

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held virtually via MS Teams and available to watch at: <https://west-lindsey.public-i.tv/core/portal/home> on 31 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)
George Backovic Principal Development Management Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer
James Welbourn Democratic and Civic Officer

Apologies: Councillor David Cotton

114 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.

115 PUBLIC PARTICIPATION PERIOD

The Chairman explained there was a speaker registered for Public Participation however he had been unable to join the meeting. Officers were working to contact the speaker and as such, the Committee would continue with the agenda but return to this item later in the meeting.

116 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

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

117 DECLARATIONS OF INTEREST

The Vice Chairman, Councillor R. Waller, declared that he had been lobbied in favour of application number 142026 by way of an email sent in February. The Chairman added that the email had been sent to all Members.

Councillor J. Ellis declared that she would be speaking as Ward Member on application number 142026 and as such would stand down from the Committee.

Councillor M. Boles also declared that he had received emails from animals rights groups in objection to the application.

118 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard the following update from the Interim Planning Manager (Development Management) regarding planned changes to planning policy.

Class E (Commercial, Business and Service) to class C3 (dwellinghouse) permitted development

The Government was introducing legislation for England to bring forward this right from 1 August 2021. The right would allow for local consideration by the local planning authority of specific planning matters through the prior approval process. These considerations included:

- Flooding
- Impacts of noise from commercial premises
- Provision of adequate natural light to all habitable rooms
- In conservation areas only - consideration of the impact of the loss of the ground floor Commercial, Business and Service use
- Impact of the loss of health centres and registered nurseries on the provision of such local services

The right also included a vacancy requirement that would ensure the building changing use had been vacant for 3 months before the date of the application, to protect successful businesses in these premises. A size limit would also be included of 1,500 square metres of floorspace being able to change use under the right, to focus the right on medium sized high street sites which were more likely to be suitable for conversion.

To prevent gaming, the building must have been in Commercial Business and Service use for two years before benefiting from the right. The right would apply in Conservation Areas, but not in other protected land listed in Article 2(3) of the GPDO (General Permitted

Development (Order)) which included national parks and Areas of Outstanding Natural Beauty (AONBs).

Public Service Infrastructure permitted development

This amended permitted development right would allow for the extension, erection or alteration of school, college, university, hospital, and for the first time, prison buildings, by up to 25% of the existing footprint of the cumulative buildings on the site, or 250 square metres, whichever is greater. The existing height restriction on new buildings was also being increased from 5 metres to 6 metres.

Protect unlisted statues, memorials and monuments

The demolition of unlisted statues, memorials or monuments (“a commemorative structure”) was no longer permitted development and would require an application for planning permission.

In determining applications to remove historic statues, local planning authorities would need to have regard to the government’s policy that these should be retained and explained rather than removed.

See <https://www.gov.uk/government/news/new-freedoms-to-support-high-streets-and-fast-track-delivery-of-schools-and-hospitals-across-england-introduced-today>

[The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2021](#)

[Written Statement by the Secretary of State for Housing, Communities and Local Government – 25th March 2021](#)

“This Written Ministerial Statement confirms that the approach set out in my previous statement to the House of 13 May 2020, about construction working hours due to COVID-19, will remain in place until 30 September 2021. This continued flexibility is necessary due to the continued impact of COVID-19 and to support the construction industry to recover and operate safely as we emerge from the pandemic. This date will be kept under review.”

“Accordingly local planning authorities, having regard to their legal obligations, should not seek to undertake planning enforcement action which would result in the unnecessary restriction of retail hours between 7am to 10pm, Monday to Saturday, from Step 2 of the roadmap (no earlier than 12 April) until the introduction of Step 4 of the roadmap (scheduled for no earlier than 21 June 2021).”

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham, Dunholme, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern,	Full weight

	Saxilby, Welton, Willoughton, Glentworth, Spridlington, and Sudbrooke.	
Scotton NP	Examination successful. Decision statement issued. Referendum to be held 6 May 2021.	Significant weight
Bishop Norton NP	Examination successful. Decision statement issued. Referendum to be held 6 May 2021.	Significant weight
Gainsborough NP	Examination successful. Decision statement issued. Referendum to be held 6 May 2021.	Significant weight
Morton NP	Examination successful. Decision statement issued. Referendum to be held 6 May 2021.	Significant weight
Corringham NP	Submission NP consultation (Regulation 16) underway and closes 21 May 2021.	Increasing weight
Sturton and Stow NP	Submission version of NP (Regulation 16) underway soon.	Some weight
Hemswell and Harpswell NP	Submission version of NP (Regulation 16) underway soon.	Some weight
Hemswell Cliff NP	Draft version of NP (Regulation 14) underway soon.	Some weight
Northorpe NP	Parish council has agreed to begin work on a NP.	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/Decision Statement issued–significant weight -Submission Reg16–increasing weight -Draft Reg14 - some weight -Designated – little weight

