

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held virtually via MS Teams on 3 March 2021 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 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)
Richard Green Planning Officer
Danielle Peck Development Management Officer
Carol Slingsby Area Development Officer
Liz Mayle Conservation Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer
James Welbourn Democratic and Civic Officer

Apologies: Councillor David Cotton

102 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.

103 PUBLIC PARTICIPATION PERIOD

The Chairman confirmed there was one registered speaker for the Public Participation

period. He explained that Mr Sath Vaddaram wished to address the Committee in relation to the public report due to be heard in agenda item 7a. This was a report regarding a tree preservation order and, as a public report, was not part of the scheme used for those wishing to speak on planning applications. The Chairman stated Mr Vaddaram had three minutes in which to address the Committee and invited him to speak.

Mr Vaddaram thanked the Chairman and the Committee for the opportunity to speak. He stated he was the owner of 23 Wragby Road and wished to speak regarding the tree preservation order. He explained that he did not object to the TPO in general but that he did have concerns as to how the process had been carried out. He highlighted that he had detailed his concerns in two letters to the council, one in November 2020 and the other in January 2021. To summarise what he saw as the failures of the council, he stated that the Officer had clearly stated she had been thinking of putting a TPO on the softwood trees for many years but for some reason this had not happened. He noted that a lack of resources had been the reason given for this. He explained to the Committee that he had contacted the council regarding all planned tree work prior to making the application in July 2020. He felt this had given them opportunity to be aware of all trees in question. Had the TPO been in place previously, it would have saved him from needing to make a second application in relation to the softwood trees. He felt there had been opportunity for an emergency TPO which had also not been put in place. His objections to the manner in which the TPO had been dealt with focussed on the unnecessary time taken to resolve the matter and the impact this had had on him, both in lost time and costs.

The Chairman thanked Mr Vaddaram for his comments, they would be noted for the item later in the meeting.

104 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 3 February 2021 be confirmed as an accurate record.

105 DECLARATIONS OF INTEREST

Councillor I. Fleetwood made a declaration on behalf of all Members of the Committee that a lobbying email had been received in relation to application number 141228 (agenda item 6a). It was accepted that the email would not influence decision making unless any Councillor wished to state otherwise.

Councillor R. Waller declared a personal interest in the public report for the TPO in Sudbrooke. He stated he was Vice-Chairman of the Parish Council and had been involved in discussions regarding the matter and as such would stand down from the Committee at that point in the meeting.

106 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard of the latest updates from Government, including a reminder that the Government consultation on revisions to the NPPF (to strengthen policies on design quality)

would end on 27 March 2021. Members were invited to raise any comments through Russell Clarkson or Rachael Hughes. Further information could be found by using the following link:

<https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

Updates on Neighbourhood Plans included the following information:

Morton NP: Examination completed. Examiner's final report to be issued shortly. Assuming examination is successful, referendum to be held 6 May 2021. To be afforded increasing weight

Corringham NP: Submission NP consultation (Regulation 16) underway soon. Some weight

Sturton & Stow NP: Submission version of NP (Regulation 16) in preparation. Some weight

NOTE: Councillor M. Boles joined the meeting at 6:42pm.

107 PLANNING APPLICATIONS FOR DETERMINATION

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

108 141128 - HEMSWELL

The Chairman introduced the first application of the evening, application number 141128 to demolish existing main building and replace with 1no. dwelling including landscaping, ancillary works and installation of solar panels to existing garage on land adj 19 Brook Street Hemswell Gainsborough. He stated there was one registered speaker and invited the Planning Officer to provide any updates to the Committee. She stated that, since the report had been published, following the urgent works notice which was served on 17 February 2021, Officers visited the site on 2 March to inspect the works. The new propping and bracing installed was all robust and suitable for purpose. The south-west corner had collapsed further since the last inspection and was in an unstable and dangerous state. It was agreed with the owner on site that it should be carefully dismantled, to around waist height, to remove the risk to the public and remaining fabric. It was also agreed that an additional prop should be installed overhanging the south-west masonry, at eaves level, as near vertical as possible to avoid disturbing the propping already in place. Given its condition at the time of the original inspection, the loss of stone to the south-west corner was not entirely unexpected. The building is still entirely repairable as concluded in the report. Following the presentation of the application from the Officer, the Chairman invited the registered speaker, Mr Paul Morris to address the Committee. He explained there were slides to be shown during his time and he made the following statement.

