

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 7 September 2022 commencing at 6.30 pm.

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

Councillor Matthew Boles  
Councillor Michael Devine  
Councillor David Dobbie  
Councillor Mrs Jessie Milne  
Councillor Peter Morris  
Councillor Roger Patterson  
Councillor Jeff Summers  
Councillor Mrs Angela White  
Councillor Christopher Darcel

**In Attendance:**  
Russell Clarkson Development Management Team Manager  
Rachel Gordon Development Management Team Leader  
George Backovic Development Management Team Leader  
Martha Rees Legal Advisor  
Ian Elliott Senior Development Management Officer  
Daniel Evans Senior Development Management Officer  
Vicky Maplethorpe Area Development Officer  
Andrew Scott Democratic and Civic Officer (Civic)  
Andrew Warnes Democratic and Civic Officer

**Also In Attendance:** 6 Members of the Public.

**Apologies:** Councillor David Cotton  
Councillor Cherie Hill  
Councillor Mrs Judy Rainsforth

**Membership:** Councillor Christopher Darcel sat as substitute for Councillor Cherie Hill.

### 39 PUBLIC PARTICIPATION PERIOD

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

#### **40 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 10 August 2022 be confirmed and signed as an accurate record.

#### **41 DECLARATIONS OF INTEREST**

Councillor I. Fleetwood declared, in relation to agenda item 6c, application number 142874, that he was a Member of Cherry Willingham Parish Council, and was also the County Councillor for Bardney and Cherry Willingham. He had not participated or discussed the application, and would remain in the Chair for the item.

Councillor C. Darcel declared, in relation to agenda item 6c, application number 142874, that he was the District Councillor for Cherry Willingham, but that he had not participated or discussed the application prior to the meeting, and would sit as Member of the Planning Committee.

Councillor A. White declared, in relation to agenda item 6e, application number 144930, that she was the Chairman of Nettleham Parish council, and would be speaking in that role, and then leave the Chamber for the remainder of the item.

Councillor J. Milne declared, in relation to agenda item 6a, application number 144574, that she would speak as the Local Ward Member, and then leave the Chamber for the remainder of the item.

#### **42 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY**

The Development Management Team Manager updated Members of the Committee on the main national updates to planning policy, and that with a new government in formation, there was a new Department for Levelling Up, Housing and Communities Secretary, Simon Clarke MP, and an update on proposed planning reforms would likely be announced soon.

The Officer then progressed to highlight local updates, and updated that the Hemswell and Harpswell Joint Neighbourhood Plan was in examination. Members also learnt that the Hemswell Cliff and Keelby neighbourhood plans were in Submission Regulation 16 public consultations. Additionally, the Nettleham Neighbourhood Plan Review was under Regulation 14 Consultation.

#### **43 144574 - LAND TO THE EAST OF CHURCH ROAD, UPTON**

The Chairman introduced the first item of the meeting, application number 144574, to erect 5no. detached dwellings with attached garages on land to the east of Church Road, Upton, Gainsborough, DN21 5NS.

The Officer stated that there was an update to the report, which was that the S106 agreement was created, and was in consideration with the applicants. The Officer then gave a short presentation on the application.

The Chairman advised that there were two registered speakers for the item. The Chairman invited the first registered speaker, the agent for the application, Vic Fowlers, to address the Committee. The following statement was made.

The speaker thanked the Committee for their consideration, and stated the current application was based on a previously approved application. He then stated that the current application was similar to the previously agreed outline, with the same number and type of dwellings, and with a similar layout.

The speaker progressed to respond to objections previously made, specifically the removal of the hedge on the western side to Church Lane. This was only being removed due to Lincolnshire County Council requiring a two metre footpath between the access points to the site. The speaker stated that there was sufficient room, and the application provided for additional tree planting in a mitigation attempt of any environmental issues. Other measures proposed included lights and movement senses, nesting boxes, fences to the rear gardens, and openings to allow hedgehogs to access the site. Regarding the access roads to the proposed site, Lincolnshire County Council expressed no concerns regarding these roads, neither in the outline application or the proposed application.

The Chairman thanked the speaker for his statement, and invited the second and final speaker, the Local Ward Member, Councillor Jessie Milne, to address the Committee.

