

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 3 November 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 Judy Rainsforth
Councillor Mrs Angela White

In Attendance:
Rachel Woollass Development Management Team Leader
Ian Elliott Senior Development Management Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer

57 PUBLIC PARTICIPATION PERIOD

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

58 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The Committee was advised of an amendment that had been made in relation to the advice from the Legal Adviser for application number 141702. The printed minutes to be signed by the Chairman included this amendment and the published minutes on the website had also been updated.

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 6 October 2021 be confirmed and signed as an accurate record.

59 DECLARATIONS OF INTEREST

Councillor I. Fleetwood declared a non-pecuniary interest in relation to application number

143260 (agenda item 6b) in that he was a member of the Parish Council for Cherry Willingham. He stated that he had not discussed the application with anyone and had not had contact with the applicant or registered speaker.

Councillor C. Hill declared a non-pecuniary interest regarding application 143260 (agenda item 6b) in that she had received an email as Ward Member regarding the application but had not responding and would remain as a Member of the Planning Committee for the item.

60 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard from the Development Management Team Leader with the following update on Neighbourhood Plans in the district.

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Corringham NP	Examination successful. A decision statement has been issued confirming that NP should be given significant weight in planning decisions and that the referendum is to be held on 2 December.	Significant weight
Sturton by Stow and Stow joint NP	Consultation on the submission version of NP (Reg16) closed recently. Responses to consultation to be posted on WLDC website shortly. Examination process to begin.	Increasing weight

61 143250 BLYTON PONDS, BLYTON

The Chairman introduced the first application of the evening, planning application number 143250, for change of use from holiday park to 9no. retirement homes for the over 50s, at Blyton Ponds, Station Road, Blyton. The Committee heard that there had been an update regarding growth levels, with there now being a growth level of two dwellings in Blyton, compared with the stated 'zero growth' in the report. This would alter the excess of properties through this application from an excess of seven properties, down from the stated figure of nine.

The Chairman explained there were two registered speakers for the application, the first being a statement to be read aloud from the Parish Council. The Democratic and Civic Officer read the following statement.

"Unfortunately no one from Blyton Parish Council is able to attend the Planning Committee meeting tonight. However council would like to make written representation.

Blyton Parish Council is not against the application per se but it has grave concerns about the potential of the development to exacerbate flooding in the village. Surface water flooding is already a big problem in Blyton with houses and businesses on the High Street and houses on Station Road having to be pumped out on a number of occasions over the past

few years. In fact houses on Station Road in the proximity of the application site have been flooded earlier this year.

Surface water from Station Road drains into the Wash Dyke which runs close by this development and already floods the village higher up on the High Street. The potential of development of this site into permanent residences could pose further problems, for example the addition of hard standing for vehicles and impermeable garden surfaces.

Should the Planning Committee decide to approve this application, Blyton Parish Council requests that conditions be used to eliminate further risk.”

The Chairman invited the second speaker, Mr James Roberts, speaking in support of the application, to address the committee. Mr Roberts made the following statement.

“Thank you Chair and members of the committee. This application essentially seeks to swap 12 holiday lodges for nine permanent homes for people over the age of 50. These homes will be high quality lodges rather than a traditional construction. This development would therefore deliver the type of accommodation which brings wider societal benefits, as it would help provide for the ageing population in West Lindsey.

We are pleased to see that the case officer and consultees have no concerns relating to the technical impacts of the scheme. In particular, it is very clear that the proposal would not have any adverse impacts in relation to flood risk, drainage, highway safety or land contamination. It seems clear the sole issue, which has resulted in the recommendation for refusal, relates to the matter of community support.

Prior to the submission of the application, the applicant contacted the parish council to see whether they would be able to support the proposal. Unfortunately, the parish council would not confirm either way. The applicant was unable to meet and discuss the proposal with members of the local community at the time because COVID restrictions were in place and it was therefore considered the pre application consultation with the parish council would be sufficient.

Following the submission of the application, the applicant has been able to discuss the proposal with local residents. This has been supplemented by posts on Facebook and the Nextdoor website. This consultation exercise has resulted in a significant show of support from the local community.

