

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 25 May 2022 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 Cherie Hill
Councillor Mrs Jessie Milne
Councillor Peter Morris
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White
Councillor Mrs Angela Lawrence

In Attendance:
Sally Grindrod-Smith Director Planning, Regeneration & Communities
Russell Clarkson Development Management Team Manager
Rachel Woollass Development Management Team Leader
Martha Rees Legal Advisor
Richard Green Planning Officer
Holly Horton Development Management Officer
Ele Snow Senior Democratic and Civic Officer
Andrew Warnes Democratic and Civic Officer

Also In Attendance: Twenty members of the public

Apologies: Councillor David Dobbie
Councillor Mrs Cordelia McCartney
Councillor Jeff Summers

Membership: Councillor Angela Lawrence was present as substitute for
Councillor Mrs Cordelia McCartney

1 PUBLIC PARTICIPATION PERIOD

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

2 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

A Member of Committee raised that his abstention on Planning Application 143957, Land adj Manor Cottage, Cliff Road, Saxby, Market Rasen, due to not being able to attend the site visit, was not recorded properly. In light of these comments the following amendment was proposed.

“Note: Councillor D. Cotton requested that his abstention on the above vote be recorded in the minutes.”

On being put to the vote the amendment was unanimously supported and on that basis it was:

RESOLVED that the amended minutes of the meeting of the Planning Committee held on Wednesday, 27 April 2022 be confirmed and signed as an accurate record.

3 DECLARATIONS OF INTEREST

Councillor I. Fleetwood declared, in relation to agenda item 6b, application number 144639, that he had known the applicant in a business capacity, having made a business transaction 30 years ago.

Councillor I. Fleetwood also declared, in relation to agenda item 6b, application number 144639, that prior to the previous application for the site, when making a visit nearby for a separate matter, he was given a short presentation of the site, and left without making comment.

Councillor I. Fleetwood declared that an email had been received in relation to agenda item 6a, application number 144526. It was stated this declaration was likely valid for all Members of the Committee. Councillors J. Milne, A. White, J. Rainsforth also stated they had received the same email.

Councillor D. Cotton declared a non-pecuniary personal interest, in relation to agenda item 6b, application number 144639. He was vicar in employment, and the application did have consideration of affecting the setting of the church.

Councillor C. Hill declared that though she was the Ward Member for Cherry Willingham, in relation to agenda item 6b, application number 144639, but would retain her seat as a Planning Committee Member.

4 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard from the Development Management Team Manager with the following updates regarding changes to national planning legislation proposed in the recently published Levelling Up and Regeneration Bill and some changes to the Neighbourhood Plans.

Regarding National Policy, the Officer stated the key changes in the Levelling Up Bill. These included multiple points.

The scope of local plans would now be limited to "locally specific" matters, with "issues that apply in most areas" to be covered by a new suite of national policies. These national policies will carry the same weight as the local plan.

"A new duty on decision makers to make planning decisions in accordance with the development plan and national development management policies unless material considerations strongly indicate otherwise". The document said that this was to "increase certainty in planning decisions".

Local Planning Authorities would be required to have a design code in place covering their entire area;

A new Infrastructure Levy would replace section 106 planning obligations and the Community Infrastructure Levy (CIL)

Environmental Impact Assessments (EIA) was to be replaced by a new system of Environmental Outcomes Reports

Local planning authorities would "have a new power to prepare 'supplementary plans'. These were policies for specific sites or groups of sites that needed to be prepared quickly (e.g. in response to a new regeneration opportunity), or to set out design codes for a specific site, area or across their whole area."

'Neighbourhood priorities statement', which was to provide communities with a "simpler and more accessible way to set out their key priorities and preferences for their local areas. Local authorities will need to take these into account, where relevant, when preparing their local plans for the areas concerned, enabling more communities to better engage in the local plan-making process".

