

## **WEST LINDSEY DISTRICT COUNCIL**

MINUTES of the Meeting of the Planning Committee held virtually via Virtual - MS Teams on 22 July 2020 commencing at 6.30 pm.

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

Councillor Owen Bierley  
Councillor Matthew Boles  
Councillor David Cotton  
Councillor Michael Devine  
Councillor Jane Ellis  
Councillor Cherie Hill  
Councillor Mrs Cordelia McCartney  
Councillor Mrs Jessie Milne  
Councillor Keith Panter  
Councillor Roger Patterson  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Angela White

**In Attendance:**  
Russell Clarkson Interim Planning Manager (Development Management)  
Ian Elliott Senior Development Management Officer  
Martin Evans Senior Development Management Officer  
Rachel Woollass Development Management Team Leader  
Martha Rees Legal Advisor  
Ele Snow Democratic and Civic Officer  
James Welbourn Democratic and Civic Officer

## **12 REGISTER OF ATTENDANCE**

The Chairman undertook the register of attendance for Members and each Councillor confirmed their attendance individually.

The Democratic Services Officer completed the register of attendance for Officers and, as with Members, each Officer confirmed their attendance individually.

Prior to the next item on the agenda, the Chairman declared that, as Chairman of the Planning Committee for Lincolnshire County Council, he would be standing down from the meeting for the duration of item number eight of the agenda, the County Matters Applications. He added that as there were speakers registered for the Public Participation period, all in relation to those applications, he would also step down from the Committee for the duration of agenda item number two. The Vice-Chairman would take the Chair for these two items.

### 13 PUBLIC PARTICIPATION PERIOD

**Note:** The Chairman stood down from the meeting for the duration of this item. The Vice-Chairman took the Chair.

Councillor R. Waller, in the Chair, invited the first of three registered speakers to address the Committee. It was explained that all speakers were registered to speak regarding agenda item number eight, the County Matters applications.

Councillor P. Howitt-Cowan address the Committee. He explained he was speaking as District Council representative for the Kelsey Ward. He stated that residents did not support the application on the basis of environmental concerns. Not only should the focus be on green energy, there would be significant impact through noise, level of traffic and the potential impact on local biodiversity. He stated that supporting refusal of the application would be in line with the Council's focus on climate and noted the work of the Environment and Sustainability Working Group.

Amanda Suddaby was the next to address the Committee and supported what had been said by Councillor Howitt-Cowan. She stated there would be no benefit to the community. She commented there had already been six years with no real work on the site and so to use the current pandemic as the reason for delay was not true. She felt that the application suggested work was already underway however this was misleading. She reiterated the opinion that the focus should be on green energy rather than fossil fuels. She requested that the Council submit objections to the application and thanked Members for their time.

Louise Reece was the final speaker and also emphasised that there was no future for fossil fuels and the Council should object to the application. She also commented on the unsuitability of the roads in the area and the impact heavy traffic would have. She stated that other Councils were leading the way with a focus on green energy and implored Members to follow suit.

The Chairman thanked all speakers, explained there was no cross examination and at the close of the item, invited Councillor I. Fleetwood to resume his role as Chairman.

**Note:** Councillor I. Fleetwood took the Chair once again.

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

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 17 June 2020 be confirmed as an accurate record.

### 15 DECLARATIONS OF INTEREST

Councillor I. Fleetwood reiterated his declaration of interest that, as Chairman of the Planning Committee for Lincolnshire County Council, he would be stepping down from this Committee meeting for the duration of agenda item number eight (County Matters Applications 141306/141307).

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

The Interim Planning Manager (Development Management) explained to Members that there had been significant changes introduced by the Government. He detailed the following amendments and explained he would share the relevant links with Members. The links were also included to be included in the minutes:

### [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020](#)

Already in force:

- an additional allowance for the **temporary use of land** from 1st July 2020 to 31st December 2020, by a further 28 days (14 days for markets; motor racing)
- a new permitted development right to allow a **local authority to hold a market** for an unlimited number of days without the requirement to submit an application for planning permission beginning with 25th June 2020 and ending with 23rd March 2021.