The Member stated that she knew the area very well, and that attending the site visit was useful. The statement expressed concern about the footpath linking the two access points, with the nearby Church Road hosting poor visibility issues, and dangerous road situations in the surrounding area. The Member then expressed concerns about road flooding and individuals avoiding cars in the village, with flooding not dealt with and the roads subsequently covered in mud. The statement then asserted that there were nearby archaeological sites of interest that could be affected.

Moving to suggestions for the committee, the Member highlighted that better management of flood risks, the historic environment, transportation, and construction control could be put in place in order to guarantee a better development. The Member asserted that this could be also assisted by the enforcement of the conditions, and made sure that the site was being looked after. The Member concluded her statement to state that she was tired of dealing with complaints from construction work in her ward, and that builders were not adhering to the conditions placed upon them in the approval of planning applications.

The Chairman thanked Councillor Milne for her statement.

**Note:** Councillor J. Milne left the Chamber at 6.47 pm for the remainder of the item.

The Case Officer was then invited to respond. He informed Members that a footpath for the whole of Church Road was unreasonable, and that the current access on Main Street was safe. The Officer also explained that the flooding and construction management aspects of the application were conditioned in the recommendations, and that the area was in Flood Zone 1. In response to the archaeological issues, this was to be conditioned as recommended by Lincolnshire County Council. Regarding any conduct of the developers, the Officer highlighted that this was an enforcement issue, and that the Authority could not control what developers did day by day.

The Chairman then invited comments from Members of the Committee. Debate ensued, and Members raised up their concerns, reiterating points about access, the lack of pedestrian safety, and the village footprint should the application have been granted. A large amount of discussion occurred on the affordable housing monies and CIL funding that were in with the proposed application.

During the debate, Members expressed their views on the proposed application, with several references to the need for agriculture, the level of community support, and a long conversation of the density of the application site. Members also utilised their experiences from the site visit to highlight aspects of the application.

In response to a query about potential footpaths, there were no plans for road widening. In a similar response from the Officer, the access point for construction vehicles would be laid out in the construction management plan, which would include the storage parking and management of the site, in addition to the roads that would be used by the builders.

During queries made to the Planning Officer, Members heard that the site would be 0.92 hectares, which was described as about two and a quarter acres, and was proposed to be built on Grade 3 agricultural land. In response to a query about the siting of the dwellings, the judgement call for small villages like Upton were whether it was within an inappropriate location, and the sequential tests of an application.

Responding to several questions about the affordable housing aspect, Members learned that the Homes, Health and Wellbeing Manager had assessed that the dwellings were not suitable for affordable houses, and an offsite contribution would be made. In response to a supplementary, the Senior Development Officer explained that any reassessment of the CIL figure provided would be very difficult, as it was based on the land used by the dwelling. In a later query, Members heard that the affordable housing contribution would be split, with 25% going towards the Government's First Homes project, and the remaining 75% going towards traditional affordable housing, with both of these streams being spent within the West Lindsey district.

Later in the debate, a similar query was raised about the affordable housing contribution, which Members learned had been calculated to be the equivalent of what would be on-site provision affordable housing, and that in scenario of on-site affordable housing, the dwellings might have stood empty.

In the debate, the Chairman had received two recommendations from the committee that were proposed and seconded. The first to do so was the granting of the application, and the second was the refusal of the application. Early in the debate, several Members felt that the proposed application was limiting safe access in the site, and in the surrounding area, in addition to a loss of agricultural land. The refusal proposal was deliberated to possibly include reasons of flood risk for removal, but after discussion with the Legal Advisor who pointed out that the flood authority did not object to the application, this was removed. Since the refusal was seconded last, the Chairman took the vote on the application

The Chairman took the vote to refuse first. Having been proposed and seconded, the Chairman took the vote, and on taking the vote, it was agreed that permission be **REFUSED** for the following reasons:

1. *The development would not achieve well designed, safe and convenient access for all, particularly with regard to pedestrians and cyclists. This would be contrary to policy LP13 of the Central Lincolnshire Local Plan (2017), and draft policy S46 of the Submission Draft Central Lincolnshire Local Plan.*
2. *The proposal would result in development in the countryside and lead to the potential loss of Best and Most Versatile Land, contrary to Policy LP55 (Part G) of the Central Lincolnshire Local Plan (2017), and draft policy S66 of the Submission Draft Central Lincolnshire Local Plan.*

**Note:** Councillor C. Darcel left the Chamber at 7.39 pm.

**Note:** Councillor J. Milne returned to the Chamber at 7.40 pm.

#### **44 144010 - 18 SOUTH DRIVE, STOW**

The Chairman introduced the second application of the agenda, application number 144010, for two dwellings at 18 South Drive, Stow, Lincoln. The Development Management Team leader informed Members that there was an update to the application, with the Landscaping Officer having visited the following a request from the neighbour to assess the existing trees and place a Tree Preservation Order. The Landscape Officers comments were read out.