In terms of formal support, the application has resulted in a total of 62 letters of support compared to three letters of objection. This equates to a level of support in excess of 95%. It is also considered important to know that the primary concern of the three objectors relates to drainage and flood risk. None of the proposed dwellings would be within a flood zone and the scheme has received no objections from the Environment Agency or the lead local flood authority. A poll on the Nextdoor website generated 75 votes, with 92% of people in support, 4% against and 4% no opinion. It is therefore considered that the proposal does have support from a local community as required by the local plan policy.

This application is a sustainable form of development which would not have any adverse impact. The proposal would improve the visual impact of the site, would reduce the amount of built form in the, would help enhance the local sense of community and would support

existing local services. There is a shortage of accommodation for older people looking to downsize and stay in Blyton and this proposal would help meet this demand. The existing holiday part usage is no longer viable and this development is the most sensible and productive use for the site. The applicant has now demonstrated an overwhelming level of support from the local community and the proposal is therefore fully policy compliant. I would therefore like to respectfully urge members of the committee to approve this application. Thank you.”

The Chairman thanked the speakers and invited any response from the Planning Officer. He noted that, in response to the comments from the Parish Council with regard to surface water flooding, the proposal would lead to less built up form on the site and, should the Committee be minded to approve, conditions could be imposed relating to the use of permeable surfaces, meaning issues with surface water would not be exacerbated.

The Chairman invited comments from the Committee and there followed significant discussion for what was agreed to be a very finely balanced decision. It was noted that, as the development would exceed the growth levels of Blyton, planning policy stated that pre-application support was needed from the community. It was equally noted that due to the restrictions during the pandemic, community consultation had not been as straightforward as it might have been in previous times. Members were, overall, satisfied with the proposal being built on an existing site and with the provision for over 50s, however, it was acknowledged that policy LP2 was clear in the requirement for community support to be demonstrated at the pre-application stage. Members noted that support had since been forthcoming, however this did not meet the requirement of LP2 of being pre-application.

Having been moved and seconded, the Chairman took the vote and, with a majority vote, it was agreed that planning permission be **REFUSED**.

62 143260 LAND SOUTH OF WELSEY ROAD, CHERRY WILLINGHAM

The second application was introduced by the Chairman, application number 143260 an entry level exception site for erection of 21no. affordable dwellings - phase 3, on land to South of Wesley Road, Cherry Willingham. The Committee heard the following update from the Planning Officer. It was requested that committee delegate back to officers to grant planning permission subject to:

- completion of a bi-lateral section 106 agreement securing the proposal as an entry level exceptions site and the management and maintenance of the on-site public open space;
- receipt of a unilateral undertaking securing public bridleway access through the field to the south of the application site to Green Lane;
- resolution of surface water drainage matters; and
- evidence of agreement in principle from an adjacent landowner to construction road provision.

With regard to drainage design, the fee proposal had been obtained on the day prior to the meeting for the engineer to prepare designs for the drainage and connection into existing attenuation / pumping station, works ongoing with drainage. Regarding the unilateral undertaking for bridleway, the final engrossed unilateral undertaking had been received from the solicitors. The client’s solicitors were preparing an ‘associated grant of the right of access’. In relation to the S106 for affordable housing and open space, the Final Clean

Version of the agreement was sent to WLDC on 19 October.

Additionally, regarding the Haul Road access, Cherry Tree Homes originally proposed having the Haul road cutting diagonally across the field from Franklin Way. However, the adjoining land owner objected as his agricultural vehicles could only operate in straight lines. He would not be able to farm the cut off area of the field due to its triangular shape and relatively small size. The adjoining land owner of the east field had agreed in principal to Cherry Tree Homes having the access across his site. However, he was not currently willing to agree in writing to an exact route until Cherry Tree Homes paid him for the access.

The Chairman noted there were two registered speakers and invited the first, Mr Adam Skidmore from LK2 Architects, to address the Committee. Mr Skidmore made the following statement.