Coming into force on 1st August:

- a permanent permitted development right (part 20) to allow up to two **additional storeys** to be constructed on top of existing purpose-built blocks of flats (3+storeys) to create new homes. Subject to prior approval.
- Adequate **“Natural light”** to now be a consideration for Prior Approval changes to dwellings (i.e. Retail / Offices / light industry / agricultural buildings etc. to residential)

### [Written Ministerial Statement from Secretary of State \(14<sup>th</sup> July\)](#)

#### **Preventing loss of theatres, concert halls and live music performance venues –**

“The purpose of this Written Ministerial Statement, is to set out how local planning authorities should approach decision-making to prevent the unnecessary loss of these venues. With immediate effect, local planning authorities should have due regard to their current circumstances when considering whether to grant planning permission for a change of use or demolition of a theatre, concert hall or live music performance venue that has been made temporarily vacant by Covid-19 business disruption.”

#### **Caravan, campsites and Holiday parks**

“Given the current situation, while local planning authorities must have regard to their legal obligations, they should not seek to undertake planning enforcement action which would unnecessarily restrict the ability of caravan, campsites and holiday parks to extend their open season.”

### [Business and Planning Bill 2020](#)

**Automatically extend planning permissions / Outline planning permissions and Listed Building Consents** – that have, or will expire between 23rd March and 31st Dec 2020. Those that have expired before the Business and Planning Act 2020 comes into force, will be subject to an “Additional Environmental Approval” (deemed approved if undetermined after 28 days)

**Formal process to amend Construction working hours** – 14 day formal application process, to extend working hours until 1st April 2020 (deemed approved after 14 days).

Streamlined “**Pavement Licenses**” - allows the licence-holder to place removable furniture over certain highways adjacent to the premises. Remain in place for a year but not beyond 30 September 2021. If the local authority does not determine the application within the 10 working day period, the application will be deemed to have been granted. **Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.**

**New Legislation** (expected September):

- **Homeowners extend upwards** - will be able to add up to two additional storeys to their home to create new homes or more living space through a fast-track approval process. (1 storey on a bungalow) – Subject to Prior Approval.
- **Commercial / mixed use / dwellings extend upwards**- Shops / financial services / restaurants and offices – extend two storeys up to form new dwellinghouses – subject to prior approval
- **Demolition of office / industrial buildings and construction of new dwellinghouses/flats in their place** – subject to prior approval
- **Refresh of Use Classes Order** – introduction of new Class E “Commercial, Business and Service” (to include shops, restaurants, offices, gyms nurseries and health centres). new ‘Learning and non-residential institutions’ (F1) and ‘Local community’ (F2) use classes. Pubs and Hot Food takeaways removed – will always need PP.

<b>West Lindsey District Council Neighbourhood Plans Update – PC 22 July 2020</b>		
<b>Neighbourhood Plan/s</b>	<b>Headlines</b>	<b>Planning Decision Weighting</b>
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham, Dunholme, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern, Saxilby, Welton, Willoughton, Glentworth, Spridlington, and Sudbrooke.	Full weight
Scotton NP	Examination successful. Decision statement issued. But due to COVID-19 situation referendum delayed until May 2021.	Significant weight
Bishop Norton NP	Examination completed. Examiner’s report to be issued shortly.	Increasing weight
Gainsborough NP	Submission <b>consultation underway</b> (Reg16) ended 22 July 2020.	Increasing weight
Morton NP	Submission <b>consultation underway</b> (Reg16) ends 7 Sept 2020.	Increasing weight
Hemswell and Harpswell NP	Submission version(Reg16) to be submitted to WLDC for consultation and examination shortly.	Some weight

