb re-joined the Committee and the meeting reconvened at 7.35pm.

102 138477 - LAND OFF BRIGG ROAD, GRASBY

The next item on the agenda was introduced, planning application number 138477, for change of use of land for the siting of 32no. holiday lodges, 1no. warden's lodge with adjacent site supply shed-shop, pond and associated site landscaping on land off Brigg Road & Grasby Wold Lane Grasby. The Senior Development Management Officer provided the Committee with updates in relation to a further objection received from Councillor Strange regarding delaying the application until the traffic speed restrictions had been implemented, however, it was confirmed that the County Council had approved the speed limit to be reduced to 40mph on the road in question and although there was no definite time scale for this being implemented, public notification would be along the road from May or June 2019 and the operational date would be after that.

The Chairman informed the Committee there were three speakers and invited the first, Councillor Mrs Forbes of Grasby Parish Council to address the Committee.

Councillor Forbes explained that the main concerns about the proposal were regarding the traffic implications, surface and foul water drainage, the use of the lodges and the impact on the local ecology. She accepted that the speed limit on the road was to be reduced but explained that the entrance to the site was on the brow of a hill where visibility was not ideal. She also explained that the development of the lodges would put additional strain on water systems that were already struggling, both fresh water with low water pressure in existing dwellings and foul water treatment systems being at capacity already. She suggested that the development would require an additional septic tank to be installed on site. With regards to the use of the lodges, Councillor Forbes explained that they had heard the lodges would be used for accommodation for offshore workers, rather than as a holiday lodge park. She highlighted that this use would be different to that detailed in the application. For her final point, Councillor Forbes commented on the ecology of the area and the risk to the biodiversity including bat activity. She requested that the application be delayed to allow time for the second ecological survey to take place in the summer. She highlighted that it was a fabulous opportunity for all parties to work together to forge a development that was advantageous in all ways and requested that the proposal be delayed.

The second speaker, Mr Greenwood, spoke to the Committee as the applicant for the proposal. He thanked all present for the opportunity to speak and for the guidance received with his application. He explained the nature of the family business and stated that they wanted to create a thriving and attractive holiday park in the Wolds. He highlighted that the amended layout had left approximately 25% of the site undeveloped in order to protect the biodiversity and the grassland in part of the site. Mr Greenwood highlighted that there had been an independent highways inspection commissioned which had found no problems with the proposed access and they had also re-sited the pathway. He offered to work with the

Parish Council in terms of traffic calming measures and highlighted the potential benefit to the local businesses with increased footfall in the area. He once again thanked the Committee for their time and concluded his speech.

The Committee then heard from Councillor Strange who concurred with all that had been said by Councillor Forbes earlier in the meeting. He suggested that, whilst it was a positive that the County Council had agreed to reduce the speed limit, the application should be postponed until such a time as the speed limit had taken effect. He noted that the road onto which the site would open was fairly narrow and known for speeding traffic, he hoped that some kind of traffic calming measures could be introduced as well as the reduced speed limit. Councillor Strange also supported the comments regarding the need for additional sewerage and drainage options and concluded his comments by thanking the Committee for their time.

The Senior Development Management Officer clarified that Anglian Water had raised no objections to the application and there was capacity for additional foul water. There was a condition which clearly defined the park would be for holiday accommodation and amendments had been made following the detailed involvement of the Lincolnshire Wildlife Trust. In addition, the Highways Agency hadn't raised any objections to the entrance location even when the road had been at national speed limit.

The Chairman invited comments from the Committee Members and there was discussion about the environmental impact and traffic concerns. There was agreement that the reduction in the speed limit would be a positive for the area and the Officer recommendation to approve the application was moved.

A Member of Committee stated the site was currently an environmental asset to the area and the concerns raised were too significant to overlook. He moved a proposal to refuse permission as contrary to LP7, LP13 subsection b, LP21 and LP55.

In discussing the drainage issues, a further proposal to defer the application was moved however, on discussing with Officers the comments from Anglian Water and the responses received from the County Council, it was clarified that there were no objections and the move to defer was withdrawn.

The Vice Chairman noted that the application gave reassurance that there had been significant negotiations with the wildlife trust and the planning department and, in view of the planned speed reduction, he was satisfied the main concerns had been addressed. He therefore seconded the proposal to approve the application.

A Member of Committee commented further on the ecological impact of the proposed development and seconded the motion to refuse permission.

The Chairman asked the Committee to vote on the proposal to refuse permission, with 3 votes in favour of refusal and 5 votes against refusal, the motion was not carried.

The Chairman then asked the Committee to vote on the proposal to grant planning permission. A Member of Committee moved for a condition to be added regarding drainage of the site, and, on clarification from the Senior Development Management Officer that this was already in place, the suggestion was withdrawn.

With 7 votes in favour and 3 against, it was agreed that permission be **GRANTED** subject to the conditions detailed in the Officer's report.

NOTE: Councillor T. Smith requested that his vote against the application be recorded.

103 138794 - LAND EAST OF ST MARY'S LANE, CLAXBY

Application number 138794, for the erection of 1no. two storey detached dwelling and detached, single storey double garage on land east of St Marys Lane Claxby Market Rasen, was introduced by the Chairman. The Planning Officer confirmed there was no update. The Chairman invited the sole registered speaker to address the Committee.