“Thank you, Chairman and Members of the Committee. My name is Adam Skidmore from LK2 Architects speaking in support of the application. This site has been subject to a number of historic planning applications. Previous planning submissions and subsequent appeal decisions of the site have determined that for locational purposes the site is acceptable for the development of residential housing.

The proposal is for an entry level exception site, which meets the requirements of paragraph 71 of the National Planning Policy Framework. Whilst the development of this site would extend the existing built form of the settlement, the proposed scheme for 21 affordable homes demonstrates exceptional reasons to justify the granting of a residential scheme on the site. The proposal will help to meet the identified much needed demand for affordable housing in the Cherry Willingham area in response to the strategic housing figures produced by the West Lindsey Housing Register.

The applicant is now prepared a Section 106 agreement to ensure the site is designated for affordable homes only. This section 106 agreement has now been drafted and agreed with the council. The layout scale and density of the proposed scheme complies with the relevant design principles from the Cherry Willingham Neighbourhood Plan and policies LP 17 and LP 26 of the Central Lincolnshire local plan.

Cherry Tree Homes and LK2 Architects have engaged closely with the planning officer throughout the planning period. This has resulted in further enhancements and redesigns to the application. These include all existing trees have now been retained on the site. There's been an increase in new tree planting along the street frontage in response to the latest national planning policy. There's been a provision of larger public open space on the site, and also the provision of a new public right of way to Green Lane, providing a bridleway link from Little Cherry into the main settlement of Cherry Willingham. This has been secured through the provision of a unilateral undertaking from the applicant and the adjoining landowner. All this has been done in response to feedback received during the planning authority and from local councillors during the planning consultation period.

Landscape and ecology. The application proposes a large net gain of boundary hedges and trees across the site. This softens the impact of the proposals from the surrounding area, and further supports local ecology. Bird and bat boxes have been provided in accordance with the recommendations of the ecology report to further enhance this.

It has been noted that a number of concerns have been raised about parking and access to the site by local residents. These can be addressed as follows. The application will not require any on street parking. The scheme has been designed with driveway parking to every house. The two and three bed houses have been designed with two car parking spaces each. The one bed bungalows have one space each. The site provides 37 private parking spaces and the further four visitor spaces are included to give a total of 41 spaces for our 21 houses. This is a higher ratio of spaces than the previous phase one and two developments to the north. The applicant is updating the management plan on the Phase One and Two development sites to help alleviate existing parking problems and congestion. The new road into the phase three development has been designed to adoptable standards.

To prevent construction traffic issues, the applicant has agreed in principle with an adjoining landowner to provide a whole road route into the site so that construction vehicles don't have to travel along Wesley Road to access the phase three development. We'd like to respectfully request the committee approve this application and thank you for your time."

The Chairman thanked Mr Skidmore and invited the Democratic and Civic Officer to read the statement provided by Mr Paul Varnsverry in objection to the application. The following statement was read aloud.

"I am a former resident of the neighbouring Cherry Paddocks development and write to endorse and reinforce the objections submitted by current residents of the Wesley Road development.

For whatever reasons, both the Wesley Road and Cherry Paddocks developments were constructed "from the front back", leaving the two pockets of land identified in the Cherry Willingham Neighbourhood Plan as CL4751 and CL4752, and designated as suitable for housing, 'locked' behind existing homes.

Irrespective of the status of CL4751 and CL4752 within the strategic plan, development of these two sites cannot occur without causing significant inconvenience to existing residents of Wesley Road and Cherry Paddocks, considerable risk of damage to property and private vehicles from large vehicles delivering building materials trying to navigate the completed residential roads (and damage to the roads themselves), danger to pedestrians, and potential loss of amenity.

Furthermore, residents of Cherry Paddocks, with grant support from WLDC and LCC, had to fund high-speed Internet connectivity themselves, when the "cut-price" service the developer signed up for slipped to below 2Mbps or no connection whatsoever as more homes were completed and occupied. Will the Fibre To The Cabinet service this community initiative funded suffer reductions in bandwidth if this application is constructed? If so, developers need to be compelled to finance such infrastructure as is required to maintain the current level of service.

