

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 16 October 2019 commencing at 6.30 pm.

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

Councillor Owen Bierley
Councillor Michael Devine
Councillor Cherie Hill
Councillor Mrs Jessie Milne
Councillor Keith Panter
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White

In Attendance:
Russell Clarkson Planning Manager (Development Management)
George Backovic Principal Development Management Officer
Ian Elliott Senior Development Management Officer
Martha Rees Legal Advisor
Katie Coughlan Senior Democratic & Civic Officer

Apologies: Councillor David Cotton
Councillor Paul Howitt-Cowan
Councillor Giles McNeill

Membership: No substitutes were appointed

25 PUBLIC PARTICIPATION PERIOD

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

26 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 21 August 2019.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 21 August 2019 be confirmed and signed as a correct record.

27 DECLARATIONS OF INTEREST

Councillor Mick Devine declared a personal interest in agenda item 6 ii (Planning Application 139324 – Heapham Road Gainsborough) as he was the Ward Member, but indicated he

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would be acting in his Planning Committee Member capacity during consideration of the matter.

28 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee were advised by the Planning Manager that new CIL Regulations had come into force on 1st September. Among the changes, the regulations removed the “pooling restriction” that previously prevented more than five S106 obligations being used to fund any individual infrastructure project.

The Authority would also now have to publish an annual infrastructure funding statement setting out how much CIL and S106 income is collected and spent.

The Government had announced it would release its “Accelerated Planning Green Paper” in November 2019. The announcement stated this would review planning application fees “to ensure council planning departments are properly resourced”, new permitted development rights for householders to “extend upwards”, and reduce planning conditions by a third, and the “introduction of a new tiered planning system”.

<https://www.gov.uk/government/news/housing-secretary-unveils-green-housing-revolution>

A new National Design Guide had been published on 1st October.
<https://www.gov.uk/government/publications/national-design-guide>

The Government was currently consulting on the possibility of extending permitted development rights “to support the deployment of 5G and extend mobile coverage”.

<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>

With regard to Neighbourhood Plans, the Planning Manager advised that the referendum for the Glentworth Neighbourhood Plan had been successful and would be adopted by Full Council on Monday 4 November. The examination of the Spridlington Neighbourhood Plan had been successful and the plan would proceed to Referendum on 31 October.

29 PLANNING APPLICATIONS FOR DETERMINATION

The Planning Applications for determination were dealt with as follows: -

29a 139520 - SCOTTON

The Chairman introduced planning application number 139520, Outline planning application to erect 9no. dwellings with access to be considered and not reserved for subsequent applications – Land south of Eastgate, Scotton Gainsborough, Lincs DN21 3QR.

The Planning Officer advised Members of an error in the report, all references to the Scotton Neighbourhood Plan should refer to the document having limited weight in terms of planning decisions.

The Planning Officer further advised that since the publication of the report he wished to include an additional condition and an amendment to a condition already contained within the report as follows: -

Additional Condition

The proposed dwelling to the front of the site and immediately adjacent the shared boundary with 32 Eastgate, Scotton must be a single storey dwelling.

Reason: To ensure the scale of the dwelling has an appropriate relationship with 32 Eastgate and protects the living conditions of the occupants to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 6 of the Draft Scotton Neighbourhood Plan.

Amended Condition

No development hereby permitted shall take place unless the works to improve the public highway by means of a 1.2m wide footway (including a tactile crossing point) and carriageway widening and realignment, in accordance with plan PF/19/03 Rev E dated 30th March 2019 has been completed.

Reason: To ensure the provision of safe and adequate means of access to the permitted development to accord with the National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and policy 6 of the Draft Scotton Neighbourhood Plan.

The additional condition related to Plot 1 and would in effect limit it to being a single story dwelling.

The Planning Officer also updated the Committee on the matter of landownership. It had come to light earlier in the week that the site, at this moment in time, was not in the ownership of the applicant. Therefore the wrong certificate had been signed on the application form. However, the correct certificate, certificate B, had now being signed and notice served on the landowner. This meant the Committee could still make a resolution on the application but any resolution would be subject to the completion of the certificate B notification period of 21 days (ends 6th November) on the landowner and the completion of the Section 106 Unilateral Undertaking. The planning application would only need to be referred back to the planning committee if the landowner raises any new material considerations not previously considered.

Due to the time required to complete the Unilateral Undertaking, an extension on the application had been agreed until 29 November.

The first public speaker was Mr Fox, the applicant, who made the following points: -

- The application was before the Committee following many months of consultation and negotiation with the Council's Planning Officers. The discussions had also involved the Council's Highway Officers and the Tree Officer. The Applicant considered he had worked collaboratively and in a positive manner to try and overcome all issues that had been identified through consideration of the application, including responding to concerns from local residents. He placed on record his thanks to the Council Officers for the very reasonable and co-operative way in which they had dealt with

matter.