The bill included a "placeholder for a substantive clause which will introduce a 'Street Votes' system that permits residents to propose development on their street and hold a vote on whether it should be given planning permission"

The bill would "make changes so that designated heritage assets, such as registered parks and gardens, World Heritage Sites, protected wreck sites, and registered battlefields, enjoy the same statutory protection in the planning system as listed buildings and conservation areas", and

Proposals that would ensure that planning enforcement worked effectively by extending the period for taking enforcement action to ten years in all cases; introducing enforcement warning notices; increasing fines associated with certain planning breaches; doubling fees for retrospective applications; extending the time period for temporary stop notices from 28 to 56 days; and giving the Planning Inspectorate the power to dismiss certain appeals where the appellant causes undue delay. The scope for appeals against enforcement notices would be tightened so that there was only one opportunity to obtain planning permission retrospectively.

The Officer then gave notice of the progress of the new Central Lincolnshire Local Plan, with the next meeting to be held on 6 June 2022, followed by comments received on the second draft to be published sometime in mid-June 2022.

The Officer then informed Members of the progress with the Neighbourhood Plans. The Sturton by Stow and Stow joint Neighbourhood Plan's referendum was to be held on Thursday, 26 May 2022. The Officer highlighted that the Harpswell and Hemswell joint Neighbourhood Plan had its Regulation 16 submission consultation completed, and was awaiting the selection of an Examiner. The Officer concluded his update by stating that the Hemswell Cliff Neighbourhood Plan's Regulation 16 submission version was soon to be received, and a consultation process was to follow.

West Lindsey District Council Neighbourhood Plans Update on 25 May 2022		
Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Sturton by Stow and Stow joint NP	Examination successful. Referendum to be held this Thursday - 26 May 2022.	Significant weight
Hemswell and Harpswell joint NP	Submission consultation (Reg16) completed. Examiner to be selected.	Increasing weight
Hemswell Cliff NP	Submission version (Reg16) to received soon. Consultation will follow.	Some weight

Note: Councillor D. Cotton declared that he was a Member of the Central Lincolnshire Local Plan.

In response to a question about the detailed specifics with the street vote proposal and the implications of the strength of the vote in weighing up a recommendation, the Development Management Team Manager stated that the proposal was still in bill form, with this provision being a placeholder, and that full details were not yet available, but early indications are that this would arise at the request of the applicant.

5 144526 - LAND AT EASTFIELD LANE, WELTON

The Chairman introduced the first item of the meeting, planning application 144526, an Outline planning application for residential development of 109no. dwellings, with access to be considered and not reserved for subsequent applications, at Land at Eastfield Lane, Welton, Lincoln, Lincolnshire.

The Officer stated that there was an update to the application. Following the publishing of the officer's report the agent emailed to amend the location plan. The red line now aligns with proposed allocation 008A. This also amends the site area from 6.6ha to 5.93ha. The amended plan was also accompanied by a letter disputing the findings of the officer's report and the level of weight given to the draft Central Lincolnshire Local Plan.

They also stated that West Lindsey would now know the level of objection to the draft local plan. Consultations responses were being added to the system. A breakdown of final consultations would be published on the website, in the same way previous consultations had been This was likely to be uploaded by mid-June once all responses had been reviewed and redacted.

The Officer confirmed that there had been a number of objections received in connection with Policy S80 and more specifically related to site WL/WELT/008A, an initial count of how

many related to the site indicated explicitly around 26, however this was to be confirmed and publicly available in June 2022.

In terms of how much weight was attributed to the Submission Draft Local Plan and specifically Policy S80 in relation to application 144526 was for the decision maker to determine. The Officer, however, stated paragraph 48 of the NPPF did refer to the extent to which there were unresolved objections to relevant policies and the Council knew from an initial assessment that there were several objections.

The agent letter highlighted paragraph 49 and 50 of the NPPF, however these were addressed in the officer report. The letter further highlighted significant benefits to the scheme in s106 contributions. However, these were standard contributions to mitigate against the direct impact of the development. The letter and change in boundary did not change the officer recommendation to the application.

The Chairman then invited the first speaker, James Lambert, the agent for the application, to address the Committee. The speaker made the following statement.

After stating his disappointment with the recommendation, the speaker updated that the site plans were shared with Members of the Committee in the few days prior.

The speaker then stated that the Committee should afford greater weight to the new local plan, and had additional information submitted. He then asserted that the proposed application cleared policy 48 and 49 of the National Planning Policy Framework, which included the additional submitted information. The speaker specified that exceptional circumstances facilitated possible developments, and referenced development ongoing on a neighbouring site to the application.