“I visited the property with the 2 ash trees adjoining the west side of the dev site yesterday. Although both trees are very large and clearly visible, they are both low quality trees and do not meet the criteria for a TPO. The southerly ash of the two trees is and adequate distance from both the house and garage of the adjacent plot. This tree is infected with Inonotus hispidus which causes decay and significant loss of wood strength over a short period of time.

It appears to be two trees that have grown very close together with the bases moulded around each other. The southerly stem has a significant lean to the southeast, and the more upright stem has a low fork with included bark that could potentially split apart as they continue to grow in diameter with annual growth. The northerly tree of the two is forked into three from just above ground level, and appears to have early stages of Chalara ash on them.”

**Note:** Councillor C. Darcel returned to the Chamber at 7.41 pm.

The Officer then gave a short presentation on the application.

The Chairman invited the first registered speaker, the Parish Council representative from Stow Parish Council, Councillor Chris Turner, to address the Committee. The following statement was made.

“Stow Parish Council objects to the application as it stands. We do not object to development on this site, but we do object to the size and scale of the dwellings proposed. The application is for two 3 storey houses of substantial proportions with each having six bedrooms, two bathrooms plus three en suites, which was 5 bathrooms, an office and a gym.

As pointed out at the previous meeting, the Sturton by Stow and Stow Neighbourhood Plan states: "We need a range of low carbon and energy efficient homes in terms of size and affordability to meet the needs of local residents including provision of smaller homes, both as starter homes allowing young people to remain within the area, and for older people downsizing..." Policy 1a goes on to say we will support development where: "new homes are of size, type and tenure that meet local housing requirements;"

While the Housing Needs Assessment for Central Lincolnshire may consider the evidence implies a need for larger family homes, there is nothing to suggest that 'larger' means six bedrooms (plus bathrooms, en-suites, offices and gymnasias). How many families with five children do you know who need to have a six bedroomed house to provide a separate bedroom for each of the children? We certainly found no such evidence of that need in our area in all the consultation work we undertook during the making of the Neighbourhood Plan.

Any development in Stow is likely to be one or two houses given the space available so the 'mix' across any site is important to the villagers in the context of other developments.

There have already been 3 three storey six bedroomed houses recently built in the village. We are a small compact village. We do not need more six bedroomed houses. Latterly, there have been successful applications for 3 and 4 bedroomed houses, some of which have been completed and are now occupied. We would not be averse to 3 or 4 bed two storey houses being built on the site. They would be more in line with locals' views, wishes and needs although we would have liked to see some single storey dwellings as well.

As stated above, Policy 1a of Sturton by Stow and Stow Neighbourhood Plan says we will support development where: "new homes are of size, type and tenure that meet local housing requirements;" and Policy 4 seeks a locally appropriate market housing mix. We believe that the application is not in accordance with either Policy 1a or 4."

The speaker then concluded his statement by rejecting the assertion from the agent for the application that the Parish Council was lobbied to change their minds. The Councillor stated that this was a procedural error and that the wrong submission was filled for the application.

The Chairman thanked the speaker for his statement, and invited the next registered speaker, the agent for application, Rob Bradley, to address the Committee. The following statement was made.

The speaker thanked the committee, the numerous approvals for the proposed application, and asserted that the growth of the village would be in line with policy. The speaker stated the application followed planning policy, and was in with the neighbourhood plan. It was then referenced that though large, there was nothing stopping the development for any relevant planning policy reasoning, and that the plot suited the six-bedroom sized properties.

The speaker progressed to mention that there was nothing the Neighbourhood Plan that prevented the development, and that properties must be for affordable housing. The speaker asserted that the dwellings would not have a detrimental effect on the surrounding area, and were appropriately distanced. In concluding his statement, the speaker stated that the main policy stance, despite the new Neighbourhood Plan had not changed, and explained that the dwellings were not aimed at the low-cost market, considering that the application was only for two dwellings.

