

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held virtually via MS Teams on 11 November 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 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)
Rachel Woollass Development Management Team Leader
George Backovic Principal Development Management Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer
James Welbourn Democratic and Civic Officer

Apologies: Councillor Cherie Hill

59 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.

60 PUBLIC PARTICIPATION PERIOD

There was no public participation at this point in the meeting.

61 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 14 October 2020 be confirmed as an accurate record.

62 DECLARATIONS OF INTEREST

The Chairman noted that application number 140235, the Lindsey Shopping Centre, related to the council and noted a dispensation for all Members of the Planning Committee.

The Chairman also declared a person pecuniary interest for item 6c, application number 141705, Minster View, Stainfield. He stated the property was in the estate of his late father, he had not spoken to anyone in the council regarding the application and he would be standing down from the Committee in order for the Vice-Chairman to stand in and Chair the remainder of the meeting.

63 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard a summary of the following updates to Neighbourhood Plans within the district.

| West Lindsey District Council Neighbourhood Plans Update – PC Meeting 11 Nov 2020 | | |
|--|---|-----------------------------|
| Neighbourhood Plan/s | Headlines | Planning Decision Weighting |
| Made Neighbourhood Plans | Brattleby, Caistor*, Cherry Willingham, Dunholme, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern, Saxilby, Welton, Willoughton, Glentworth, Spidlington, 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 successful. Decision statement issued. But due to COVID-19 situation referendum delayed until May 2021. | Significant weight |
| Gainsborough NP | Submission consultation completed (Reg16). Examiner appointed. Examination begins 23 Nov. | Increasing weight |
| Morton NP | Submission consultation completed (Reg16). Responses posted on website and appointment of examiner process has begun. | Increasing weight |
| Corringham NP | Consultation on Draft Plan (Regulation 14) underway from 9 Nov to 22 Dec. | Some weight |
| Sturton and Stow NP | Consultation on Draft Plan (Regulation 14) | Some weight |

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|--|---|--|
| | underway from 2 Nov to 14 Dec. | |
| Hemswell Cliff NP | Enhancements to Design Code being considered. | Little weight |
| Normanby and Owmbly NP | Applications from Normanby by Spital and Owmbly by Spital PCs to prepare their own NPs were approved by Full Council on 2 Nov. | Little weight |
| *Caistor NP | Review underway. Consultant appointed. | - |
| *Nettleham NP | Review underway. Consultant appointed. | - |
| Neighbourhood Plans - made (17) - in preparation (24) - to be started (42) - being reviewed (2)* | To view all of WLDC's neighbourhood plans go to: https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/ | NP stage-weighting Made–full weight Referendum successful–full weight Examination successful–significant weight Submission Reg16–increasing weight Draft Reg14 - some weight Designated – little weight |

64 PLANNING APPLICATIONS FOR DETERMINATION

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

65 140235 - LINDSEY SHOPPING CENTRE

The Committee was asked to give consideration to application number 140235 for demolition of the former Lindsey Shopping Centre and proposal to develop multiplex cinema, car parking and commercial units in the following use classes, Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways) and Class D2 (assembly and leisure), together with associated works, in the Market Place, Gainsborough.

Members were shown a presentation regarding suggestions for amendments to the theme and design of the development and heard that it was requested for final design agreements to be delegated to Officers. There were no registered speakers for the application and the Chairman invited comments from Members of the Committee.

There was unilateral support from Members and it was felt that the development would be beneficial not just for Gainsborough, but for the district as a whole. Clarification was sought regarding the pedestrian access through to Heaton Street and it was confirmed this would be retained.

A Member of the Committee enquired as to the details of car parking and access via Heaton Street as this was already a congested area with cars double parked and movement of traffic being impeded as a result. It was confirmed that this had been considered and it was anticipated that the Highways Agency would agree with the final design amendments which also addressed the issue.

Having been moved, seconded and voted upon, it was unanimously agreed that permission be **GRANTED** for the principle of development subject to deferral back to officers for improved design and any other outstanding matters.

66 140352 - HORSEMARKET, CAISTOR

The Chairman introduced application number 140352 for the removal of single-storey bungalow and erect 1no. replacement two storey dwelling at Claddagh Horsemarket Caistor. He invited the Interim Planning Manager (Development Management) to provide updates to the application.