The speaker concluded that the development would bring 109 dwellings, 27 of which were to be affordable, with road and footpath improvements. The speaker then detailed that the application would bring £70,000 for local NHS provisions, and £395,000 for education provisions. He finished his statement which asserted the Central Lincolnshire Local Plan evidence and that it was a sustainable location.

The Chairman thanked the speaker for his statement, and invited the registered objector, Chris Thomas, to address the Committee. The speaker made the following statement.

The speaker stated that he represented 120 people from around 70 dwellings in the local area. The statement progressed to say that the Central Lincolnshire Local Plan policy 17 rejected the provision on the site, and that it was not in the Neighbourhood Plan.

The speaker stated that there was enough provisions and planning applications in the current Central Lincolnshire Local Plan to cover the village for ten years, and referenced LP2 and LP3 in this section as the main factors for this application being not needed. The speaker then detailed that the application would not have a sustainability aspect. It would intrude into the countryside, have to be dependent on cars that would increase road traffic, and not improve biodiversity, as the gardens would cut into wildlife.

The speaker then proceeded to state the increased pressure on local services that would come from the proposed application if it was to be granted, that included a stretch on

Welton's local services, including primary school allocations, General Practitioners and the usage of the roads in the area. The speaker stated that the site access would need a 90-degree bend for visibility, and that Eastfield Lane would need to be widened, with accidents occurring regularly. The speaker concluded that the proposed application would conflict with the character of the local Ryland area, and extended and would overload the village's local amenities.

The Chairman thanked the speaker for his statement, and invited the first Local Ward Member, Councillor Mrs Diana Rodgers, to address the Committee. She made the following statement.

Councillor Mrs Rodgers stated this application had been subjected to much commentary, and commended the Case Officer for a balanced and excellent report. She then referenced that the 2017 Central Lincolnshire Local Plan did not mention the site, and that this site was rejected for the current Local Plan in the evidence report in April 2016. Councillor Mrs Rodgers commented that the proposed application was not a logical extension of the village, and had concerns about significant access issues. She then stated that the proposed development would complicate road issues along with better-suited existing sites. The statement then noted that 300 dwellings were already in building, or had approval, with the figures imposed above the decision of Welton.

The speaker then referred to Welton and Dunholme's size, and that recent developments had ignored the parish boundary between them. The statement concluded with a reference to over-subscribed local surgeries. She finished to say that any significant development should not be granted until the public infrastructure caught up with the current situation in the ward.

The Chairman thanked Councillor Mrs Rodgers for her statement, and invited the second Local Ward Member, Councillor Steve England, to address the Committee. He made the following statement.

Councillor England endorsed Councillor Mrs Rodgers' comments, the Officer's report, and stated that the report considered every aspect of the proposed development. He expressed concerns about the amended maps of the application, and noted that this implied notion from the agent and applicant of not being told of the outcome of the application was unbelievable. He was concerned over changes in the middle of the process with the evidence presented by the applicant. He referenced the strength of the Central Lincolnshire Local Plan policies with the Officer's decision, and that a Planning Inspector could have thrown out the potential area in the future. He concluded his statement by stating that he endorsed the residents, colleagues and the Council's comments that advocated for refusal of the application.

The Chairman thanked Councillor England for his statement, and invited a response from the planning officers. The Development Management Team Manager stated that in response to the applicant's concerns of not being told of the officer's recommendation, all relevant parties found out at the same time when the report was published. The Officer did inform Members that the applicant was advised in writing that the application was to be deemed contrary to the current Central Lincolnshire Local Plan and gave them the opportunity if they wished to withdraw the application.

The Officer advised that the NPPF “presumption in favour” was not engaged and also stressed that in the exceptional cases now referred to by the developer in regard to LP2, this was for the decision-maker but that he would advise that he did not consider these to be “exceptional” with a number of matters such as the financial contributions and affordable housing being a requirement in order to meet planning policy, and are expected for such a development.

The Officer concluded his remarks to state that the emerging plan was not in statute, and that the upcoming Central Lincolnshire Local Plan was not considered to outweigh the existing policies in the statutory development plan. The Chairman then invited comments from Members of the Committee.