- The Applicant considered the Committee report before Members provided a detailed and thorough explanation of the planning merits of the case, however for the purpose of clarity, the applicant took the opportunity to provide brief commentary on some of the key issues.
- Members would no doubt be aware that the application site already benefited from an outline planning permission for No.9 dwellings.
- The Committee report before Members made it clear that the extant position should be treated as a fallback position in the determination of the scheme.
- The proposed scale of the development would result in an identical number of dwellings when compared to the previously approved scheme. The site was in fact allocated for housing in the emerging Scotton Neighbourhood Plan. He therefore considered the principle of development had already been established and should be considered acceptable.
- It was noted that the site was situated in a relatively close proximity to two heritage buildings, the relevant technical consultees had confirmed that the Scheme, subject to suitable design at the reserved matters stage would not have an unacceptable impact on any heritage asset.
- The Applicant was keen to work with Council, at reserved matters stage, to ensure that the dwellings were an appropriate and sensitive design and that the key views to nearby listed buildings were not impacted on.
- It was also noted that the tree to the front of the development was now the subject of a Tree Preservation Order. The Scheme had been designed to work around the tree. Measures would be agreed at reserved matters stage to ensure the long term health of the tree was not impacted on. There were no objections to the Scheme from the Council's Tree Officer. The Applicant therefore considered it was clear that the Scheme would not cause harm to the tree either now or in the future.
- In terms of highway safety, the Scheme had been designed to meet all highway standards and included road widening and the provision of a pedestrian footpath.
- Each of the proposed dwellings would be provided with a minimum of three off-street parking spaces and this matter could be controlled at reserved matters stage. He considered there was no reason why the Scheme would result in an increase of on-road parking in the area. The Highways authority had carried out a detailed inspection of the submitted plans, including the points of access and have raised no concerns. The Applicant was more than happy to comply with all the conditions relating to road widening, visibility splays, the provision of footpaths and the disposal of surface water.
- The Applicant advised he and his business partner were local residents in the area and the primary purpose of the scheme was to provide new dwellings for both families. Both had children at nearby schools and wished to be residents for many years to come. The Applicant had previously undertaken a similar scheme and lived there for 18 years. Remaining plots would be offered to local self builders and the aim was to provide a development of nine family homes in a popular residential area. It was the Applicant's view that the development would provide a valuable source of new family homes, which would serve to enhance the vitality of the village. This was not a scheme being put forward by a developer who aimed to cram units onto a site. The scheme had been designed at a relatively low density, which was appropriate for the edge of village location. It was the applicant's view that the scheme would enhance the area and provide an attractive entrance to the village.

- The Applicant considered the planning report set out the planning merits of the scheme when considered against current planning policy, national guidance and all other material considerations. He considered the balance was weighted heavily in favour of a grant permission. He therefore respectfully urged Members of the Committee to accept the recommendation of the Officer and grant permission for the development.

The next Public speakers to address the Committee were Mr Burke and Mr Ferguson who objected to the application and made the following points: -

- Mr Burke lived opposite the development and advised his solicitor had prepared a statement to read to the Committee as follows: -

The application is dependent on highways works within my (Mr Burke's) registered title deed, a copy of which had been provided to the Council. The point has now been countered by Highways map which has appeared on the Council's website which purports to show the land within the title is highways land. The local search made at the time of purchasing the property in 2015 clearly states there are no road schemes affecting the property. Mr Burke had had no approach during his ownership of the property from the Highway authority or any other party on the subject of the status of any of his land. Mr Burke had made a planning application 134885, still viewable on the portal, which included several elements; to construct a building to join to the barn in the garden; to convert the two-storey barn into additional living space; to construct a front wall for privacy in his front garden and to install a rear gate. The extension adjoining the barn to the house had been completed and signed off by the Council. The rear gate had been installed. The position of the front wall, yet to be constructed was within the land shown to be highways land on the map referred to earlier. Mr Burke had tried to resolve this matter with correspondence with both the District Council and County Council's Highways Department but had received no explanation as to why this is said to be Highways land or when it was acquired as such. He considered the development should not be allowed to proceed without this point being determined, as the development was not considered appropriate without highways improvements. Mr Burke requested that the Committee defer the application or at least grant a condition, which states no development can take place until the highways improvements, had been completed.

Mr Ferguson then addressed Committee and made the following points in objection: -

- Mr Ferguson shared some photos with the Committee showing the site from the Kirton Lindsey Road as you entered the village, to demonstrate how the development would impact on the view of the church
- There was no sequential test taken on the application as it was deemed to be a new application.
- The applicant signed a unilateral undertaking regarding the application which Mr Ferguson considered should be void on a couple of points namely, the applicant had stated the land for development belonged to them and at the time the application was made, the land within the red line boundary was within their ownership but that has been contradicted by the ownership certificate posted on the portal earlier in the day.
- The access points to the site required a degree of widening to be done for safety, visibility and installation of the footpath. The land however was outside of the control of the applicant and was in fact part of an already agreed planning application, owned by another party