The Chairman thanked the speaker for his statement, and invited the final registered speaker, an objector, Deborah Rose, to address the Committee. The following statement was made.

Having given thanks for visiting the site, the speaker stated that the proposed balconies would have a viewpoint onto Horseshoe House, its garden, and that the dwellings would remove the views that has been used by the dwelling owners for a long time. The statement progressed to mention about low-level dwellings in front of the nearby Rectory that were designed to not spoil the view points, and asked for a similar proposal to prevent any issues of privacy.

The speaker expressed concerns over privacy issues with the proposed dwellings, and that it might affect the already approved 'B and B' on her site. Regarding the vehicle access, the speaker commented that there was concern over the narrow access, and questioned officers' if the access was suitable for a possible 12 cars. The speaker then asserted that the increased size and scale of the dwellings was a possible attempt to plan by stealth, and was contrary to the planning policies in place.

She then questioned the Officer to explain how much of the application could be justified over the existing permission. She asserted that it was contrary to the Neighbourhood Plan, the Central Lincolnshire Local Plan, and NPPF policies, due to the lack of support from the Parish Council and the community, and that the lack of space surrounding the site multiplying the problems with the proposed application.

The speaker then progressed to talk about past comments about influencing the decision of Stow Parish Council, and that she and the other occupants of Horseshoe House had no association and that she had never attended a meeting of Stow Parish Council. She stated that the accusation was a slur to question the integrity and professionalism of the Parish Council, with it unfair and unsubstantiated.

The statement progressed to assert that the real issue was the misleading factually incorrect information and omissions on the plans submitted over five years for a linked development were likely to erode confidence in the process. The speaker concluded her statement remarking about Condition 3, with regard to the tree landscaping, and that the applicant had taken down substantial trees, which affected the visual screening and raised concerns about protecting trees both on and adjacent to the site.

The Chairman thanked the speaker for her statement, and invited the Development Management Team Leader to respond. In his response, the Officer highlighted that the previous permissions had a long history of approval, and that the previously approved permissions had expired. The current extant approval was for one dwelling. The Officer explained that the proposed application had enough space, and had an acceptable relationship with the nearby boundary properties.

The Officer then stated that whilst the policy in the Neighbourhood Plan supported a mix of dwelling types it did not mean that it would be refused if it did not deliver this. The officer also pointed to the small size of the development in terms of being able to deliver a suitable housing mix which would be more practical for a larger development. The Officer concluded his response to state that this would not justify a refusal pointed out that the site was

identified as falling within a built-up area in the Neighbourhood Plan which supported residential development in principle.

The Chairman then invited comments from Members of the Committee, and debate ensued. Members brought up multiple points, including the balcony overlooking, the location within the Stow village, and the orientation of the buildings. Members also commented about the condition and traffic of the adjacent roads, and utilised the site visit experience made.

Responding to a query about the balcony potentially overlooking the neighbouring properties, the Officer confirmed that the balcony was at the first-floor level, and would have 2 metre high obscured glass along the majority of both sides of the balcony. It was then remarked that only a small section of the side would have potential visibility and even in this instance it would necessitate a conscious effort to look over towards the neighbour and this would be 12.2 metres away from the neighbours.

Having been proposed and seconded, the Chairman took the vote and it was agreed that permission be **GRANTED** subject 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 Layout with boundary details and Landscaping Dwg. No. 129/21/07/E

Plot 1 Ground Floor Plans and Front Elevation Dwg. No. 129/21/01/B

Plot 1 Floor Plans and Elevations Dwg. No. 129/21/02/B

Plot 1 Garage Details Dwg. No. 129/21/05

Plot 2 Ground Floor Plan and Elevations Dwg. No. 129/21/03

Plot 2 Ground Floor Plan and Elevations Dwg. No. 129/21/04

Plot 2 Garage Details Dwg. No. 129/21/05

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

3. No development, other than to foundations level shall take place until a scheme for the disposal of surface waters (including the results of soakaway/percolation tests) have been



submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwellings.