It is no secret that the developer of Cherry Paddocks has designs on the strip of land immediately to the west of that development, an application on which (134096) was previously refused both by the WLDC planning committee and the Planning Inspectorate (APP/N2535/W/17/3179325), and has been engaged in pre-application discussions with the planning authority. Clearly, this strip of land also has the potential to provide a "haul road" and a repository for materials for application 143260.

Any such proposal should be rejected by WLDC, as the designation of said strip of land has already been tested by the previous application and appeal. Notwithstanding the noise and dust this would inflict on existing Cherry Paddocks residents (both factors which occurred when the land in question was used as an unauthorised repository and haul road for completion of Cherry Paddocks), any use of the land whatsoever for development purposes of any type should be looked at in its fullest context and no decisions taken which would cause an irrevocable change of use and create enabling development that might prejudice residents' objections to further applications.

In closing; it is in the nature of developers to be greedy. There can never be enough land to satisfy them, and even where housing needs are being addressed by local strategic plans, developers will continue to submit inappropriate planning applications. They know which "buzzwords" to use in planning applications and presentations to the planning committee, but are often found lacking, as has been alleged in other comments by Wesley Road residents, and as was found with the original "cheapskate" Internet provision at Cherry Paddocks.

Whilst the land subject of application 143260 may be designated for housing development, common sense and logic make it clear the previous strategic decisions of developers on the phasing of the existing housing developments makes construction on this site non-viable without great inconvenience and risk to the community. I urge the authority to reject the application."

The Chairman invited response comments from the Officer who confirmed that the application was under paragraph 72 not 71 as stated by the architect.

The Chairman opened the discussions by summarising the location of the proposed development and raising concerns regarding the impact on the existing homeowners of any construction work as well as concerns regarding the access for construction traffic and the impact on the existing roads. Members of the Committee voiced further concerns regarding the access to amenities and the location being set away from the main town. It was felt that residents would have no option but to use private transport for even the basics of everyday life. The requirements of developments under paragraph 72 as entry level housing were read aloud to confirm location of such developments did need to be on unallocated land and there was not the requirement for it to be integrated in existing developments.

There was significant discussion regarding existing concerns of residents regarding access to broadband, difficulties with low water pressure as well as access to the site. It was explained that should the development be approved, it could be conditioned that construction could not commence until the construction access road had been completed.

The recommendation was moved and seconded, however on taking the vote, there was a majority vote against the recommendation and as such, the proposal was lost.

The Chairman requested an alternate proposal and, through further discussion, it was proposed that the application be refused as contrary to D1, section G of the Neighbourhood Plan, LP1, LP17 and LP26. On having this proposal seconded and put to the vote, it was agreed by majority vote that permission be **REFUSED**.

Note: The meeting adjourned at 7.48pm for a short comfort break and reconvened at 7.49pm.

63 143099 SOUTH KELSEY CRICKET CLUB, HOLTON LE MOOR

The Chairman introduced the final application of the evening, application number 143099, for change of use from a sports pavilion to therapy centre at South Kelsey Cricket Club, Caistor Road, Holton Le Moor. The Committee heard from the Planning Officer that Ward Member Councillor T. Regis had wished to lodge his approval and support for the application and had submitted the following statement: “I appreciate Caistor Cricket Club’s opinion as a duty to Sport England however the reality is that the field is no longer used for anything other than left fallow and will remain so. This application will enable a use again for this area and will help to support WLDC in our plight to continuously grow the economy.”

The Chairman noted there was one registered speaker and invited Mr Richard Alderson to address the Committee. Mr Alderson made the following statement.

“Good evening Chair and members of the planning committee. My name is Richard Alderson and I am the agent for the applicant, Gail Hyman. The application which is recommended for approval is for the change of use of a disused cricket pavilion and grounds at Holton le Moor to an indoor and outdoor therapy centre to provide counselling and therapy services to children, young people and adults. The site was selected by the applicant because it offered a private setting and a beautiful location eminently suitable for delivering therapeutic health to improve the mental health and general being within a rural community.