Mr Darren Drury, speaking in favour of the application, introduced himself and thanked the Committee for their time. He explained the proposal was to build a long term family home on a site which should be considered a brownfield site. He stated that the property would be the smallest house on the lane and the placement and layout of the house had already been modified in order to make it the best possible fit for the area. He highlighted that there were no objections raised by the Parish Council and they had received several letters of support from local families. He concluded by inviting Committee Members to visit the site should they feel they needed to see the situation and location first hand.

The Chairman then advised Committee that the Ward Member, Councillor Tom Regis, had wished to register to speak also but had been unable to attend in person. He had instead provided a written statement in support of the application and this was read aloud by the Chairman.

The Planning Officer explained that according to the footprint of the village, the site was considered to be in the countryside and formed part of the old shrunken medieval village. It was in close vicinity to a Grade 1 listed church and a Grade 2 listed building. Half of the site had been recently cleared where it had previously been grown over and merged in with the countryside.

The Chairman invited comments from the Committee and there was discussion between Members as to whether the assessment of the site being in the countryside was considered to be accurate. Members felt that the location was typical of rural Lincolnshire and to class the site as being in open countryside was misleading. A Member of Committee expressed the opinion that the application would accord with LP10 and moved the approval of the application. The Development Management Team Leader reiterated the definition of the developed footprint as given in the Local Plan and suggested that by that definition, the assessment of the site as outside of the developed footprint was accurate. After further discussion, the proposal to approve the application was seconded.

Note: Councillor G. McNeill left the room at 8.35pm and returned at 8.36pm

The Committee continued to discuss the layout of the village and the consideration of open countryside. The Legal Advisor requested that Members gave thought only to the application in front of them at this time and also to reiterate that the developed footprint within the Lincolnshire Local Plan was the accepted footprint of the village.

The Chairman repeated the proposal to approve the application based on LP10, to which a Member of Committee added reasons of LP2 paragraph B bullet points 7,8 and 9.

With 8 votes in favour, one against and one abstention it was agreed that planning permission be **GRANTED**.

Members enquired of the Planning Officer what conditions would be given with the application and these were given as follows:

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:

2. No development shall take place until a Flood Risk Assessment is submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any mitigation measures recommended in the Flood Risk Assessment and retained as such thereafter.

Reason: To reduce the risk and impact of flooding on the approved development and its occupants in accordance with National Planning Policy Framework and National Planning Policy Guidance and Policy LP14 of the Central Lincolnshire Local Plan.

3. No development shall take place until the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods (see notes to applicants below) and type of pointing to be used.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene, The Lincolnshire Wolds Area of Outstanding Natural Beauty and the setting of Listed Buildings in accordance with the NPPF and Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

4. No development shall take place until details of all new and external windows and doors at a scale of no less than 1:20 and glazing bars at scale of 1:1 to include method of opening, cills, headers and lintels, colour and finish are submitted and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene, The Lincolnshire Wolds Area of Outstanding Natural Beauty and the setting of Listed Buildings in accordance with the NPPF and Policies LP17, LP25

and LP26 of the Central Lincolnshire Local Plan

5. No works shall take place until a 1m square sample panel of the proposed new brick work, showing the coursing of the stonework, colour, style and texture of the mortar and bond of the stonework have been provided on site for the inspection and approval in writing by the Local Planning Authority (the sample is to be retained on site until the new development is completed). The development shall thereafter be constructed in accordance with the approved details

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene, The Lincolnshire Wolds Area of Outstanding Natural Beauty and the setting of Listed Buildings in accordance with the NPPF and Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

6. No development shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.

7. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and users of the site in accordance with National Planning Policy Framework and Policy LP13 of the Central Lincolnshire Local Plan.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

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

8. 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: LDC2308-PL-02A, LDC2308-PL-03A and LDC2308-PL-04A dated February 2019. 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 in the interests of proper planning

9. The development shall be carried out in full accordance with the recommendations contained within the Ecology and Protected Species Survey by Scarborough Nixon Associates Limited (December 2018).

Reason: To safeguard wildlife in the interests of nature conservation in accordance with National Planning Policy Framework and Policy LP21 of the Central Lincolnshire Local Plan

10. Construction work shall only be undertaken between the hours of 8am and 6pm Monday to Friday and 9am to 1pm on a Saturday and not on a Sunday or Bank Holiday.

Reason: To preserve residential amenity in accordance with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

11. New hardstanding shall be constructed from a porous material (gravel is mentioned in the supporting statement) or shall be appropriately drained within the site and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

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

12. All planting and turfing approved in the scheme of landscaping (Drawing No: LDC2308-PL-03A dated February 2019) shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the street scene, The Lincolnshire Wolds Area of Outstanding Natural Beauty and the setting of Listed Buildings in accordance with the NPPF and Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

13. Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the building hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the host dwelling, no new hardstanding, chimney's or flues, microwave antenna and gates, walls or fences 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 street scene, The Lincolnshire Wolds Area of Outstanding Natural Beauty and the setting of Listed Buildings and on the living conditions of the host dwelling/the resulting amount of space around the host dwelling in accordance with Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

104 138795 - HILLCREST, CAISTOR TOP

The Chairman introduced application number 138795, for proposed extension to building at Hillcrest, Caistor Top. The Planning Officer confirmed there was no update to the application.

The Vice Chairman enquired whether the application would have been dealt with under delegated powers, had there not been the connection with a District Councillor and it was confirmed this was the case. The Vice Chairman then moved the Officer recommendation, this was seconded and voted upon and unanimously agreed that permission be **GRANTED** with conditions as detailed in the planning application report.

105 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.45 pm.

Chairman