Debate occurred, with Members stating that the proposed site was contrary to the Central Lincolnshire Local Plan allocation, and other planning policies. One Member referred to the ongoing process of the future Central Lincolnshire Local Plan, and stated the current one was ‘water-tight’.

There were also raised concerns about the provisions for health and education with the proposed application. There was not enough capacity in the village and nearby area to support this development.

Having been moved and seconded, the Chairman took the vote and, it was unanimously agreed that planning permission, as detailed in the Officer’s recommendation, be **REFUSED**.

6 144639 - CHURCH FARM, CHURCH LANE, STANTON BY LANGWORTH

The Chairman introduced the next item of the meeting, planning application 144639, for construction of an agricultural storage building, at Church Farm, Church Lane, Stainton By Langworth, Lincoln, LN3 5BL.

Note: Councillor I. Fleetwood declared that he was County Councillor for Bardney and Cherry Willingham but would remain in the Chair for the item.

The Officer informed the Members of the Committee that there were no updates to the report and gave a short presentation. The Chairman then invited the registered speaker, Andy Hey, the agent for the application, to address the Committee. The agent made the following statement.

The speaker stated that the application would have less than substantial harm to the Church and surrounding area. It was referenced that Church Farm was a working farm and that the proposed new building would not cause any further harm. The speaker stated that a previously proposed building that was larger was granted under permitted development that had more prominent views and questioned the logic behind the Officer's refusal recommendation.

The speaker held that the only views of the proposed building would be seen via Langworth Road and Scothern Lane, with no available views close from the Church. The speaker stressed that there were no viewing spots that would obscure the Church. The statement

progressed to state that the proposed building would not last for a long time, unlike the Church. The speaker also asserted that the proposed building would be lower and sit at a lower height than the previously accepted building. The speaker then said that the view from the A158, which was one kilometre away, was hidden by the roadside hedge and questioned if the view did exist.

The speaker then progressed to talk about the statement of harm and stated that the statement of 'less than substantial harm' was unclear. The speaker then argued that the benefits of the farm for economic activity and a better storage facility outweighed the harm. The speaker concluded by repeating that less than substantial harm was involved, that a previously large building had been given prior approval, which was more intrusive, and invited Members to view the site.

The Chairman thanked the speaker for his statement and invited comments from the Officer. The Development Management Team Manager specified that the existing buildings would be built to a similar scale, with 7.7 metres to the ridge, and had a similar square metre edge to other buildings on the site. The Officer also reiterated that the Conservation was in the lower category of 'less than substantial harm', with this categorisation weighed up with the public benefits of a planning application. The Chairman then invited comments from Members of the Committee.

There was discussion on the comments of the nearby affected parties, and statutory agencies did not object to the proposed application. One Member brought that the Church did not oppose the proposed building, with another Member asserting that the Church would have used Church Farm as a sustainable way of provision. A separate Member commented that if the nearby Church were not a listed building, the application would have likely not been brought to the Committee's attention. In response to a query about the location, Members heard that the proposed building was to the South-West of the existing building.

Members also commented about the site's topography and the siting of the proposed building in respect of any proposed harm. In response to this aspect, the Legal Adviser stated that it was the legal test to engage whether the proposed building harmed the Church, not the existing buildings and whether the proposed building would cause its own harm.

Responding to these points, the Development Management Officer informed Members that with listed buildings, there was a statutory duty to preserve and enhance, which led to advice about the guidance in testing the harm made by development. Members heard of two main policy focuses, which were substantial and less than substantial harm. Members heard that the harm territory required the guidance and whether the public benefits justified the harm.

The Legal Advisor reiterated that there was a legal test to engage in whether the proposed building harmed the Church and not the existing buildings. The Legal Advisor stated that Members needed to consider the proposal in whether it would cause its own harm.

There was also discussion on the potential harm that the building would cause. Several Members commented that the proposed usage of the site was unlikely to harm the area, as vehicle access was one way, and the site was seemingly in clean and tidy condition, with tarmacked segments.

With this in mind, it was proposed that permission be granted contrary to Officer's

recommendation. This proposal was seconded, with no other proposal on the table.

The Chairman took the vote, and by majority vote, it was agreed that permission be **GRANTED** subject to the following conditions as per published decision notice:

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: AWS1 dated 22/03/2022, AWS2 dated 22/03/2022 and AWS 4 received 23/03/2022. 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.