Hemswell Cliff NP	Undertaking local housing needs assessment and environmental (SEA) scoping report.	Little weight
Corringham NP	Undertaking consultation on a housing site assessment report.	Little weight
Ingham NP	Undertaking local housing needs assessment.	Little weight
Keelby NP	Early draft version for our comments only.	Little weight
Normanby and Owmby NP	Normanby by Spital withdrawn from joint plan. Applied to prepare own NP for its parish only.	Little weight
*Caistor NP	Review underway, inc. undertaking local housing needs assessment.	-
*Nettleham NP	Review underway.	-

## 17 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

The Interim Planning Manager introduced a report to provide an update on the Council's Development Management performance in 2019/20 and in Q1 of 2020/21, following the Coronavirus pandemic. He provided Members with details of the numbers of applications received and how this compared with the national picture. He stated that, with above average volume of applications, the impact of the pandemic had not yet been realised.

Members heard timescales for determinations of applications, either via Officer delegations or through Committee decisions, and it was highlighted that the team were continuing to maintain a consistently high rate of determination. In addition, the decisions of the Planning Inspector were also supportive of the original decisions made by West Lindsey District Council.

Members were appreciative of the work undertaken by the team through such difficult times and thanks were extended to Officers for their hard work. It was suggested that the positive news from the team should be shared more widely with other Councillors and via social media.

**RESOLVED** that

- a) the Development Management Performance Update report be noted; and
- b) further performance updates be circulated via the West Lindsey Member's bulletin.

## 18 PLANNING APPLICATIONS FOR DETERMINATION

**RESOLVED** that the applications detailed in agenda item 7 be dealt with as follows:

### 19 140851 - 49 CHURCH STREET GAINSBOROUGH

The first application of the evening was introduced for Members' consideration. Planning application number 140851 to erect 5no. apartments at 49 Church Street, Gainsborough. The Senior Development Management Officer explained there was an amendment to the

conditions attached to the recommendation. It was now considered necessary to attach the construction management plan and method statement condition recommended by LCC Highways to the planning permission in the event the Committee decided to approve the application. This would be added as condition 2 of the planning permission with subsequent conditions renumbered accordingly. The applicant had agreed to this pre-commencement condition.

He added that a petition, signed by 44 people, in favour of the proposal had been received, noting since renovations commenced on the Fanny Marshall Institute at 49 Church Street the site and area had experienced less vandalism and antisocial behaviour; and the proposal was seen as a positive uplift in the character of the area and residents encouraged the Committee to grant permission. This petition did not change the recommendation.

The Chairman thanked the Officer and invited the first of the two registered speakers to address the Committee.

Mr Jon Cook, Agent for the Applicant, made the following statement.

“Since acquiring the Fanny Marshall building the Applicant’s company has acquired other buildings in the area. They are investing significant funds to not only saving the historic Fanny Marshall building and bringing it into economic use but also upgrading and improving other properties in the area, subject to future planning approvals.

The Applicant seeks to be a good neighbour in carrying out his developments and the attached letter of support, signed by neighbours is an indication of this.

The Applicant welcomes the recommendation and his agent has worked with the planning staff in amending the application to meet all the policies of the Development Plan to evolve the scheme before you today.

He notes the concern expressed by the Town Council concerning car parking and Highway Safety but also notes that the Local Highway Authority support the application and they do not share the Town Council’s concerns.

Notwithstanding this observation, the Applicant has always seen this location as sustainable in travel terms due to its close proximity to the Town Centre, local services, bus and train station. It is envisaged that future residents will not necessarily rely on cars or car parking in the area, like the apartments in the Old Church Hall on Trinity Street.

However, in a continuing spirit of good neighbourliness the applicant will provide onsite bicycle storage and 6 months bus passes for each new tenant. This will help build on the sustainable location of the site and help reduce the reliance on private car usage. If the Committee deemed these measures necessary, they can be secured by condition.

We would ask that the Committee to approve the officer’s recommendation.”

The Chairman invited the second of the speakers, Councillor Paul Howitt-Cowan, to address the Committee.