“Good evening Planning Committee please allow me to introduce himself. I'm Paul Morris, son of one of the applicants, and the former Local Authority Town Planner and Head of Town Planning for the London 2012 infrastructure. I am addressing you this evening to seek

your support for sustainable development, which is in full accordance with the recently drafted Hemswell Neighbourhood Plan and the West Lindsey Local Plan, which agrees the site is suitable for one family.

This is the applicant's proposal that we feel brings added value to the Hemswell Conservation Area by revitalising 17b Brook Street. Mr and Mrs Morris bought the plot with the full intention of carrying out the 2004 approved scheme. However on the advice of West Lindsey building control to take it down, they sought structural engineering expertise which confirmed the building is structurally unstable with serious health and safety issues associated with any attempt to convert. Unfortunately the 2006 structural report which was shared with West Lindsey was not contained in the map land sale pack, nor was this available on your website and was only brought to our attention during the recent parish council meeting. Had the applicants been aware of this, it's very, very likely they would not have purchased the site.

As you'll see, despite this being as a cherished building, most of the character reflecting its former life as the old Forge has already been demolished by previous owners. This includes the Shoe House, which had the same level of building of interest protection, the lowest level of protection available as per the 1985 Conservation Area appraisal, yet has been satisfactory replaced with the benefit of full plan mission as an attached double garage. We have three independent structural surveys stating 17b Brook Street is in a precarious state and as Committee are aware, the previous Planning Officer who agreed the West Gable was "shot" (their quote) in 2006, so none of the issues we're raising today are new and none of them can be attributed to Mr and Mrs Morris. As Planning Committee Members previously agreed, if this was a significant building, the council should have been looking at it, yet it has been allowed to fall into ruin. As one Member said last time, this is a travesty.

The applicants were asked by a Planning Committee to consider whether the front wall of the building could be retained and engaged the heritage specialist consultant and a structural engineer to consider alternatives in October 2020. Unfortunately the conclusion of the survey is the same: the front wall is in a seriously perilous condition as is the remainder of the structure. We're disappointed you, as Planning Committee, had not been asked to undertake a site visit to assess the poor state of the building. You would undoubtedly conclude from the health and safety perspective, any attempt to retain the building, the front wall in particular may result in liable damages to people or property.

Thank you to the case officer for sharing some recent photos so I don't need to go through these. All I will say is if you notice on the next door neighbour there's large solar panels on the roof. Hemswell Conservation Area is a place to propose sustainability. Our proposal is much more sustainable and reduce carbon emissions, versus any attempt at a conversion.

This is the applicant's proposal and you can see it's almost identical in design to the existing building almost on the same footprint. There is clear boundary delineation as suggested by national building design guides, and the next door neighbour who's requested this. Through careful dismantling existing material from the building would be reused to develop a 15% larger building. This aligns with the new garage, which is 50% larger than the demolished Shoe House.

This slide is to demonstrate the claims we've made in this presentation today are all factual, they all exist it's all here if you need to read it, please feel free.

The attached garage was built in 2005. A 2018 character assessment said it's a unique and charming vernacular structure, well if they think it's okay why is our proposal not okay? Ours will be vernacular in nature, it will mirror that of the newly constructed building, and therefore from the street perspective we don't agree that the proposal negatively impacts on the conservation area.

If Planning Committee agree that the site is suitable for one residential home they have to accept the best way for 17b Brook Street to add value to the conservation area, the building is no longer economical, safe nor sustainable to retain. The applicant simply cannot convert the existing building due to the health and safety liabilities and costs associated and we doubt anyone could now, given the state of the building. So if you choose to prove this scheme tonight. I will look forward to bringing my children to the Hemswell Conservation Area in time for my parents retirement. Please remember the applicants, if they hadn't bought this site these issues would remain and 17b would be left to further deteriorate. Throughout the process the applicants have been collaborative within the community, they've engaged professional advice for these proposals and on their behalf, I thank you for your time.”

The Chairman thanked Mr Morris for his time and invited any further comment from Planning Officer. The Development Management Team Leader explained that Officers had specified that an assessing engineer needed to have the speciality knowledge relevant to the building. One had been appointed, he had been to the site, read previous reports and supporting information, was registered as a conservation accredited engineer and with his most up to date information, it was concluded that the building could be retained. Previous decisions regarding loss of authenticity had been upheld.

