

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 8 September 2021 commencing at 6.30 pm.

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

Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Jane Ellis
Councillor Cherie Hill
Councillor Mrs Cordelia McCartney
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Angela White

In Attendance:
Russell Clarkson Interim Planning Manager (Development Management)
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer

Apologies: Councillor Mrs Judy Rainsforth

40 PUBLIC PARTICIPATION PERIOD

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

41 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 8 September 2021 be confirmed and signed as an accurate record.

42 DECLARATIONS OF INTEREST

Councillor J. Milne declared a non-pecuniary interest with regard to application number 143441 (agenda item 6a) as it was a West Lindsey District Council application. This was noted for all Members of the Committee.

43 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard from the Interim Planning Manager (Development Management with

the following update.

The Consultation on the first draft of the revised CLLP had ended on 24 August 2021 and a summary of the responses would be presented at the next Central Lincolnshire Joint Strategic Planning Committee on 18 October 2021. The report would be made public and would be available on the Central Lincolnshire Local Plan website prior to the meeting taking place. These responses would be used to help inform further refinement to policy. The Draft Local Plan would then be presented to the Central Lincolnshire Joint Strategic Planning Committee again early 2022 and would then again be publically consulted on in spring 2022.

The following update regarding Neighbourhood Plans in the district was also provided.

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, Spridlington, Sudbrooke, Scotton, Bishop Norton and Atterby, Gainsborough, and Morton.	Full weight
Corringham NP	Examination almost completed. PC has responded to examiner's questions raised in his Clarification Note. There doesn't appear to be any major issues. The Note and PC's responses can be viewed on our website. Examiner expects to issue his Fact Check Report shortly. This is where the examiner will let both PC and WLDC see his report subject to fact checking. His recommendations will not change.	Increasing weight
Sturton by Stow and Stow joint NP	Consultation on the submission version of NP (Reg16) has just started. Closes 22 October. The NP comprises several documents. The NP itself plus policy supporting documents on: local green spaces, neighbourhood profiles, protected views, and heritage assets including non-designated ones.	Increasing weight
Hemswell Cliff NP	Consultation on the draft version of NP(Reg14) has ended. PC confident of will quick turn round so expect to receive submission version (Reg16) soon.	Some weight
Fiskerton NP	PC has asked WLDC only to comment on a pre-consultation version (early draft pre Reg 14). As may be remembered, the original Fiskerton NP	Little weight

	was withdrawn by the PC in 2019. This is a new version of NP based it is understood on new consultation evidence.	
Neighbourhood Plans - made (21) - in preparation (20) - in pipeline (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

44 143441 - DEPOT CAENBY CORNER

The Chairman introduced the first application of the evening, application number 143441, seeking permission to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping being variation of condition 2, 3 and 6 of planning permission 142916 granted 27 May 2021 re: wording of conditions, on land East of A15/North of A631 Caenby Corner Market Rasen.

The Committee heard there had been further comments from LCC Highways and LLFA, raising no objection and stating “The proposal does not have an impact on the Public Highway or Surface Water Flood Risk.” The West Lindsey District Council Growth Team had made no comment. Guidance from the Environment Agency stated: “The proposed development is located within a source protection zone and it is indicated that vehicle washing would take place on site. To reduce the risks to people and the environment the suitability of the location with respect to the protection of groundwater will need to be considered. In particular, mitigation is likely to be required to control risk to groundwater from vehicle washing and non-mains sewage discharge. Vehicle washing should be undertaken in a designated washing bay which should be designed so that run-off is isolated and directed to a silt trap or settlement tank. Run-off should either be collected in a sealed system for reuse, or collected in a sealed system for authorised disposal if connection to mains sewerage is not possible.”

With no registered speakers, the Chairman opened for comments from the Committee, first moving the recommendation from the Chair. A Member of the Committee sought confirmation that the footprint of the wash bay remained the same. This was confirmed to be the case.

Having been seconded by a Member of the Committee, the Chairman took the vote and it was, unanimously,

RESOLVED that permission be delegated back to officers to grant planning permission with conditions, subject to consideration of any further representations received within the consultation period, up to and including 13 September 2021.

45 143333 - 43 PINGLE CLOSE, GAINSBOROUGH

The second application of the evening was introduced by the Chairman. Application number 143333 for ground floor extension to form garage, together with first floor extension, at 43 Pingle Close Gainsborough.

With no update from the Officer and no registered speakers, the Chairman invited comments from the Committee. Members welcomed the details of potential shading across the neighbouring property and, having been moved 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:

None.