119 PLANNING APPLICATIONS FOR DETERMINATION

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

120 142026 - POULTRY UNIT, LAUGHTERTON

The Chairman introduced the only application of the evening, number 142026, to erect 1no. free range poultry unit with ancillary feed silos, generator, hardstanding and access on land at Naylors Hill, Newark Road, Laughterton. He reiterated that Councillor J. Ellis was to speak as Ward Member and as such would leave the meeting once she had addressed the Committee. The Principal Development Management Officer confirmed there were no updates to the report. He highlighted that the application was for an egg laying operation and that concerns regarding potential odour or animal welfare issues were not material considerations. The Chairman explained there were two registered speakers, the first of whom, the Agent for the Applicant, had submitted a statement. The Democratic Services and Civic Officer read aloud the following statement.

“This letter outlines comments in support of the above application (agenda item 6a) for consideration of the 31st March 2021 Planning Committee.

The proposed development will facilitate expansion of P. A. Arden & Son’s established free range egg production business, which currently includes farms located near Newton on Trent, North Harby and Drinsey Nook. The proposed 32,000 bird free range unit will be accompanied by over 40 acres of pasture and newly planted mixed woodland ranging area. The farming operation will be associated with ‘RSPCA Freedom Foods’, which seeks to promote the highest animal welfare standards. Happy healthy hens typically range and forage more effectively in these expansive semi-natural environments, thus reliably producing richer eggs on a daily basis.

It is acknowledged that local residents have expressed concerns over the potential impact of the scheme upon the local highway network and levels of amenity afforded by neighbouring land users. In this context, it is emphasised that the application site was selected and carefully screened to appraise the development’s environmental impact at the outset of the project. This initial process included comprehensive atmospheric dispersion modelling in order to ensure that neighbouring land users would be protected from odour nuisance and outlying habitat land safeguarded from nitrogen deposition. Consideration was given to potential trip generation and vehicle routing. The siting of the unit was examined with regard to the prevention of noise disturbance, the minimisation of flood risk and mitigation of visual impact.

On this basis, it can be stated with great confidence that the proposed development will not give rise to any significant adverse environmental effects. The new unit will utilise an advanced climate control system synonymous with a low noise signature, excellent odour reduction and creation of a dry internal environment unsuitable for fly breeding. The interior of the building will be integrated with manure conveyor belt removal systems, which enable rapid cleaning twice per week. The manure is a valuable fertiliser that will be sold to and collected by local farmers utilising tractors with covered trailers. There is simply no requirement for manure to be stored on-site or near any outlying settlement. Local residents will neither hear nor smell the poultry farm.

Despite concerns expressed by the local community, it is emphasised that the operation will generate low levels of traffic and such will ordinarily be routed between the site and A57 as opposed to through Laughterton. Delivery operations will also take place during normal working hours. It is realistically unlikely that local residents will notice any tangible change to

levels of vehicular activity experienced along the local highway network.

Existing woodland and mature field boundary hedgerows will serve to provide a good level of screening. An expansive tree planting scheme will predominantly obscure the new unit from view of the surrounding countryside in the medium to long term. The development's landscape and visual impact will be of small magnitude.

The applicants' are rather surprised that the proposal has attracted a number of objections. Sadly it is apparent that the vast majority of these stem from misinformation spread via social media as opposed to careful consideration of the submitted application portfolio. It is evident that the development will not give rise to any significant adverse effects and the scheme achieves full compliance with all relevant planning policy. It is also emphasised that the scheme will create new jobs on site whilst supporting a number of existing jobs that have been created by the farm business. Particularly in context of the current economic crisis, the importance of supporting the local rural economy through sustainable development of this nature cannot be understated.

Lastly, should planning permission be granted, it is recommended that proposed Condition 8 be amended to state: 'There shall be no departures or arrivals to the site outside the hours of 06.00 to 19.00 unless urgently required for reasons of animal welfare or otherwise agreed in writing with the local planning authority.' Otherwise, in its present form, the condition could prevent out of hours access to the site in the advent of a crisis and/or for reasons of animal welfare."

The Chairman then invited Councillor J. Ellis to address the Committee as Ward Member. She made the following statement.

"I am standing as a ward member of Laughterton to offer my own personal view on application 142026 as I am aware that this is a contentious application.

I understand that Mr Arden's poultry units are built to the current standards where by any emissions are minimised using modern extraction systems and removal of poultry waste is done on a regular basis.

However, my constituents have concerns about potential odour emissions from the unit that I feel obliged to bring to the Committee's attention.

I would like to know if it is possible to receive some binding assurances from Mr Arden about the potential odours that residents have most concerns about?

I am also aware that animal welfare has been raised but I realise that this is not a material consideration. I understand this, but this is an emotional consideration.