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

4. No development, other than to foundations level shall take place until a scheme for the disposal of foul waters have been submitted to and approved in writing by the Local Planning Authority. Foul drainage shall be to the main public sewer unless detailed evidence is submitted demonstrating that this is not feasible, for costs or practicality reasons. The agreed details must be implemented in full prior to occupation.

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

5. The materials used in the development shall match those previously approved by application 141102 on 9th June 2020

Facing Bricks- Ibstock Alderley Rustic Blend  
Roof tiles- Sandtoft Humber plan tiles- Natural red

Any variation must be approved in writing by the Local Planning Authority.

**Reason:** As these are the materials proposed and considered acceptable to secure a satisfactory visual appearance in accordance with 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:**

6. All planting, seeding or turfing comprised in the approved details of landscaping shown on Dwg. No. 129/21/07/E shall be carried out in the first planting and seeding season following the occupation of the buildings 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 policies LP17 and LP26.

7. The boundary fencing shown on Dwg. No. 129/21/07/ E must be implemented in full prior to occupation of any dwelling and retained thereafter.

**Reason:** To restrict overlooking of neighbouring dwellings in accordance with LP26.

8. 2m high glazed screens to the sides of the first-floor balconies on the rear elevations shall

be in place prior to occupation of the dwellings and maintained thereafter.

**Reason:** To restrict overlooking of neighbouring dwellings in accordance with LP26.

#### **45 142874 - LAND TO THE NORTH OF RUDGARD AVENUE, CHERRY WILLINGHAM**

The Chairman introduced the next item on the agenda, application number 142874, for an Outline planning application to erect up to 144no. dwellings – access to be considered and not reserved for subsequent applications, on land to the north of Rudgard Avenue, Cherry Willingham.

The case officer provided an update to the Condition 9 in the report. Condition 9 needed amendment so that after development was commenced, it would need to include within 10m of the railway line. This has been agreed with Network Rail. This is to allow a start on site.

The new condition was to read: “9. Development shall not commence within 10m of the railway line until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project 2 Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.”

After a short presentation on the application, the Chairman advised that there were no registered public participants for the application, and invited comments from Members of the Committee.

Debate ensued, and Members brought up multiple points, which included access, the possible layout, and the principle of development, and the nature of outline applications. There was also deliberation over the error of the initial numbers for the site, and the density of the application, with one Member asserting that it was not of high density in many new development sites. It was also emphasised at multiple points that the application was only looking at the outline, with emphasis that there would be no dwellings built from the possible granting of the application.

In response to the numbers of dwellings proposed, the Development Management Team Manager explained that the housing numbers came from the Central Lincolnshire Local Plan and the Neighbourhood Plan, with the application being on an allocated site. There was an issue with the incorrect figure of 1.75 hectares, with an expectation that 75% of the site being used for dwellings, that the proposed figure was based on the area size being 5.17 hectares. The Officer explained that the plan was indicative, and that the approved local policies indicated that 40 dwellings was insufficient.

The Officer explained that the figure of 144 dwellings was up to that number, and that consideration would be given to the accommodating road space, layout and the open space. The Officer further elucidated that the Committee at this point should mainly consider the scale and reserved matters for the application, and whether the high number affects these issues, in addition to housing needs in the area. In a response to a later enquiry, Members heard that the actual number of dwellings might be reduced to factors around the site.

In response to a query on affordable housing, Members learnt from the Development Management Team Leader that the figures were advised by one of the West Lindsey District Council Housing Officers. The figure of 25% overall, with a split for 60% affordable rented housing, and 15% on shared ownership, and 25% on first homes, was decided as the best way to split the monies.

In a later enquiry, the Development Management Team Manager explained that the indicative scale and layout had been considered with Lincolnshire County Council Highways, and has assessed that the proposed site could safely accommodate the number of dwellings. For vehicle access, Members learned that the access was an upgrade to the existing access point onto Rudgard Avenue, and was designed with the usage of 'Manual for Streets'.

Regarding a similar enquiry about noise, mitigation was proposed and this had been reviewed by West Lindsey District Council's Environmental Protection Officer.

Members also learnt from the Development Management Team Manager that the full application would not automatically return to the Committee, but would progress the same way that any other planning application would progress. In a similar explanation later in the debate, the Officer explained that access was not a reserved matter, and therefore was in consideration at this point in the process.

