WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 29 May 2019 commencing at 6.30 pm.

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

Councillor Owen Bierley
Councillor Matthew Boles
Councillor Michael Devine
Councillor Cherie Hill
Councillor Paul Howitt-Cowan
Councillor Mrs Cordelia McCartney
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White

In Attendance:

Councillor Tom Regis	
Mark Sturgess	Executive Director of Operations
Russell Clarkson	Planning Manager (Development Management)
George Backovic	Principal Development Management Officer
Martha Rees	Legal Advisor
James Welbourn	Democratic and Civic Officer

Apologies: Councillor David Cotton
Councillor Keith Panter
Councillor Roger Patterson

1 PUBLIC PARTICIPATION PERIOD

There was no public participation.

The Chairman informed everyone present that planning application number 137950 – Lea Grove Bardney had been withdrawn as an item of business as the applicant had withdrawn the application.

2 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 1 May were approved as a correct record.

3 DECLARATIONS OF INTEREST

Councillor Cordelia McCartney declared an interest in application number 139256 – Kexby

as she had previously worked with Gelders. This previous employment did not prejudice her approach to the application.

Councillor Jessie Milne declared an interest in the same item (139256), and would speak as Ward Member.

Councillor Cherie Hill declared an interest in the appeal under item 10 for Rudgard Avenue, as she was a Ward Member for the application.

4 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Planning Manager informed committee of the latest changes in Government and local planning policy:

- New permitted development rights came into force on Saturday 25th May:
  - make permanent the time limited permitted development right to build a larger rear extension to a dwellinghouse;
  - allow for the erection of taller upstands for off street electric vehicle charging points (increased from 1.6 to 2.3 metres high);
  - amend the existing right (from A1 shop) to additionally allow the change of use from takeaways (A5) to residential use (C3);
  - allow the change of use from retail (A1), takeaways (A5), betting offices, payday loan shops, and launderettes to office use (B1) (subject to "prior approval");
  - amend the existing right to additionally allow the temporary change of use to specified community uses: exhibition hall, public library, museum, clinic or health centre, or art gallery (other than for sale or hire), and to extend the period of temporary use from two years to three;
  - remove the existing permitted development right which allows the installation, alteration or replacement of a public call box by or on behalf of an electronic communications code operator subject to certain conditions.

- Under the Local Plan review timetable, public participation to consider options for the Plan should commence across June and July, with an announcement expected shortly;

- There was an update on the following Neighbourhood Plans (NPs):
  - Willoughton NP – a referendum was to take place on 6 June;
  - Spridlington NP – examination was underway;
  - Sudbrooke NP – Consultation had ended. The process of appointing an examiner was underway;
  - Waddingham NP – Consultation on the pre-submission version was to close on Friday 31 May.

5 138812 - BACK LANE, BRATTLEBY

The Principal Development Management Officer introduced application number 138812 – Back Lane Brattleby.

There was no update on this application; however, as a matter of clarity, it was pointed out that in the committee report that there was a glazing panel in the roof of the property. This panel was located in a hallway.

The first public speaker was Cllr Jerry Scott of Brattleby Parish Council. He made the following points:

- Brattleby was one of the first villages to form a Neighbourhood Plan (NP). Residents engaged with this process. The NP gave communities direct powers to shape their neighbourhoods, and also gave them the chance to get the right development for their community;

- The NP received a 97% 'yes' vote at the referendum;

- Residents have become increasingly proactive in planning matters;

- The application had become contentious – there had been 23 responses from 45 dwellings in the village. The Parish Council and residents believed that the development did not fit with the policies in the NP;

- Common objections were that the development was too big in terms of mass; was too high on an elevated site; was too industrially designed for the area; the feature metal cladding was out of keeping with the village; window sizes across the gardens affected privacy, and it was more suited to an urban setting;

- The Parish Council would ask Committee to refuse the application.