Councillor Howitt-Cowan stated he was speaking in his role as Member Champion for

Heritage and Tourism, in support of the application. He explained that although the building was not listed, it was of historic interest and importance within the local area. He stated his delight that the façade had been rescued and restored and appreciated the imaginative extension to the original building. He felt the building had been given a lifeline through this application and it would have a beneficial impact on the area.

The Chairman thanked both speakers and invited comments from the Committee. Members were supportive of the application and the offer of the applicant to provide support for use of public transport for the initial residents of the apartments. There were concerns raised regarding the limitations of parking in the area and it was felt that by encouraging the use of public transport this could be mitigated.

The Senior Development Management Officer stated that there could be two additional conditions, first for the developer to provide details of one allocated cycle storage space per bedroom prior to occupation of the apartments, and the second to provide details of the travel plan to be offered to residents.

With these additional conditions agreed, as well as the amendment detailed by the Officer, it was unanimously agreed that permission be **GRANTED** subject to the following conditions (in addition to those mentioned above):

**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. Development shall proceed in accordance with the following approved drawings:  
1000 Rev D  
1001 Rev C

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

3. No development above damp proof course level shall take place until details of foul and surface water drainage (including a percolation test) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the development.

Reason: To secure appropriate drainage in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

4. The development shall be carried out in accordance with the approved flood risk assessment (FRA) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 6.9 metres above Ordnance Datum (AOD)
- Flood resilience measures shall be implemented

These mitigation measures shall be fully implemented prior to occupation of the development. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

5. Prior to their use in the development details of the external finishing materials shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To secure good design in accordance with Policy 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.

## **20 140958 - LAND TO THE SOUTH SIDE OF ALBION WORKS ROPERY ROAD GAINSBOROUGH**

The Chairman introduced planning application number 140958 for the creation of pedestrian footway to connect existing paths to the north and south, with associated lighting and boundary treatments. The Development Management Team Leader informed the Committee that the police had conducted a site visit on Tuesday 14 July 2020 and sent their consultation response the following day. Lincolnshire Police did not have any objections to this application. They stated that the proposed pathway should have and appeared to have the following properties that may help avoid against such activities:

- 1) The pedestrian pathway is reasonably wide and should be at least 3m in most places allowing for the safe access of pedestrians.
- 2) The pathway will benefit from natural surveillance from the existing residential apartments and future developments.
- 3) That appropriate street lighting will ensure visibility is maintained during periods of darkness.

They also offered guidance on landscaping, CCTV, signage, seating and lighting.

With no registered speakers, the Chairman invited Committee Members to comment on the application. There was widespread support for the application, alongside the use of adequate lighting and CCTV.

It was unanimously agreed that permission be **GRANTED** subject to the following



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. With the exception of the detail matters referred by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 3024.09.010A dated March 2020 and 3024.09.002E dated March 2020. The works shall be in accordance with the details shown on the approved plans and in any other documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans.

3. Prior to first use of the footpath, details of any new railings to be installed on the existing concrete wall shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site.

4. Prior to first use of the pedestrian footway, the street lighting and CCTV shall be installed and fully operational and retained thereafter.

**Reason:** In the interests of highway safety and residential amenity.

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

None

**21 140707 - SUNNYSIDE UP FARM SHOP POPLAR FARM TEALBY ROAD, WALESBY**

The Chairman introduced planning application number 140707 for change of use of land for siting of caravans (lodges) and proposed recreation pond with 20 fishing pegs, to include site levelling using excavated material. The Development Management Team Leader stated two further objections had been received from Hambleton Hill and 3 Rasen Road, Tealby following the publishing of the report. No new matters had been raised that had not already

been addressed in the Officer's report. The recommendation remained the same.

The Chairman invited the Democratic and Civic Officer to read aloud the statement from the first registered speaker.