The Committee heard this was a revised plan and further objections had been received following re-consultation. He summarised the objections as follows:

- My only objection to the revised proposal is the [precedent] of a house rather than a bungalow being built in that location, in that it may be used to justify similar builds in the adjoining land between that property and [58 South St].
- The concerns over surface water drainage made in my previous objection still apply
- scale of this property is completely incongruous with the locality
- The ridge height noted on the recent plans is in our opinion excessive, particularly for this area. At nearly 9m high it is nearly 2m above what could reasonably be expected for a modest two-storey property.
- photograph with the overlay showing the massing of the proposed build is from Google streetview and as such is much higher and not representative of the perspective from which a pedestrian would view the property
- The North aspect of the property viewed from the conservation area of Bobs Lane and also the listed buildings along Horsemarket, is frankly a disgrace and shows absolute contempt for the impact it will have on residents and the visual amenity when viewed from the conservation area of the town.
- In our opinion, this property is proposed in completely the wrong place, has a harmful impact on the local conservation area and has scant regard for surrounding properties and residents.
- it will clearly build a monstrous brick wall up against the conservation area and plummet gardens into darkness, the plans show the property height rising to the upper bungalow window on the hill opposite and the property width starting from the front of the existing bungalow to be demolished, stretching as far back as the east side of the bungalow above, a huge imposing property from all sides!
- On closer inspection of the 'revised' plans, it also appears that the excessive height of the roof may be to accommodate further rooms in the loft (evident from the side view which looks to show internal walls in the loft space), and effectively creating an additional storey
- If allowed this property will completely undermine the aesthetics and heritage of the

entire conservation area and set a precedent for future developments in and around the historical centre of the town.

The Interim Planning Manager added that these repeat concerns were addressed within the report. The proposal was outside of the conservation area and there was medium risk of surface water flooding.

The eaves height of the replacement dwelling measured approximately 5.3 metres with a total ridge height of 8.9 metres. This elevation also measured approximately 18 metres across. The ridge of the existing dwelling approximately met the eaves of that proposed and the north elevation measured approximately 11.5 metres across.

To North (Bobs Lane): The main body of the dwelling and the now two storey north elevation was noted to be set approximately 6 metres at the closest point to one of the adjoining gardens and approximately 40 metres away from the main dwelling houses, which were set on higher ground.

To South (12A South Dale): set away from shared boundary by 22m.

Dwelling to the North West (15 Horse Market)

The replacement dwelling was located in a similar position to the existing and was noted to measure approximately 12 metres away from the shared boundary and 35 meters from the main house.

The Chairman invited the first speaker, Mr Sam Marriott, Agent for the Applicant, to address the Committee.

Mr Marriott thanked the Committee and explained that, as stated, the application was for the demolition of the existing bungalow and a replacement 2 storey home. He believed the application was before the Committee because of the number of comments from residents of Caistor. He highlighted that there had also been letters of support, including from the immediate neighbour. Mr Marriott stated that some of the objections were from people who lived outside of the town including a former resident, someone who was considering moving to the area and objections were received from residents in South Kelsey. He noted that their interest in the application was unclear. Mr Marriott highlighted that the applicant had worked with the officers to adjust and redesign the proposal according to the issues raised. With regard to the potential for surface water flooding, he stated that historically this had never happened, however, it had been addressed. They had worked proactively with the council and neither the case officer nor the heritage officer had any more issues. He stated there had been active collaboration with the council and he hoped the Committee would agree.

The Chairman thanked him for his speech and invited Members of the Committee to offer their comments.

The number of objections was noted by a Member however it was questioned why those living away from the area had chosen to object. He felt that looking at the topography of the area, the proposed dwelling did not appear to be overly large in comparison with other dwellings. He did not feel there were grounds for refusal and as such, moved the Officer recommendation.

Another Member stated that according to planning policy, all requirements were met. He accepted the amendments that had been made and welcomed the betterments to the drainage provisions. He seconded the Officer recommendation.

On the whole, Members felt that a well-designed two storey dwelling would be more in keeping with the area than the existing building and it was considered to be a suitable proposal. The Chairman took a vote and 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:

2. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme, at least 14 days before the said commencement.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation measures in accordance with Policy LP25 and the National Planning Policy Framework.

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

3. 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: 031/0146, 020/0146 C, 030/0146 B, 050/0146 received September and October 2020. 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, unless otherwise agreed in writing by West Lindsey District Council as Local Planning Authority.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policy STRAT 1 – Development requiring planning permission of the West Lindsey Local Plan First Review 2006

4. No further development other than the demolition of the dwelling shall take place until details of the proposed mitigation measures for surface water flooding in line with the recommendations set out in the Flood Risk Assessment undertaken by Roy Lobleby and dated March 2020 have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the risk of flooding to the site and elsewhere is not increased in

accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. No further development other than the demolition of the dwelling and laying of the foundations shall take place until the approved surface water flooding mitigation measures secured by condition 4 above have been fully implemented in accordance with the approved details and retained/maintained thereafter.

Reason: To ensure the risk of flooding to the site and elsewhere is not increased in accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF.

6. No further development other than the demolition of the dwelling and laying of the foundations shall take place until details of the proposed external materials have been submitted in writing to, viewed on site and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and not altered thereafter.