The final speaker was Lee Sleight; the applicant for, and resident at the property. He raised the following points:

- The residents had lots of friends and family in the local area, and this was the ideal plot for a forever home;

- The plot had an extant planning permission; however it was felt that something smaller and of better quality would be more suitable. West Lindsey District Council (WLDC) planning officers agreed with this approach;

- The first plans submitted met with concerns; these were listened to and led to a redesign. It was agreed that the redesign would be done under the same application.

The first objections in the committee report refer to the original design;

- A Heritage Consultant was appointed by the applicant to deal with the Parish Council's concerns;

- In compliance with the NP, the new design used high quality materials. The plot was large; all officers were happy with the scale and mass;

- The height was almost identical to the extant permission, and was identical to the neighbouring property;

- The home was 51 square metres smaller than the extant permission;

- The scheme included new planting of trees and hedgerows;

- The scheme was designed to PassiveHaus, which was a leading international standard;

- The subject of surface water was designed, approved and conditioned;

- The Heritage Consultant had confirmed the application complied with the NP;

- The application was locally inspired, distinctive and used the appropriate materials. Planning officers had confirmed that appropriate polices had been complied with;

- The Conservation Officer at WLDC supported the application; the committee report approved the design, scale, size, materials and the local distinctiveness of the application;

The Principal Development Management Officer added that there was over 25 metres from the back of the house to the rear boundary. The property was set back 20 metres from the road.

Members had the opportunity to ask questions about the application. Following discussions with officers, further information was provided:

- The site had been considered as suitable by local residents for development, and was a huge plot set well back from the road;

- The NP forms part of the application with the Central Lincolnshire Local Plan (CLLP). The Conservation Officer had worked with the applicant to produce something Planning officers could support;

- It appeared that the applicant worked towards the requirements given to them.

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:

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. 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: PT215-PTA-00-ZZ-DR-A-00102, PT215-PTA-00-ZZ-DR-A-00103, PT215-PTA-00-ZZ-DR-A-00104, PT215-PTA-00-ZZ-DR-A-001110, PT215-PTA-00-ZZ-DR-A-00120 and PT215-PTA-00-ZZ-DR-A-00124. All revised plans dated 02/05/2019. 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.

3. The building hereby permitted shall not be occupied until the first floor window on the eastern elevation (PTA-00-ZZ-DR-A-00120 Revised plan dated 02/05/2019) has been fitted with obscure glazing and retained as such thereafter.

Reason: To prevent unacceptable levels of overlooking on neighbouring properties, in accordance with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

4. No development, other than to foundations level shall take place until the proposed new walling, roofing, windows, doors (including garage 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 and type of pointing to be used.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the Conservation Area and the setting of a Listed Building in accordance with the NPPF and Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

5. No development, other than to foundations level shall take place until full details of all external doors and windows at a scale of no less than 1:20 with sections through vertically and horizontally and glazing bars at scale of 1:1 to include method of opening, cills, headers and lintels, thresholds, 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 Conservation Area and the setting of a Listed Building in accordance with the NPPF and Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

6. No development, other than to foundations level shall take place until a 1m square sample panel of the proposed new stonework, 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 Conservation Area and the setting of a Listed Building in accordance with the NPPF and Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

7. No development, other than to foundations level shall take place until a scheme of landscaping including details of the size, species and position or density of any trees and hedging to be planted and boundary treatments (including boundaries within the site) and hardstanding (driveway) 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.

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 character and appearance of the Conservation Area and the setting of a Listed Building in accordance with the National Planning Policy Framework and Policies LP17, LP26 and LP25 of the Central Lincolnshire Local Plan.

8. The archaeological site work shall be undertaken only in full accordance with the approved written scheme of investigation.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

9. Following the archaeological site work referred to in condition 8 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

10. Development on the site shall proceed wholly in accordance with the recommendations of the Flood Risk Assessment (29/05/2018), Drainage Report (Received April 2019) and Drainage Strategy (05/04/2019) and be in accordance with the plans stated under condition No.2 in terms of flood risk mitigation and a strategy for surface water drainage and foul sewerage. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwellings and retained thereafter.
Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan and 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.