#### Statement from the Agent for the Applicant

"We are unable to make a direct representation to the planning committee, however, we would be grateful if the following statement can be read out by the Committee Clerk to the members on our behalf:-

- We wish to provide a high quality development
- The accommodation will provide luxury log cabins, not caravans, as shown within the application details and photographs
- Log cabins will blend naturally into the environment and surroundings
- The lodges have been generously spaced apart at some 12 metres (40 feet) and not 6 metres (20 feet) as some of the comments suggest to provide a better sense of space
- The minimum spacing is more than double the minimum recommendations to prevent a cramped feel to the site
- The layout is curved and organic in nature as opposed to the more traditional grid like patterns of similar developments
- Substantial areas have been provided for amenity and associated landscaping
- The proposed pond and landscaping will enhance the ecology of the site
- The proposed site is located well away from any neighbours
- The Landscape and Visual Assessment as submitted as part of the application demonstrates that the development can be successfully integrated into its setting
- The site is NOT within An Area of Outstanding Natural Beauty as some of the comments suggest
- There have not been any objections received on technical grounds from any Statutory Consultees
- We have worked with the Highway Authority to help reduce the risk of flooding on the Tealby Road (B1203) that previously had a high level of accidents during the winter months.
- We have at our own expense provided natural swales (dykes) on our land, renewed the pipe beneath the Tealby Road and provided silt traps on either side of the road. This has greatly reduced the risk of standing water on the Tealby Road.
- We have also re-surfaced the EXISTING access track up to Hamilton Hill to provide better access for Anglian Water when visiting the reservoir
- Some of this has been suggested that we are carrying out un-authorized works that is not the case at all
- This is a privately funded development of some 5 million and can be immediately delivered and completed following the decision
- Under the present climate, this should be encouraged and supported when considering the proposal falls in line with current legislation and policy
- The development respects the intrinsic nature and built environmental qualities of the area and is considered to be appropriate for the character of the local environment in scale and nature
- The officer's report concludes that the project complies with all relevant policies and recommends approval
- We hope the committee will agree and approve the proposal as it relates to an existing visitor facility that is seeking to expand and, as demonstrated, provides an overriding benefit to the local economy, community and environment

Thank you.”

The Chairman then invited the second speaker to address the Committee.

Lynda Bowen introduced herself to the Committee and explained she was the owner of a neighbouring farm. She stated she was not just representing herself but also other residents. She also stated that although she had been on the Parish Council previously, she was no longer a Councillor. She stated that the size of the proposed development was excessive and would have a negative impact on the area. She stated that she disagreed with the applicant's assertion that there would be jobs created instead claiming it would add pressure to the local job market. She clarified that she was not fearful of business completion, rather she did not want the peace and tranquillity of the area to be broken. She stated it was not appropriate in scale and nature. She requested that Members at least consider a site visit prior to making a decision and thanked them for their time.

The Chairman thanked the speakers and on inviting comments from the Committee Members, there was some support for the application and the benefit to the local economy and the Officer recommendation to grant permission was moved.

There was significant discussion regarding the scale and nature of the proposal and whether it was appropriate to the area. A second Member supported the application based on the enhancements it would bring to the local community and the recommendation was seconded. On taking a vote, the moved recommendation was refused.

The Chairman requested an alternative proposal and reasons for such a proposal. A Member of the Committee proposed that the application be refused as contrary to LP7 and LP17. On taking the vote for the alternative recommendation it was the majority vote that permission be **REFUSED**.

## **22 140979 - CROSS ROADS GARAGE THORNTON ROAD, SOUTH KELSEY**

The Committee gave consideration to planning application number 140979 for a replacement garage workshop/MOT testing centre. The Senior Development Management Officer stated there had been 36 further representations of support from residents of the local area, the wider West Lindsey district and five had been from members of the public from outside of the district. The recommendation remained unchanged.

The Chairman stated there were two registered speakers and invited the Democratic and Civic Officer to read aloud the two statements.

Statement from South Kelsey Parish Council

“The Parish Council wishes to confirm its full support for the application.