3. The materials used in the development shall match those stated on the application form and drawing No. AWS1 dated 22/03/2022.

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.

7 144395 - BARNABY, 18 RASEN ROAD, TEALBY

The Chairman introduced the next application of the meeting, planning application 144395, for extensions and alterations to existing dwelling at Barnaby, 18 Rasen Road, Tealby, Market Rasen, LN8 3XL. The Officer informed Members that there was no update to the report and gave a short presentation on the application.

The Chairman then invited the first speaker, Kevin Coupland, the agent for the application, to address the Committee. The agent made the following statement.

Having been approached by the applicants, they described that they wanted to improve the existing dwelling and remove the current extension, changing the dwelling to be more sympathetic to the area and better use of the applicant's family. The speaker then described that the property's frontage was 30 metres and stressed that the application had gone through pre-application consideration to make it acceptable, which included collaboration with the Council with the Area of Outstanding Natural Beauty (AONB).

The speaker then stated the positive effect of adjacent properties that had changed with other development similar to the proposed application. The speaker detailed that the plans for the proposed application had been changed to consider objectors' viewpoints. The speaker concluded that the replacement of a two-storey flat roof, and the change of rear extension, would improve the view of the nearby AONB, and the scheme had been reviewed and supported by the Council.

The Chairman thanked the speaker for his statement and invited the second speaker, Joanne Macbeth, an objector, to address the Committee. The objector made the following statement.

The speaker stated that she was a neighbour and also represented number 20. The speaker asserted the application had a significant uplift, going from 133 to 277 square metres in area. The proposed development would double the size of the property and extended close to the boundary of her property, with a comment that any space would be gone. The speaker stated that a 1.3 metre ridge increase would be a reduction of the light in the autumn and winter in her property.

The speaker then commented about the privacy screens and the roof terrace and stated that the proposed design was too small, referring to a refused balcony design on a nearby property. The speaker noted that the land gradients compounded the proposed design. The amenities detailed in LP26 of the Central Lincolnshire Local Plan were in contravention if the proposed application was granted.

The speaker explained that the proposed development would lead to a loss of space for 16 and 18 Rasen Road, and had strong objections from the local Members. The speaker concluded her statement by referring to the local character of Tealby, expressing that the village had a unique beauty, with the Wolds necessitating special protection, and that the proposed development would impact and harm the village.

The Chairman thanked the speaker for her statement and then invited a response from the Planning Officer. The Officer stated that the application submitted was not the same as the pre-application submission and that the distance to the side elevation of Number 16 was 1.8 metres. The Chairman then invited comments from Members of the Committee.

There was discussion on the possible domination of the scenery of the proposed development. Members deliberated on whether the proposed design was better suited to the AONB and the surrounding area.

There was also discussion on the ridge height uplift of the proposed application, with debate on the effect of this application's outcome. One Member stated that though it was odd, it was not enough to refuse planning permission. Members also debated whether the application

would harm the nearby Viking Way, the surrounding area, and the neighbours' privacy and access to light.

The Vice-Chairman proposed a site visit as he was in two minds over the proposed application and felt a look and proper viewing would be beneficial.

Having been proposed, and seconded and, on taking the vote, it was

RESOLVED that the application be deferred for decision at the next available meeting, in order for a site visit to be undertaken.

8 144620 - 1 MALTINGS COURT, MARKET RASEN

The Chairman introduced the final application of the meeting, planning application 144620, for a lawful development certificate to convert bathroom to wet room including removal of airing cupboard and other internal alterations to a Listed Building, at 1 Maltings Court, Market Rasen, Lincolnshire, LN8 3AZ.

After a short presentation, and with no updates to the report, the Chairman stated that there were no registered speakers. The Chairman then invited comments from Members of the Committee.

There was wide approval that a change to a wet room was of no issue, and a comment was made that it would improve the living situation of the resident.

Having been proposed and seconded, the Chairman took the vote and it was unanimously agreed that the Certificate of Lawful Development be **GRANTED**.

9 DETERMINATION OF APPEALS

There were no appeal determinations for noting.

The meeting concluded at 8.15 pm.

Chairman