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

11. The report referred to in condition 9 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

12. All planting and turfing approved in the scheme of landscaping under condition 7 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 character and appearance of the Conservation Area and the setting of a Listed Building in accordance with the National Planning Policy Framework and Policies LP17, LP26 and LP25 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 buildings hereby permitted shall not be altered or extended (including the installation of solar panels), 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 character and appearance of the Conservation Area and the setting of a Listed Building and on the living conditions of the host dwelling/the resulting amount of space around the host dwelling and to safeguard the character and appearance of the building and its surroundings in accordance with Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

6 139256 - KEXBY

The Planning Manager introduced planning application 139256 – Kexby, and as an update informed the Committee that following publication of the committee report comments had been received from Kexby Parish Council:

- This application was fundamentally the same as a previously refused application;
- Several issues were raised in response to the 4 previously refused applications on this green wedge site – these issues were still relevant;
- Kexby has now undergone the process of developing a Neighbourhood Plan, and had established a working group meeting with Nev Brown of WLDC;
- According to maps produced over several years, the orchard was part of the green wedge;
- As a community Kexby were not against development, but the formation of a Neighbourhood Plan would give residents a say over the form and location of any housing in the village.

The first public speaker to the application was Councillor Ron Gore from Kexby Parish Council. He raised the following points:

- Reference was made to a statement made by Councillor Jessie Milne, with their being a vested interest in there being no building on the green wedge. The Parish Council had no knowledge of any of their members having a vested interest against this application. The opposition to building was a reflection of the views of the local community;

The second speaker was Sara Boland, Managing Director of Influence Environmental, who were agents for the applicant. The following points were raised:

- Work had been carried out by Influence Environmental on the plans at Market Rasen Leisure Centre, where it was agreed by WLDC that there could be development on the green wedge, in part because there was no adverse impact on the green wedge;
- A green wedge was not intended to be a blanket ban on development, and was less

restrictive than a nationally designated green belt;

- Policy LP22 of the CLLP provided that development would be permitted in a green wedge provided that development was not contrary, or detrimental to the function and aims of the green wedge, or it was essential for the proposed development to be within the green wedge, and the benefits outweighed the harm;
- It was not a policy requirement for a proposal to meet both of these criteria; Influence Environmental were satisfied that the first part of LP22 had been satisfied;
- The position of the development lay against the existing built form in the green wedge within what was understood to be the settlement of Kexby, and the settlement of Upton. There appeared to be a large space between the two settlements;
- The open character remained intact; should the proposals be agreed, a walker would understand that they were leaving Upton and entering Kexby;
- In terms of landscape, there was no effect on distinct separation, and no key open spaces would be closed down. The proposals were in the built context of Kexby. No visual or physical link would be formed between the two villages, and this was in full accordance with LP22 of the CLLP;
- The proposals were in the development footprint of Kexby, given that established built development extended to the north of the site; this included residential properties and the Village Hall. Therefore the proposal accorded with LP2 of the CLLP;
- In terms of LP4 of the CLLP, it was understood there was a requirement for a further 14 dwellings in Kexby over the plan period. There was a demand for bungalows; nationally in 1987 15% of new homes were bungalows, but in 2018 it was less than 2%;
- This proposal would make an important contribution to housing need;

The third speaker was Bernie Shaw, an objector to the application, local resident and Chairman of Kexby Neighbourhood Plan Steering Group. He raised the following points:

- This proposed development had not been instigated by the community, and was not of any community benefit;
- Residents would prefer affordable housing; therefore this was regarded as a speculative opportunity for development;
- The community was now on the 5th application for development on this site; this was a repeat application;
- The site was regarded as being unsuitable due to it being within the green wedge. This site was known locally as ‘The Orchard’ and provided a verdant view out from the village of Kexby;
- The frontages across the bungalows on the corner of Westgate were around 91 metres; this development would reduce this figure to 50%. You would only see

bungalows as opposed to the Trent Valley;