The Chairman invited comments from Members of the Committee. It was expressed that the state of the current building was disappointing to see and that if the matter was not resolved, the building would only fall into further disrepair. It was also noted that other buildings of a similar nature in the area had already been lost and replaced.

The Development Management Team Leader explained the use of the urgent works notice and stated that consultation between the Secretary of State and Historic England had led to the advice that, despite the loss of other buildings, this particular premise was still important. It contributed to the Conservation Area and should be retained. In line with the urgent works notice, the applicant had undertaken the works which should stop any further collapse.

Members expressed sympathy for the applicants but felt that if the building could be saved, it should be. It was considered to be an asset to the area and Members did not wish to see that lost. It was noted that, in terms of preservation matters, the guide was 'to do no harm' and it was felt that demolition of the building would not adhere to this.

There was further discussion regarding the expert knowledge of the structural engineer and possible conflicting opinions however it was confirmed that the specialist engineer had been provided with all information and his was the most recent report on the building.

Having had the Officer recommendation moved and seconded, the Chairman undertook the vote. With one abstention it was agreed that planning permission be **REFUSED**.

109 140156 - DUNHOLME

The Chairman invited the Committee to consider application number 140156 for extension and alterations to existing community centre, including the removal of the portable timber frame building and construction of proposed community room with toilets, offices and staff facilities at The Old School 8 Market Rasen Road Dunholme Lincoln. With no Officer update, the Chairman invited the only registered speaker, Councillor S. England, to address the Committee.

Councillor England thanked the Committee and stated he was speaking as Ward Member for the application. He wished to state that he fully supported the application and Officer recommendation to grant permission. He offered local knowledge as to the use of the building and the benefit to the local area. He explained that the proposals would enhance both the building and the local community. He spoke highly of the proposal and requested his colleagues to kindly approve the application.

The Chairman thanked Councillor England for his comments and, having fully supported the application and moved the recommendation from the Chair, invited Members to discuss the application. Members were supportive of the application and, those who were aware of the work undertaken by people involved with the building, praised the commitment to the local community.

Having been proposed and seconded, 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 (see notes to applicants below). 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. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with 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: 11455 05M dated 08/09/2020, 11455 06G dated 03/11/2020, 11455 07 F dated 02/11/2020 and 11455 08B dated 03/09/2020. 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.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework.

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

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of this non-designated heritage asset and the street scene in accordance with the NPPF and Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

5. No development, other than to foundations level shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details (see notes to the applicant below).

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

6. The development shall be carried out in accordance with the mitigation measures outlined in the submitted Flood Risk Assessment received 03/12/2019.

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

7. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 2 of this permission.

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

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

8. 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

9. 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.

10. The use hereby permitted under this permission shall not operate outside the following times:

Daily opening times (Monday to Sunday) – 9.00 am to 10.00 pm throughout the year.

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

110 141907 - WADDINGHAM

The Chairman introduced the last of the planning applications for the evening, application number 141907, outline planning application for 4no. dwellings with all matters reserved on land East of The Wolds Waddingham Gainsborough. With no updates from the Planning Officer, the Chairman invited the first speaker, Tori Heaton, Agent for the Applicant, to address the Committee. She made the following statement.

“Good evening Members, thank you for the opportunity to speak on behalf of my client, Mr David Waite. To give you some background, the Waite family have been farming for the last three generations, the farm is currently operated by David Waite and he runs a mixed arable and livestock farm, which in the future will be passed down to his children. This application is not one from the big corporate or national housing developer, but one from a local farming family who are custodians of the land and good village citizens. They're proposing a small scale logical infill development which is ultimately compliant with the Central Lincolnshire Local Plan. We started working with David back in 2018, when the Central Lincolnshire Local Plan was adopted. The Plan showed Waddingham to have a growth level of 15%. David is a local person who's grown up in the village, and will continue to earn a living from his family farm, based in the heart of Waddingham. He wants to engage in the planning process in the correct way, that being a grassroots local level through the Neighbourhood Plan. The stated purpose of the Neighbourhood Plan is to allow local people to strongly influence where development is to occur, and give local communities a voice. My clients and I have tried very, very hard to engage in this process. However, despite our best efforts, we understand that the Waddingham Neighbourhood Plan has reached impasse, and progress has effectively stalled. However, we decided to continue and have now submitted this application, which is policy compliant for small scale and logical infill sites in the hearts of the