The applicant has done everything to ensure the building will be in keeping with the character of the surrounding area. The view of the church is not obscured by the garage but by the building known as the stores, now residential.

The building is not fit for a business to run in and many Health & Safety issues are

compromised.

The village needs a garage, a good one, and should the application be turned down the applicant will have alternative but to look outside the area. This will be a loss for many residents of all ages, but more so for the elderly who rely on Iman Zidan to maintain their vehicles.”

#### Statement from Oliver Grundy, Agent for the Applicant

“This letter outlines comments in support of the above application, which are presented to the 22nd July 2020 Planning Committee for consideration.

It is evident that the planning application has been recommended for refusal on the basis of objections made by the Conservation Officer in relation to the impact of the proposed scheme upon the setting of neighbouring designated heritage assets. However, for reasons detailed within the submitted application portfolio and subsequent correspondence, it is not believed that the objections are substantive. In summary it is emphasised that:

- The existing garage is not realistically capable of economical repair and re-use. It is structurally unsound, clad in single skin corrugated steel, devoid of insulation and of dimensions that are incompatible with functional requirements such as inclusion of a modern MoT bay and compliance with health and safety regulations. The building is not therefore capable of sustaining its extant use and its removal is inevitable.
- Contrary to objections raised by the Conservation Officer, the proposed replacement garage workshop has been sensitively designed following analysis of the site's surroundings. The form of the new garage will broadly reflect that of the original structure, though a lower roof height will now better reveal views of the neighbouring church obtained from Thornton Road. Contemporary features such as roller shutter doors will be concealed behind traditional timber doors (potentially re-using the originals) and the reception will feature a reclaimed brick front elevation. The corrugated steel elevations of the existing building will be echoed through use of profiled steel sheeting. The applicant is happy to match the original garage workshop's colour scheme. The proposed replacement garage will provide all the benefits of modern steel portal framed construction, energy efficiency and sound insulation whilst maintaining a traditional appearance akin to that of the existing building. The Character and appearance of the street scene, including the setting of the neighbouring listed Bull Inn, will not significantly changed as a result of the development.
- Other planning policy considerations are material to this application. The proposal strongly adheres to the objective of promoting sustainable development. The granting of planning permission will provide significant local social, economic and environmental benefits by retaining a local business/employer within South Kelsey, preventing loss of a local service and putting derelict brownfield land back into beneficial use. It is emphasised that the proposal is strongly supported by the local community. Particularly during these troubled economic times, development such as this should be promoted.

The following comments have been expressed by the applicant/business owner Mr Zidan:

‘I am a young entrepreneur and started my own business 2012 as a car service & repair garage in South Kelsey. I have grown my business from then by supporting the local area and the community of South Kelsey, where I have lived most of my life. I am one of the last surviving businesses left in South Kelsey. Thanks to all my customers supporting my venture

my business has grown and I have been able to become an employer.

I am now at the stage where I need a larger premises and to take on new employees. I started this business from nothing, just a converted old farm building with a dirt floor to the lovely little workshop it is now, sadly it's just too small for my growing business. I was lucky to be given the opportunity to purchase Balderson's (the other car garage in South Kelsey). As the new owner, I wanted it to continue as a garage and provide services to the local area. The former owner has now retired and was happy to sell it to me to move my business into and maintain the heritage of a vehicle repair garage & MOT station on this site as its been established for over 100 years. If I can't sustain the business with suitable premises in South Kelsey, I will be forced to find a way to recoup my investment such a developing the site with housing. I would have no choice but to move my business to alternative premises outside of the local area.

I have applied for planning permission to construct a new structure for the garage. Unfortunately, after investigation the existing dilapidated and outdated building is not in line with Health & safety regulations, making it an unsafe work environment. The current structure is a rotten wooden frame cobbled together with railway sleepers, random bits of timber and rope holding it together in places all wrapped in rotten tin sheeting. This leaves me with no option other than take it down and start again in order to provide an environment which is both safe for staff & customers and meets all current fire regulations.