- The site had historic value; the settlement break between Upton and Kexby was in the previous West Lindsey Plan;
- There were several contrary statements on various policies of the CLLP, in particular LP22. The community would like managed and controlled growth for the benefit of the community, not just speculative applications;
- The shortage of bungalows was recognised, but the focus had to be on affordable housing;
- This application was regarded as being a contradiction to the CLLP. If the proposal were accepted, it would set a precedent for speculative development on green wedge sites;
- LP2 of the CLLP was there to protect smaller communities from this type of small development;
- There had been a meeting with Neighbourhood Plan officers along with representatives from Upton and Kexby, with a view to a combined Neighbourhood Plan.

The final speaker was Councillor Jessie Milne, Ward Member for the application. She raised the following points:

- She had called this application to Planning Committee as there were a number of issues at stake;
- The development was proposed in a private orchard; by recommending rejection, are officers saying that private land can be controlled?
- The proposed development would sit nearer to the village of Kexby rather than being in open countryside outside of any development;
- LP4 of the CLLP does not stop development absolutely. There were currently no other developments planned for Kexby, and the Neighbourhood Plan was still in its infancy;
- The proposed development would be close to the bus stop, shops and the pub. It would be an opportunity for existing residents to downsize;
- There were a wide range of activities available at the Village Hall;
- LP2 of the CLLP required the provision of an accessible recreational resource. There was already a playing field which this development would have no impact upon;
- There would be no breach of LP22 as the development would not lead to the coalescence of the villages of Upton and Kexby;
- Polices LP1, LP2, LP4, LP10, LP13, LP15, LP22, and LP26 would all be satisfied by this development;

- There were a number of local residents in favour of the application, and a number against.

Note: Following her speech, Councillor Jessie Milne left the Chamber for the remainder of the item.

The Planning Manager responded to some of the points raised by the public speakers:

- The starting point for any decision would be the development plan and the CLLP;
- The extent of the green wedge was not under consideration; the CLLP was clear that the site was within the green wedge. Private land can, and was allocated within the green wedge;
- The test within LP22 of the CLLP was twofold; officers were recommending that criterion b (development being essential) was not engaged as the application was for two market bungalows, and this was supported by paragraph 5.75 of LP22. In terms of criterion a (functions and aims of the green wedge), certain types of development may be acceptable as long as they were not contrary to the functions and aims of the green wedge. Examples of what may be acceptable were listed at paragraph 5.7.4 of LP22; it was not intended for new market housing. However, there was an overall perception that there would be a narrowing of the gap between the development and settlement to one field, with the loss of 0.16ha to development;
- Previous applications on this site had been refused as being contrary to LP22 of the CLLP.

The application was then opened up to comments from Members and Officers. Further points were raised, and listed below:

- The orchard had not previously been developed so would be classified as ‘greenfield wedge’;
- There are not enough bungalows in the District;
- The Plan allowed for 10% village growth. There was a remaining allowance of 14 dwellings in the village, which did not need to be met within the green wedge;
- The green wedge should not be sacrificed for this development, and could set a precedent.

With no further comments from the Committee it was moved, seconded, voted upon and agreed that permission be **REFUSED.**

Note: Councillor Jessie Milne returned to the Chamber following the conclusion of this item.

7 139273 - HILLCREST, CAISTOR

The final application for consideration was 139273 – Hillcrest Caistor. There were no updates from officers.