The applicant Gail Hyman current currently operates an online therapy service for vulnerable people from her home in Middle Rasen. Mrs. Hyman also works with young children at the Rainbow Preschool Nursery which is sited at Caistor Primary School where she is the manager. This follows 20 years of experience working in childcare, often involving working with children requiring support for additional needs. Mrs. Hyman was given the opportunity to take the tenancy of an area of land atop the moor, which was formerly the Lysaghts Sports Club Cricket Club pavilion and field. The tenancy also includes part of the adjoining woodland to the northwest of the pavilion as you saw on the map.

The application attracted a lot of interest and support from local people, as well as general observations from others. When the application was first mooted in a pre-application, the case officer raised various hurdles to be overcome if the proposal were to have any chance of approval. All of these points have been addressed to the satisfaction of the case officer. Outstanding issues for him came down to highways and the change of use of a community facility. The Highways objections were overcome by changing the site access from a potentially dangerous location to one that represents no hazard to the highway. A planning condition requiring a traffic management plan to request all visitors to the centre to use the entrance and access as shown in the application plans is suggested by the Planning Officer.

Sport England have objected to the loss of a cricket facility on the grounds that although out of use for many years, may be needed at some time in the future. On the applicant’s behalf I canvassed opinion from all the controlling bodies for cricket in Lincolnshire, but received no response from any of them. At the request of the case officer I contacted Caistor and Market Rasen cricket clubs explaining the objection from Sport England. Caistor Cricket Club

supported the view of Sport England, but Market Rasen Cricket Club did not considering that there were ample facilities provided out Market Rasen and Caistor. Caistor currently fields three senior teams and four junior teams while Market Rasen have seven senior teams and three junior teams. Both clubs are currently advertising on their websites that they are looking for more players to use their existing facilities. Interestingly, the England and Wales Cricket Board ECB felt it could be economically unviable for cricket to return to the site and also said that most of the cricket demand in the area is already met by Caistor and Market Rasen.

The officer's report states that one community facility is being replaced by another and that the social and economic benefits associated with the Therapy Centre led him to state the proposal is acceptable in principal. He found that all the relevant policies in the Central Lincolnshire Local Plan were met. Granting permission for this change of use will also result in the former pavilion being refurbished and brought back into use.

I'll close with the words of Gail Hyman the applicant, 'I'm just so passionate about this. Outdoors and green spaces enhance our wellbeing just being there, the perfect location. I respectfully ask members to support the officer's recommendation.' Thank you very much."

Note: Councillor D. Cotton declared a personal interest in that he knew Mr Alderson, however he did not know the applicant and was not compromised in his position as a Committee Member.

The Chairman thanked Mr Alderson for his comments and, with no further comment from the Officer, invited the committee to discuss.

There was discussion regarding the loss of the cricket ground, tempered with the improvement the proposed change of use would bring. A Member of the Committee enquired as to how a commercial venture could be considered a community facility and the Officer explained that whilst it was a commercial venture, it would be providing a service for the community and in terms of planning policy, the proposal was for a community facility.

Members of the Committee expressed concern about the loss of the sports facility and whether this would set a precedent, however, other Members were quick to highlight the length of time the site had been out of use, the work that would be required to bring it into use, and the improvement the proposal would bring to the site and local area.

Having been moved and seconded, the Chairman took the vote and it was agreed that permission be **GRANTED** subject to the following conditions.

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).

2. Development shall proceed in accordance with the following approved drawings:
Floor plan showing proposed usage
Site plan

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

3. Prior to the first use of the development, a traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. It shall contain details of how the site operator is to inform all visitors to the site of the need to use the vehicular access/egress to the north of the Hope Tavern, the designated parking area, walking route to the pavilion and that the access/egress to the south should not be used in the interests of highway safety. Operation of the site shall proceed in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

64 DETERMINATION OF APPEALS

The Determination of Appeals was **DULY NOTED**.

The meeting concluded at 8.08 pm.

Chairman