During the debate, several Members felt that having the ability to see the access of the proposed site would be beneficial to check the access for the large number of dwellings proposed, and to examine the scale of the proposed site. Even with this group, the proposed application was proposed and seconded to be granted. The Chairman took the vote to have a site visit first, as it was the last proposal that got the required proposing and seconding.

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.

#### **46 145118 - 5 BECK HILL, TEALBY**

The Chairman introduced the next item of the meeting, application number 145118, to erect 1no. dwelling – resubmission of 143877 on land adjacent 5 Beck Hill, Tealby, Market Rasen, LN8 3XS. The Officer stated that there was one update, which was an additional letter of support for the application, and then gave a short presentation on the application.

The Chairman advised that there were 3 statements, with these to be read out by the Democratic and Civic Officer. The first was from the applicants, Nik and Jools Ferrier-Hanslip. The following statement was read out.

"Good evening. The officer's report is well considered and recommended for approval as they have judged that the proposal fits with local and national planning policy. You may recall that a similar application was brought before committee in March which was recommended for approval, but unfortunately the members moved the application for refusal siting grounds of character and amenity.

You can obviously understand our frustration as we spent a long period of time getting the design of the property right and the approval from the then conservation officer Liz Mayle. I understand she is a person of extreme professionalism who takes pride and diligence in her role passionate about conserving the local areas. Basing all decisions on local planning policies and her professional opinion.

In essence she would not have given backing to the proposals if she thought it would be harmful to local character. To address this previous reason for refusal we have revisited the scheme and made extensive amendments, I would also like to make you aware that the previous scheme is also subject to an appeal which we would be willing to withdraw if you accept the officer's recommendation for approval of this new application.

At first glance this design may look similar to the previous but as already stated this is what the planning office deemed acceptable. We didn't want to change the location, style, or the shape of the building, but what we have done is reduce it in size by 44%! We have reduced both the buildings in length and width, lowered it by a further 80cm and removed the basement. We have also had visual images produced so you can see exactly how it will sit at a much-reduced level on the plot and look very much in keeping with its surroundings and setting.

We took on board the comments from the previous committee and we would like to address them. Firstly, one of the members comments last time was "it obviously doesn't fit in with the style of Tealby". No two houses on Beck Hill are the same. There are brick, stone and rendered houses, timber clad houses, tiny cottages, large barns and even a 1990's bungalow. Some have UPVC windows, others are wooden casement. Some have tiled roofs, others are slate. Photos have been shown. So, we were confused by that comment.

Sections 2.3 and 2.4 of the Tealby Conservation Area Appraisal refer to the character of the village and Beck Hill stating that "Dwellings and buildings have been historically squeezed in over time and provide an informal character to the village". After a consultation with the conservation officer, it was she that suggested the proposed design. She drew the size, shape, and position of the dwelling.

One that she deemed suitable in her professional capacity to fit in and not have a negative effect on the surrounding area. Or be contrary to LP17 and LP26. All we have done is put the details on. The visuals clearly show a traditional style dwelling which reflects the older properties in the village. We will utilise high quality materials and finishes to produce a dwelling which is fitting of the location.

Secondly, a councillor asked about the differences to the previous application that was taken to appeal. If you have studied the supporting documents you will see that our new design is completely different to the one that was dismissed at appeal 3 years ago. In terms of style, mass, orientation, position, height, and scale it is much smaller.

Thirdly, concerns were raised regarding amenity space and privacy. The planning officer has considered both, for this scheme and the previous scheme and considers that amenity space and privacy are acceptable and meet the relevant legislation. The new amendments have actually increased the level of amenity space. We have calculated that the proposed property will have 78% amenity/garden space. This is compared to houses recently

approved for development in Tealby which have 49% garden space. The proposed dwelling causes no overlooking issues with neighbouring properties. There is a 4 meter high laurel hedge on the southern boundary. Fourthly, the Water Course as referred to by councillors is actually a water feature created by ourselves.

Before attending the previous meeting, we researched what would happen. On both west Lindsey's website and the Gov website it states that access must not be discussed. However, this was brought up 5 or 6 times! Even after the planning officer explained access is not a planning matter but a civil matter. We were also left disappointed by the lack of reasoning behind the committee's decision to refuse. It states within – House of Commons Library Document.