Reason: To ensure the development respects the character and appearance of the site and area as well as the setting of the conservation area and historic buildings in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and Policies 1, 2 and 3 of the Neighbourhood Plan, as well as the NPPF.

7. No further development other than the demolition of the dwelling shall take place until details of the proposed surface and foul water drainage has been submitted to and agreed in writing by the Local Planning authority. The development must then be carried out in accordance with the approved details, completed prior to first occupation of the dwelling and retained/maintained thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan and the NPPF.

8. The archaeological work shall only be carried out in accordance with the submitted and approved specification secured by condition 2 above. Within 3 months of the completion of the archaeological works on site a written report of the findings shall then be submitted to the local planning authority to ensure any finds and documentary archive is submitted to a suitable archive or museum.

Reason: To ensure appropriate preservation of archaeological remains through recording are achieved in accordance with Central Lincolnshire Local Plan Policy LP25 and guidance within the NPPF.

9. The two windows on the north elevation serving the en-suite and family bathroom shall be glazed with obscure glazing prior to the first occupation of the dwelling and thereafter retained in perpetuity.

Reason: To safeguard residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy 3 of the Neighbourhood plan and guidance within the NPPF.

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

10. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F, G and H of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, and no buildings or structures shall be erected within the curtilage of the dwelling 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 living conditions of adjoining dwellings and to safeguard the character and appearance of the surrounding area and historic environment in accordance with Policies LP17, LP23, LP25 and LP26 of the Central Lincolnshire Local Plan and Policies 1, 2 and 3 of the Neighbourhood Plan as well as guidance within the NPPF.

Note: The Chairman reiterated his personal interest in the next agenda item and stood down from the Chair. He left the meeting at that point and the Vice-Chairman took the Chair for the duration of the meeting.

67 141705 - MINSTER VIEW, STAINFIELD

The final application of the evening was introduced, application number 141705 for change of use from holiday let to 1no. dwelling. The Committee heard there were no updates to the report and the first registered speaker was invited to address the Committee.

Mr Sean Madden, Agent for the Applicant, thanked the Committee for their time and made the following points.

- The change of use application seeks full planning approval for a residential dwelling, not change of use to a C3 dwellinghouse. This has clearly been stated to the planning officer in an email along with other points which have been included in this report - C3 status has never been suggested at any stage by the applicant or agent. Permission is sought for Mr P. Fleetwood to occupy the existing building - he has increasing mobility and health issues which require single storey living and he has lived at this location since 1963.
- The holiday let was never brought into use due to the owner suffering ill health for a period of time, the applicant for the holiday let (Dennis Fleetwood) has now sadly now passed away.
- The drains are not connected and a completion certificate has never been issued as the works were ongoing by Mr D. Fleetwood. Building Inspection has been undertaken by West Lindsey District Council, and with work outstanding it would be unreasonable to apply for a completion certificate.
- A marketing exercise was therefore not carried out due to the building not being brought into use as a holiday let
- Paragraph 79 has no bearing on this application due to this change of use application which is for an existing building. Paragraph 79 refers to the construction of new

buildings.

- No fence has been constructed between the existing dwelling at Minster View and the building submitted for change of use due to the project being incomplete and under single ownership. The buildings are approx 25m apart and overlooking should not be a problem. A fence can easily be erected between the properties to ensure private amenity space is provided for the properties if ownership changes in the future, therefore ensuring compliance with Policy LP26 of the Central Lincolnshire Local Plan. This could easily be achieved by conditioning any permission granted.
- There are 27 properties in the Hamlet of Stainfield, not 9 as indicated in the Officers Report. These properties are all located within the 'Stainfield' village boards which mark the perimeter of the settlement.
- Full and concise answers have been given to any questions raised by the planning officer promptly.
- No objections have been received from any of the consultees, the parish council or highways, we therefore respectfully request for the application to be granted planning permission.

With no other speakers, Members of Committee were invited to comment on the application. It was enquired as to what constituted a hamlet, this was confirmed to be dwellings clearly clustered together to form a single developed footprint. Members queried the essence of building in open countryside and highlighted that the building was already in existence. The potential for change of ownership was recognised and it was suggested that, should the application be approved, it should be conditioned in order to put fencing in place to make a separate amenity area. It was also suggested that permitted development rights be withdrawn.

The Officer read aloud suggested conditions for consideration should Members be minded to approve the application.

Following further discussion, a Member of Committee proposed that permission be granted, in line with policy LP55 and subject to the conditions as detailed by the Officer.

On being seconded and voted upon, it was unanimously agreed that permission be **GRANTED** subject to the conditions provided by the Planning Officer.

68 DETERMINATION OF APPEALS

The Interim Planning Manager highlighted that all three detailed appeals had been dismissed. The determination of appeals were **NOTED**.

The meeting concluded at 7.45 pm.

Chairman