After review, I have designed a garage that will meet current regulations for Safety, fire, Noise, security, MoT testing etc. I have gone to great lengths to retain the heritage of the building in its current form, utilising reclaimed bricks, retaining the wooden shutter doors to hide the new secure roller shutter doors, green cladding to mirror the cladding that is in place, a double apex roof with slate blue finish with the pitch being lowered to have no additional impact on current views or surroundings. This solution is much more expensive than a typical rectangular industrial unit.

Since becoming aware of the Conservation Officer's objections, numerous members of the local community have approached me to express their support for the project. I am desperate to keep my business in South Kelsey and believe that this application is realistically the only way forward."

The Chairman invited further comment from the Officer who acknowledged the level of local support for the application but highlighted it was necessary to look at whether the proposal was appropriate or would have an impact on the surrounding area. The Officer additionally made it clear that the existing building between the site and the Church did not mean that the setting of the Listed Building Church was not affected. The Chairman invited comments from Committee Members.

There was considerable support for the application and the positive impact it would have for the local community. The importance of protecting heritage assets was acknowledged but Members felt the derelict state of the existing building negated the worth of protecting it. It was also felt that the impact on the surrounding area would be minimal. A Member of Committee proposed that the permission be granted. This proposal was seconded with further comments of support for the business and highlighting the potential loss to the community should it not be permitted.

The Officer read aloud a set of proposed conditions which were accepted by the proposer

and seconder. The reasons for moving approval of the application were given as relevant to LP1, LP2, LP5, LP25, LP26 and LP17.

The Chairman confirmed that the printed recommendation from the Officer's report had not been moved and therefore the vote was for the tabled proposal of granting permission. It was unanimously agreed that permission be **GRANTED** subject to conditions.

**NOTE:** The meeting adjourned at 8:34pm

## **23 140986 - LAND TO THE EAST OF FIR TREE FARM, CARR LANE, BLYTON CARR**

**Note:** The meeting reconvened at 8:40pm and a returning roll call was undertaken to confirm all Members were present. This was confirmed.

The Chairman introduced planning application number 140986 for a new 60m x 50m liquid fertiliser storage lagoon being variation of condition 5 of planning permission 134838 granted 17 October 2016 - lagoon covering. The Senior Development Management Officer explained there was one update that the Environment Agency had commented that as they did not recommend condition five, they did not wish to comment. He also confirmed the decision was to be made on the requested variation of conditions.

The Chairman stated there were two registered speakers, one of whom had requested his statement be read out on his behalf. The Democratic and Civic Officer was invited to do this.

Statement from Dr Basu

"With regards to this issue, below are my persistent concerns that have been fed back before. I would grateful if these could be addressed as they are specified in the initial planning documents, before permission is granted.

I am still unclear whether the straw cover is as robust as the HEXA cover due to the fragility of straw. Other concerns that we have:

This slurry tank was built 2 years ago however it seems that the obligations on the original planning documents have not been met, Unfortunately i do not have the reference number for the original application with me, however i hope you can access this from the postcode. The concerns are:

- 1.. fence around the slurry pit has not been built as written on the initial application
- 2.. securing entrance to the slurry pit not created
- 3.. mechanism ensuring no slurry leaks away from the pit- unsure if checks were done to ensure this has happened
- 4..there are also concerns that the slurry is being used in a nitrate vulnerable zone where we live.
- 5.. The road is evidently not suited for the heavy tractors that carry liquid from the slurry pit as there are significant numbers of deep pot-holes; these have not been repaired despite multiple complaints to the council.
- 6.. similar concerns were raised on 16th February 2017, as per the comments below:

Please could you advise as to whether the above planning application has been inspected

and signed off?

I have serious concerns about the safety and security of the site. It is accessible to the public with what I would consider inadequate fencing. Please could you confirm that the site conforms to the relevant health and safety requirements for an open slurry lagoon.