'In cases where councillors overturn the advice of officer's reasons have to be given. The LGA/PAS guide to probity in planning for councillors and officers suggests that councillors should be ready to explain why they have not accepted the officer's recommendation. All reasons for refusing permission must be given in detail. Decisions must be based on fact; not personal opinion and those facts must be stated clearly.'

We don't believe we were given valid reasons. We wrote to each councillor individually asking them to explain their reasons and for advice going forward with our next application. We received only two replies.

Finally, I'd like to talk about the last three years and the effect that this has had on us mentally and emotionally. Particularly these last few months. I don't think any of you can possibly understand so I'm going to try to explain.

In March I explained the main reason for wanting to build our home was our desire to adopt another baby and remain in the village to care for our disabled father. We could be building that home now and looking forward to sharing it with a new baby. And that's the reality: It's not just about bricks, it's not about access or roof heights, it's about lives and changing them for the better. It's about doing the right thing for the right reasons.

And that is all we are trying to do. In conclusion we hope you can see that we have addressed all your previous concerns and created a characterful home causing no harm to the street scene and conservation area. Over the last 3 years we have done everything asked of us by the planning office to ensure that all planning policies are adhered to."

The Chairman thanked the Democratic and Civic Officer for reading the statement. He advised that there were two objectors, and invited the Democratic and Civic Officer to read out the first statement from Gail Firkin. The following statement was read aloud.

**Note:** Councillor R. Patterson left the Chamber at 8.35 pm.

"As the owner of the neighbouring bungalow, Lark Rise, 5A Beck Hill, Tealby I have the following concerns:

Proposed Visuals. The proposed visuals shown on the planning portal misrepresent the actual space available for the proposed dwelling. Part of my front garden has been obliterated and is shown as a new driveway and garden for the proposed dwelling and therefore is not a true representation of the proposed site. Right of Way. The host dwelling

does have a Right of Way over my drive but it is for one dwelling house only.

Residential Amenity. The overdevelopment of the site would adversely affect my residential amenity due to overlooking, over dominance and lack of parking provision in this small space. Site Location Plan (edged in red). This gives an inaccurate indication of the boundary, no part of my driveway forms part of the land owned by the host dwelling. Thank you.”

**Note:** Councillor R. Patterson returned to the Chamber at 8.37 pm.

The Chairman then invited the Democratic and Civic Officer to read the final statement, from a second objector, Andrew Laing. The following statement was read aloud.

“My wife and I have been residents of Beck Hill for sixteen years. Our house is some forty yards from the proposed new dwelling. The proposed dwelling would be about fifteen feet above our house. Our objections to the proposal are summarised below:

Beck Hill Dangers. Beck Hill is a narrow road without pavements or parking places. It is part of The Viking Way and is used by local pedestrians (children, elderly residents and their pets) as well as walkers making use of the Viking Way. In recent months the traffic on the road has increased due to speeding delivery vehicles. Pedestrians are obliged to flatten themselves against the roadside hedges to avoid accidents. The proposed new household would further add to the danger of accidents on the hill.

Risk of subsidence and new springs. Our house, 8 Beck Hill, suffered from subsidence for many years due to a leak in the village hall that is close to the proposed dwelling, At the same time springs appeared in our garden preventing us from making use of our lawn and caused a permanent stream on Beck Hill. In freezing temperatures there were several accidents due to icing on the stream. The matter was resolved due to the intervention of a neighbour. Bully Hill is notorious for springs and land slips and the delicate balance that has been established risks being destroyed by the proposal.

Congestion. The crossing between Front Street, Beck Hill and the shop is always busy. In particular there are problems during term time when children are dropped off and collected. The car park is frequently full and traffic becomes entangled with vehicles trying to escape the problem. The proposal is for a dwelling in the centre of this area and would exacerbate the dangers involved.

Out of Character. The heart of the village comprises Front Street and Beck Hill which are well known for their attractiveness such that many visitors come to enjoy the village. The proposal would risk downgrading the reputation of the area. Thank you.”

The Chairman thanked the Democratic and Civic Officer for reading the statement, and invited a response from the Planning Officer. In response, the Development Management Team Manager stated that the comments were more in line with the previously considered application, and advised the Committee to only consider the application that was submitted. In response to the critiques of the right of way, this was not part of West Lindsey District Council’s consideration of planning permission, with it being a civil matter. The Officer also stated that the concerns about subsidence and traffic numbers were minimal, as dwellings were already established, and that the application was only considering a single dwelling.