- The unilateral undertaking stated that the applicant must have title absolute granted at the land registry at the time the unilateral undertaking was signed and challenges cannot be made on the land included in the application, this was clearly not the case.
- On the application form itself, the size stated was larger than stated, as there was land outside of the red plan line. He considered there was also a discrepancy in the agricultural land, was this vacant or not. The first application stated vacant, this application states not.
- Referring to section 12, trees and hedges the application states there are none, this was blatantly untrue.
- The TPO has a dig zone making visibility splays impossible, a similar application on a more appropriate site was turned down for these very reasons - the objector urged for consistency
- Section 21 of the Application stated the land was in sole ownership of the applicant. If form A was signed wrongly, form B should have been signed at the time of submitting the application and parties advised; this was not done, therefore the application should be thrown out.
- Mr Ferguson, referred to a comment lifted directly from the portal regarding incorrectly submitted documentation
- Any buildings located on the site would affect the character and alter views towards the Grade I listed building on approaching from Kirton Lindsey. He considered perfectly good access had been granted as part of the previous application which also had the indicative size of houses the village would like to see in numerous public consultations throughout the neighbourhood planning process. Large luxury housing came bottom in the list of requirements. The Scotton Neighbourhood Plan was beyond regulation 14.
- Scotton currently had five properties for sale, every one of them a large luxury home, some had been on the market over a year.
- Mr Ferguson urged the Committee to refuse the application due to inconsistency and on-going legal issues.

Councillor Rollings, as Local Ward Member, addressed the Committee advising that she was aware local residents had concerns regarding the application ongoing for a period of time.

Councillors Rollings questioned how the character of the village would not be affected by this development and the access points to it. The road in question she considered to be narrow to accommodate such a development .

There were concerns that these multi-access points could lead to further development and the village had had enough development. Concerns were also expressed that agricultural land was being lost and yet was being portrayed as waste land.

The Neighbourhood Planning Group had expressed concern that there was no support for large housing within the village, the village already a huge number of large houses. The Neighbourhood Plan consultation process had shown clearly the village desired affordable homes for young couples and young families, as opposed to executive housing.

There was no community support from either residents or the Parish Council, the visibility splay requirements were not consistent with other rejected applications, there were ownership issues regarding the boundary of the site, some land was in the ownership of a

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third party who had not consented to its use. The road widening required impacts on already agreed planning permission and finally the Officer was making recommendations on parts of the Scheme that the public could not comment on. No diversions would be in place whilst work took place and it was considered the road was not suitable for large vehicles

Having made her comments to Committee, Councillor Rollings withdrew from the meeting, in accordance with the agreed process.

The Planning Officer was invited to respond to comments made during public participation including land ownership, agricultural categories etc.

In responding he indicated the issues regarding the certificate had already been addressed earlier in the meeting, regarding road widening and the footpath scheme, the application made it clear that these were conditions of the planning application. A certificate B did not need to be served on the third party as these schemes sat outside the boundary line. Furthermore, correspondence had been received from the legal team at the Highways Department advising that highway rights took precedent over land ownership rights.

Regarding visibility, heritage and trees, all relevant experts had been consulted and raised no concerns subject to the conditions being adhered to. It was re-iterated that scale, appearance, materials etc were reserved matters for consideration in the future, this was outline planning permission with access.

The matter was opened for debate by the Committee and in responding to comments Officers confirmed there was currently outline planning permission on the site, due to expire in 2020. Regarding the need for three access points, Officers further advised that they could only assess what was submitted.

Committee Members commented that in the absence of statutory consultees having raised no objections, there were no planning reasons to reject the application.

Officers confirmed that all reserved matters would have to adhere to the Scotton Neighbourhood Plan and the Central Lincolnshire Local Plan.

With no further comments from the Committee the recommendation in the report was moved and seconded, and then voted upon.

It was agreed that permission be **GRANTED** subject to the conditions contained within the report and as amended during the meeting, detailed above and subject to the completion of a section 106 (unilateral obligation) to bind the plots to:

1. Being sold individually for self-build.
 2. Being serviced plots through the construction of the vehicular access, private road and services to the rear plots
- and expiry of the certificate B notification period of 21 days.

29b 139324 - HEAPHAM ROAD, GAINSBOROUGH

The Chairman of the Committee introduced planning application 139324 – planning application for erection of 2 single story units to use for car rentals, including car wash, car

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parts and tyre sales with fitting services and associated parking spaces and new access – land adjacent to Morrisons Supermarket , Heapham Road South, Gainsborough.

There were no officer updates to the report and no members of the public had registered to address Committee regarding the application.

The application had been brought before the Committee for transparency purposes as the Council was the landowner.

In response to Committee's comments, Officers advised that there was quite a large car parking area associated with the site and they did not have concerns that this would lead to increased on-road parking. There were conditions to address noise levels.

With no further comments from the Committee it was moved, seconded, voted upon and agreed that permission be **GRANTED** subject to the conditions contained within the report.

30 DETERMINATION OF APPEALS

The Appeals, which had been determined since the Committee last met, were noted.

The meeting concluded at 7.15 pm.

Chairman