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

2. 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:

Site Location & Block Plan ref. D04 Rev P01

Proposed First Floor & Garage Extension ref. D02 Rev P10

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 and policy LP17 and LP26 of the Central Lincolnshire Local Plan.

3. The materials used in the development shall match those stated on the application form.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and 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.

46 142948 - 5 COLINS WALK, SCOTTER

The Chairman introduced the final application, number 142948, for rear conservatory and raised terrace, including boundary treatments, at 5 Colins Walk Scotter. There was no Officer update and so the Chairman invited the first of the registered speakers to address the Committee.

Mr Paul Watkins, on behalf of the applicant, made the following statement.

“Clearly I'm speaking on behalf of Mrs Jean Barwick. She is 80 years of age, and felt somewhat intimidated about coming and addressing the meeting herself. So what I'd like to do is just go through for her. It's my understanding that the main areas of concern here relate to the way the conservatory has been built, namely the way it has been raised up. This has led to a complaint that Mrs Barwick can see into the bedroom of the complainant's bungalow. When Mrs Barwick bought the property it only had one entrance door. This was a concern, clearly, in the event of the fire. The building of the conservatory allowed a rear door to also be constructed. But due to the nature of the rear gardens of property the conservatory had to be built up, obviously so you ended up with a level floor inside the property itself. Where the step from the conservatory comes down onto the garden is near the adjoining property currently. I understand that additional plans have been or are being made to rectify that.

The statement the view would be spoiled by the installation of the screen doesn't really hold up that much as far as we can see, because the complainants yard itself is actually very cluttered, and they were talking about wanting to see the brook at the bottom. If they actually did some husbandry inside their own property that would solve the problem that wouldn't need to be looking across towards Mrs Barwick's.

The thing about looking into the bedroom window is a bit difficult. I've had a look before coming here this evening and it's a flat window facing out, both of them. She would have to stand on the steps and look back to actually look into the window and there is one occasion where she said she was speaking to the complainant and what she said was that she had the window open and she was talking to her. I'm sorry but if you're stood talking to somebody through an open window you can generally see things inside. But generally speaking according to Mrs Barwick and from what I've seen itself this evening they've got blinds on that window which clearly are closed most of the time apparently.

With regards to the spoiled view by the erection of the screen I have to say that when you rent or buy a property, you do not buy or rent a view that is something that can change over time. The screen was an idea to solve the privacy issues that were raised by complainants. They do seem a bit hell bent on causing an old lady as much grief as possible with regard to this. Obviously I can't say too much more that would be hearsay and obviously that would not be the remit of this meeting itself.

We do have to say that it is true Mrs Barwick was given incorrect advice by the builder at the

time of the construction about planning. This should have been checked before the construction started. However, you'll no doubt be aware that several properties, including the complainants, have conservatories that need planning permission but none of them seem to have it. The outcome of this meeting may or may not have an effect depending on the time that those conservatories were built.

In conclusion, I'd say that the steps from the conservatory being moved and the screen being installed would solve the privacy issues raised by the complainants. Their view being impaired is not within the remit of this meeting as such. Privacy goes both ways. Mrs Barwick is an elderly lady she spent a lot of time in a garden and so looking across at hers doesn't seem to be an issue but the fact that she could look back and maybe see through a window is a big privacy issue as far as the complainant's concerned. But the real thing is if you go to the bottom of the yard and look back, you have more chance of looking through the window than you have from the steps of the conservatory base so it's really, really difficult.

I hope that that clears things up. I just want to thank you on behalf of Mrs Barwick for allowing me to speak on her behalf to you."

The second speaker, Mr Vincent Hartley, had submitted a statement of objection to be read aloud by the Democratic Services Officer. The following statement was read.

"Dear Committee

My written statement regarding the above planning application and subsequent amendments.

I am the owner of the adjoining semi detached bungalow. As a result of other commitments I am unfortunately unable to attend this meeting. I have viewed the second revised planning application and am still of the conviction that it does not in any way address my fundamental concerns about loss of privacy or of light.

The person standing or even sitting on the raised terrace still has uninterrupted views of my garden. When walking up from the bottom of the garden you are instantly confronted with this overbearing structure and of course anyone standing or sitting on it. I emphatically disagree with the comments stated in the agenda that the screen provides adequate privacy.

The area of land adjacent to the terrace is an area where vegetables are grown. The loss of light in this area will of course be detrimental to the growing of such.