village. We are wholly content that this application meets the fundamental policies required and meets the core shape and form of the village. Highway Safety, vehicle movements, as well as pedestrian safety of all being an absolute overriding consideration in putting this small scale application forward access and parking, have been big considerations when evolving our application, and we have demonstrated that the site can accommodate this modest development, whilst generating insignificant additional vehicle movements. In summary, as of the end of February 2021 Waddingham still has an outstanding growth capacity of 26 dwellings, the village needs an appropriate growth level to remain a thriving and desirable destination. This application provides a policy compliant, well designed, logical, and small scale infill development. I therefore urge members to support your officer's recommendation and grant approval. Thank you for your time.”

The Chairman thanked her for her comments and invited the second speaker, Mr Martin Woodliffe, speaking as an objector, to address the Committee.

Mr Woodliffe thanked the Committee and explained he was acting as spokesperson for the objectors in the village. He stated that the site was not, as stated by the previous speaker, an infill site. He stated it was agricultural land and as such should not be used for development. He noted that LP2 demonstrated a need for clear community support and that there was no support for the development from the local community or the Parish Council. He raised a number of safety issues with the site, including the lack of pedestrian access and the driveway access straight onto a busy road. He noted the increased number of vehicles on the road and raised serious concerns about the safety of vehicle movements for the proposed new dwellings. Given the level of community objection to the proposal, as well as safety issues and the fact the land was for agricultural use, he stated that the application clearly did not supply the information required for this application and as such it should be refused.

The Chairman thanked Mr Woodliffe for his comments and invited response from the Planning Officer. The Committee heard that under LP2, for the development proposed, community support was not required to be evidenced.

The Chairman invited comments from Members and there was significant unease regarding the use of agricultural land for residential development. A Member of the Committee supported the second speaker's comments regarding road safety and felt there must be a more suitable alternative that the proposed site. Members acknowledged that concerns had not been raised by the Highways Agency although there was some concern as to the entrance to the site on a busy road.

With no Members looking to speak further, the Chairman requested the Committee to consider the Officer recommendation or whether an alternative was to be put forward. A Member of Committee subsequently moved the Officer recommendation and this was duly seconded. On taking it to the vote, with seven votes for and six votes against, it was agreed that planning permission be **GRANTED** subject to the following conditions.

Conditions stating the time by which the development must be commenced:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until, plans and particulars of the access, appearance, layout and scale of the buildings to be erected and the landscaping of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun before the expiration of two years from the date of final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

4. 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 (see notes to applicants below). 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. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.

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

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

5. No development other than to foundations shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme and be available for use before the first occupation of the dwellings.

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

6. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

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

7. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 4 of this permission.

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

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

8. Following the archaeological site work referred to in condition 7 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

9. The report referred to in condition 8 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.

111 PUBLIC REPORTS

RESOLVED that the public report detailed in agenda item 7 be dealt with as follows:

112 TPO - SUDBROOKE

Note: Councillor R. Waller left the meeting at 7:39pm

The Chairman invited the Trees and Landscape Officer to introduce the public report. She stated that the report related to an objection received against the making of a Tree Preservation Order protecting sections of two tree belts crossing the front and rear gardens of a property on Wragby Road, Sudbrooke. She explained that the trees in the garden were prominent features within the locality, significantly contributing to the character and amenity of the area. The 1950 Order already protected hardwoods, but it was well overdue for updating, and this new TPO would ensure tree protection for both hardwoods and softwoods. The confirmation of this order was the only way to ensure the integrity of the two tree belts was not diminished by work at this property to remove yew trees, or individual

trees inappropriately pruned, or trees compromised by development.

The Chairman thanked the Trees and Landscape Officer and reminded Members they had heard from Mr Vaddaram at the start of the meeting. Having moved the Officer recommendation from the Chair, this was duly seconded and taken to the vote.

RESOLVED that confirmation of the Tree Preservation Order Sudbrooke No1 2021 be approved.

113 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The meeting concluded at 7.47 pm.

Chairman