I cannot find any email reply to this.

I believe our neighbours at the same location has already raised similar concerns and I am unsure if these have been addressed.

Thank you for allowing me to raise the concerns. I would be grateful if these could be adequately dealt with.”

The Chairman invited Councillor L. Rollings, Ward Member, to address the Committee.

Councillor Rollings explained that she spoke on behalf of the residents of the local area. She stated there had been several complaints made about the lack of secure fencing, the fact the lagoon was not covered and the risk this posed to wildlife and residents. She highlighted there were no warning signs on the approach to the lagoon and there was no leak detection system. She stated there were several enforcement issues which should be dealt with. She explained that the current straw covering was inadequate, unsafe and there was no reason for the conditions to be changed.

The Officer explained that the purpose of discussions were just to consider the variation of condition five, that, should the proposal not be accepted, the condition would remain as it currently was. He acknowledged there was ongoing work with regards to other issues at the site but that did not impact the matter of the lagoon cover, as detailed in condition five. He also stated that Environmental Protection had not received any complaints regarding this site.

There was considerable discussion regarding the nature of the site, the suitability of a secure cover and also health and safety considerations. The Legal Advisor reminded Members that health and safety was not a consideration for planning decisions. The Senior Development Management Officer advised that the Authority’s Enforcement Team were aware of the site and that the other conditions on the permission would be amended to allow the applicant time to deal with the health and safety issues such as perimeter fencing. There was also further explanation of the nature of coverage available for such a site and the impact of not varying the condition.

The Chairman moved the printed recommendation to grant the variation, this was seconded and voted upon. Through majority vote, the recommendation was not agreed. The Chairman requested an alternative proposal along with policy reasons.

It was subsequently proposed that the variation to condition five was refused in accordance with LP26 and to protect from odour and impact on amenity. This was seconded and voted upon. It was subsequently agreed that the permission be **REFUSED** for the following reason:

1. The hexa-cover floating cover required by condition 5 of planning permission 134838 was still considered as necessary and reasonable mitigation in order to acceptably

manage the release of odours from the lagoon in the interests of amenity, in accordance with the National Planning Policy Framework and policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

**NOTE:** The Chairman stood down from the Committee at this point for the duration of the next agenda item.

## **24 COUNTY MATTERS APPLICATIONS 141306/141307 LAND TO EAST OF SMITHFIELD ROAD, NORTH KELSEY**

Councillor R. Waller, in the Chair, reiterated the purpose of the discussions was to offer comments to be included in the consultation response. He highlighted the speakers during the public participation period at the start of the meeting had made their comments known but there was no vote to be made by the Committee. The Interim Planning Manager reiterated that the original permission had been granted in 2014 and this was a request for the timescale to be extended and confirmed that West Lindsey District Council was a consultee for the application proceeding through the County Council planning process. The purpose of the development was to test an identified underlying oil reservoir to determine whether there were commercially viable reserves of conventional hydrocarbons available. The potential oil reserves were to be accessed by conventional drilling only and did not involve the process of hydraulic fracturing (known as "fracking") which was associated with shale gas or oil development.

Members spoke overwhelmingly against the request for the timescale extension and quoted the green credentials of the council as well as the recently publicised work of the Environment and Sustainability Working Group. It was felt that not only did the proposed work go against the ethos of the council but also the reasons provided for needing the extension were not robust. There had been sufficient time elapsed prior to the global pandemic and it was not sufficient to use the current circumstances as the reason for requiring an extension.

It was confirmed that these additional comments would be included in the official response to the consultation.

## **25 DETERMINATION OF APPEALS**

**Note:** The Chairman, Councillor I. Fleetwood, returned to Chair the remainder of the meeting.

The Chairman stated it was good to see the decisions of Officer and the Committee being supported and gave thanks to all involved. The outcome of the appeal decisions were noted.

The meeting concluded at 9.31 pm.

Chairman