However I would like to request that Committee considers both sides and these issues raised when considering this application in your normal unbiased manner.

Thank you."

Note: Councillor J. Ellis left the meeting at 6.55pm

The Chairman invited Members of the Committee to comment on the application. It was noted that similar concerns regarding potential odours had been raised on a similar operation however the concerns had proven unfounded and there had been no complaints from local residents. It was noted that the site was designed to allow free-roaming space for the birds which was reassuring.

Members of the Committee were happy to support the application however enquired about condition number eight and whether, as stated by the agent for the applicant, it was indeed the case that access would not be permitted even in the case of an emergency. When the Officer confirmed this to be the case, it was proposed for the condition to be amended to enable access for emergency welfare reasons. Members also sought clarification regarding the planting of trees and road access, it was confirmed that conditions four and five dealt with these matters.

On being proposed and seconded, and with the amendment to condition eight included in the proposal, the Chairman took the 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 commence, including vegetation clearance, soil stripping, earth moving or site preparation, shall take place until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The WSI shall set out a strategy for archaeological investigation and shall include:

- i. The programme and method of site investigation and recording.
 - ii. The requirement to seek preservation in situ of identified features of importance.
 - iii. The programme for post-investigation assessment.
 - iv. The provision to be made for analysis and reporting,
 - v. The provision to be made for publication and dissemination of the results.
 - vi. The provision to be made for deposition of the archive created.
 - vii. Nomination of a competent person/persons or organization to undertake the works.
 - viii. The timetable for completion of all site investigation and post investigation works.
- Development shall only take place in accordance with the approved WSI, and the development shall not be occupied until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled.

Reason: The site is located in an area that may be of archaeological interest with a number of historical finds in proximity of the site and in accordance with policy LP 25 of the Central Lincolnshire Local Plan

3. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

Be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;

Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

Provide attenuation details and discharge rates which shall be restricted to greenfield rates;

Provide details of the timetable for and any phasing of implementation for the drainage scheme; and provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No building shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development and in accordance with policy LP 14 of the Central Lincolnshire Local Plan.

4. The access improvements shown on “Drawing No.482-A-002 Rev B” must be in place prior to commencement of development and **certified as complete** in writing by the local planning authority.

Reason: In the interests of Highway Safety in accordance with Policy LP 13 of the Central Lincolnshire Local Plan

5. Notwithstanding the submitted information no development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The details submitted must include the position, size, species and density of all trees to be planted together with details for future maintenance.

Reason: To help assimilate the proposed development within its rural setting and in the interests of biodiversity in accordance with policies LP21 and LP26.

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

6. The development hereby approved shall be carried out in accordance with the following drawings:

- Floor Plans and Elevations F2988-01 Date October 2020

- Site Layout (including location of additional tree planting) F2988-02 Date 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.

Reason: To ensure the development proceeds in accordance with the approved plans in the interests of proper planning.

7. The development shall be carried out in accordance with the approved flood risk assessment dated 23 February 2021 and the following mitigation measures it details:

- Finished floor levels shall be set between 8.15 and 7.85 metres above Ordnance Datum (AOD) as shown in the drawing on page 40 of the FRA (ref: 717-002, Rev A) dated February 2021.
- Offices and electrical equipment shall be located in the northern section of the building with a finished floor level of 8.15 metres AOD.
- Elevated laying platforms shall be provided for the birds as described in the FRA.
- An elevated safe refuge from flooding shall be provided for the staff as described in the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and providing a safe refuge from flooding in the event of a severe flood and in accordance with Policy LP14 of the Central Lincolnshire Local Plan

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

8. There shall be no departures or arrivals to the site outside the hours of 06.00 to 19.00 at any time unless urgently required for reasons of bird welfare.

Reason: To limit noise and disturbance to dwellings in proximity of the proposed access on Newark Road in accordance with Policy LP 26 of the Central Lincolnshire Local Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with Central Lincolnshire Local Plan Policy LP17 and Policy LP26.

121 VARIATION TO THE AGENDA - PUBLIC PARTICIPATION

Note: Councillor J. Ellis returned to the meeting at 7.13pm

The Chairman proposed a variation to the agenda in order to allow the registered speaker for item 2 of the agenda, Public Participation, to address the Committee. This was seconded and taken to the vote.

RESOLVED that the agenda be varied to hear item 2, Public Participation

The Chairman invited Councillor Darby of Bardney Group Parish Council to address the Committee. The Democratic and Civic Officer explained to Members that although Councillor Darby was present in the meeting, he had indicated that he was experiencing technical difficulties. In the absence of a written statement having been submitted to be read aloud, the Officer suggested Councillor Darby be invited to speak at the next meeting of the Planning Committee.

122 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The meeting concluded at 7.18 pm.

Chairman