The first public speaker was Councillor Jon Wright from Caistor Town Council. He raised the following points:

- There had been commercial decline in Caistor in the recent past;
- Developments such as this application need to spearhead the development of Caistor. Commercial land could fill a large void that is present;
- The change of use would be an alternative to other units on site;
- The development conforms to policies 2 and 6 of the Caistor Neighbourhood Plan;
- There was a walking link to existing pedestrian networks and the town centre. The development was within 800 metres of the market place;
- The development was within an existing employment area and included the opportunity for flexible floorspace arrangements;
- There was very little commercial land available in Caistor;

The second speaker was Oliver Lawrence, the applicant. He raised the following points:

- A full independent noise survey had been carried out; as the final occupants were not known a very high internal level of 85 decibels was adopted. 50 decibels had been the level required;
- In the original report, it was noted that the nature of the modern buildings must be considered; the proposed buildings would in fact screen the adjacent property from any noise;
- The scheme had been designed from the outset to have flexible parking with a 2 hour limit. The unit had four parking spaces in front of it, not three as previously reported. Many of the units on site would not have any visitors;
- Concerns around classes overlapping could be addressed by having time gaps written into any lease;
- The previous application on site was submitted by a tenant without including any information that had been agreed with WLDC planning officers around highways and building improvement;
- In excess of £40,000 had been spent on a new pedestrian crossing and a redesign of the site entrance;
- The original applicant of ‘Soul Healthy’ was now emigrating to Australia on the basis

of the previously refused application;

- The agent responsible for the letting of the units has had two applications for identical businesses on site.

The final speaker was Councillor Tom Regis, West Lindsey District Councillor who spoke in favour of the application:

- This was a simple change of use for a D2 purpose. Current uses were pretty similar in their terms;
- Growth was being looked for in the economic growth sector;
- Central Lincolnshire needs assessment had noted that there had been an increase in the need for commercial properties;
- When this development was fully let, there would be a net job total increase of 21 jobs.

Note: Following his speech, Councillor Regis left the Chamber.
The Planning Manager then responded to points raised by the public speakers:

- This site was recognised within the Caistor Neighbourhood Plan, and had a design brief as being used as a 'gateway development' or a 'rural enterprise centre';
- The units on the site had been built out with business use 'B1' – the proposal was a change away from this use to D2 – assembly and leisure. In the officer's opinion, policy 6 of the Caistor Neighbourhood Plan would not apply, or if it did, it would have a negative effect of losing 100 square metres of business space.

Following discussions between officers and members, further information was provided:

- The pedestrian crossing had now been delivered;
- The previous refusal did apply to the old metal hangar on site which was in the process of being removed;
- Planning permission did not attach to a person, but to the land use. The permission had been ruled out on other sites for personal reasons;
- The proposed use of the site would be more appropriate closer to the town centre;
- D2 was recognised as a town centre policy use, or edge of town centre. This was the third such application on the site; the approach had previously been to seek a more central location;
- A gym would always fall within a D2 (assembly and leisure) use classification;
- Policies 1,2,3,7,8 of the Caistor Neighbourhood Plan were the relevant policies setting the site out for a design brief. This set out the site for two possible uses

(gateway development or rural enterprise centre);

- There were 17 units in total, but these were still in the construction phase. These were start up units, and occupancy levels were key;
- A previous applicant was refused a gym on this site, and received a letter from WLDC saying that the business would need to move.

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 policies LP1, LP2 (section 3 market towns), LP3, LP9 (health and wellbeing), and LP24 (point 3 – access to sports facilities, and point d) of the CLLP, and policies 1,2,3,6,7 and 8 of the Caistor Neighbourhood Plan.

A vote to take this new recommendation forward was won; therefore the recommendation to refuse permission as per the report, which had also been previously moved and seconded was overturned. It was therefore **AGREED** to **GRANT** permission to vary condition 24 of planning permission 135031 granted 14 December 2016 to allow local businesses to use the site under D2.

8 137950 - LEA GROVE, BARDNEY

This item had been withdrawn at the outset of the meeting.

9 DETERMINATION OF APPEALS

The appeals were noted.

The meeting concluded at 7.56 pm.

Chairman