In addition, as is clearly shown on the latest drawing, the enlarged screen now falls within the 45 degree view from the centre of the main bedroom window at No 4.

The only solution that is acceptable to me and the occupiers is that the height of the terrace should be reduced to ground level as it approaches to within 1.5m of the actual party wall line. The construction at present partly stands on my land which I have had confirmed by a competent boundary surveyor although this has been clearly dismissed in the agenda.

I truly believe if you vote in favour of this planning application in its entirety then one person's privacy is more paramount than another. As when my neighbour is in her garden

she has a greater degree of privacy compared to the occupiers of my property who have basically none when observed from this raised terrace.

Yours faithfully
Vincent Hartley”

The third and final speaker, also speaking in objection to the application, was invited to address the Committee. Mr Richard Rayner made the following statement.

“I can hardly believe the comments that the previous person made. Yes, I am the tenant, but I'm also a great friend of the owner and I have a guarantee of being able to stay in this property as long as I like.

To get around to this, Mrs Barwick initially came around to us and she said she would very much like to copy what we had. Now, the semi-detached bungalow, one would expect if you're going to copy something, then this would be, as they are semi-detached, a mirror image. Well, what has been built is the exact same thing. Only we have a stepped patio. We come out onto a metre, we start to drop down by a foot and we're away. We have no overlooking of our neighbour, I'm looking to the rear now, to that side. We don't see into Mrs Barwick's garden from that terrace if you like, but we only have height of a square metre of it and we have pot plants, it's not an area that we stay on.

Mrs Barwick's set up is to the far left of her property is a conservatory and then full flat level platform right up to the boundary. When Mrs Barwick stands, or somebody, at the end of that, then yes, they can look into our bedroom window. And this nonsense of if the window is open, our windows don't open that way. They open in a different way, they don't open so you see in they open so we see out.

Anyway, from the garden it's still quite an intimidating situation. Because, and we've joked, Jean and I, Jean and my wife that we trade plants, how I have helped Jean, she's been older than me, but I do some drilling for her and we've been great friends, until this. It's quite intimidating when a lot of people stand on this balcony platform, whatever you want to call it. And I've looked at the revised drawing but if you've removed those steps which has come down into the garden to be replaced by some steps to come down by the conservatory, then as far as I can tell, are going to be infilled. So we've got more platform. So you can even stand at the end of this platform and look further deeper into the garden.

What I suggest what I hope for what you can do for me is to remove those steps, as is planned, and the top part of the platform, therefore leaving about a metre between boundary, and her platform, and perhaps there's no need for the screen.”

The Chairman thanked all speakers and invited further comment from the Officer. He explained that, in relation to some of the points made by all parties, a response from the Chartered Surveyor had reviewed the title plans for numbers 4 and 5 Colins Walk. He stated that: “...these show the boundary between 4 and 5 Colins Walk as being a straight line. Obviously, this line is approximate within the bounds of accuracy inherent in Land Registry Title Plans. Within those parameters, the plans do appear to show that the boundary runs along the centre line between the houses and along the party wall. There is no marking of a deviation such that the fence at the rear of the property is offset from the party wall. Nevertheless, offsetting of 0.2 to 0.3m would not necessarily be shown on Ordnance Survey

plans.”

In addition, the Officer highlighted that the agent for the applicant had stated ‘the adjoining owner was incorrect in the statement stating it is built on his land, there had been no claim submitted to the client stating this. The client had demonstrated adverse possession of the land with their solicitor and it had been in the ownership of 5 Collins Walk since the building was constructed. The redline also matched the current OS map data and nothing had been amended to make it fit.’ In relation to these points, the Officer highlighted that the planning system entitled anyone to apply for permission to develop any plot of land, irrespective of ownership. However, an applicant was required to notify owners of the land or buildings to which the application related. It was an offence to complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000. He also highlighted that the purpose of the meeting was not to determine land ownership, but to consider the amended proposal as seeking permission.

The Chairman thanked him for his comments and opened discussions to the Committee. Members appreciated the concerns of both the applicant and the objectors. A Member of the Committee proposed a site visit, in order to fully understand the implications of the proposed screen as well as the level of ‘overlooking’ from the terrace. This was duly seconded and, having been voted upon, it was

RESOLVED that a site visit be undertaken, at a time and date to be determined.

47 DETERMINATION OF APPEALS

There were no appeal determinations for noting.

The meeting concluded at 7.12 pm.

Chairman