The Chairman then invited comments from Members of the Committee. Debate ensued, and Members debated the access of the proposed property, the possible interference to the immediate neighbours due to the access and egress of the proposed property, and the proposed design of the application. Members also raised the potential disturbance to the immediate neighbouring properties, and comments of possible decrease in the value of properties. There was also conversation about the existing hedges and trees on the site.

In response to a query about access, Members heard that the access came off the hill, and was already a tarmacked area. In a similar query about tree protections, Members learnt that they could condition the tree for retention.

During the debate, Members asserted that the application in front of them did not improve much of the problems highlighted in a previously refused application. Members proposed and seconded that the application be refused for the same reasons as a previous application had been. At the end of the deliberation, the Development Management Team Manager confirmed this reading out the refusal reason, and suggested consideration by Members of whether the amended scheme overcame the previously highlighted issues.

Having been proposed and seconded, the Chairman took the vote and, it was agreed that planning permission be **REFUSED** for the following reasons:

*The proposed dwelling would result in the over-development of the site. It would, as a result of its scale, mass and positioning, be overbearing and would result in harm to the prevailing character and amenity of the surrounding area. This would be contrary to LP17 and LP26 of the Central Lincolnshire Local Plan.*

#### **47 144930 - "TROIKA", 21 THE GREEN, NETTLEHAM**

The Chairman introduced the next item, application number 144930, to refurbish retail unit and sub-divide residential unit to form 1no. apartment over existing retail unit and 2no. dwellings, including first floor extension to infill and cover rear first floor balcony, at "Troika", 21 The Green, Nettleham, Lincoln, LN2 2NR. The Officer informed Members of the Committee that there was no update to the report, and gave a short presentation on the application.

The Chairman invited the register speaker, Cllr Angela White, Chair of Nettleham Parish Council, to give her statement. The following statement was made.

The speaker wanted to speak in support of the objections to the application, and gave a brief history of the shop that had existed and was currently in use. The speaker referenced the access to the properties was limited around the nearby church, and partly due to the Co-op car park. The speaker then referenced the attractiveness of the approach adjacent to the Co-op for potential buyers, and asserted that there was enough space in the back of the properties for parking.

The speaker stated that the existing Nettleham plan was silent to parking standards for development, and that in the review, there was to be an insertion on day parking standards for additional bedrooms in existing dwellings in the village. This was to ensure that when

planning permission was granted for additional bedrooms, there was sufficient parking space for each new bedroom. The speaker progressed to state that any parking space needed to be within the existing curtilage of the property, which was the main objection by the Parish Council. In concluding her remarks, it was referenced that a bus stop was immediately outside of the property, and queried that stopping location.

The Chairman thanked the Member for her statement.

**Note:** Councillor A. White left the Chamber at 9.00 pm for the remainder of the item.

The Chairman then invited comments from Members of the Committee. Debate ensued, and Members drew attention to a return to the originally designed usage of the dwellings, the possible refurbishments, and the Conservation Officer's comments. There was also some discussion on the parking situation both surrounding the property, and generally with different property types, such for new developments.

In response to a comment about parking, the Officer replied that there was space in the back of the properties for parking spaces, and does have the right of access, but this was blocked off by a separate party.

Members also learnt in a separate response from the Officer that the Nettleham Neighbourhood Plan review was only at consultation.

Having been proposed and seconded, the Chairman took the vote and it was 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. No external alterations shall take place until details of all external and roofing materials (including mortar mix) to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

**Reason:** To safeguard the character and appearance of the building(s) and its surroundings in accordance with policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

3. No external alterations shall take place until, a 1m<sup>2</sup> (one square metre) sample panel of



stonework demonstrating the quality, materials, bond, mortar, coursing, colour and texture shall be constructed on site. The Local Planning Authority shall inspect the above details of the stonework prior to the commencement of the first floor extension and the development shall be carried out in accordance with the approved details. The sample panel shall be retained on site until development is completed or removal is approved in writing by the Local Planning Authority.

**Reason:** To safeguard the character and appearance of the Conservation Area to accord with the National Planning Policy Framework and policies LP25 and LP26 of the Central Lincolnshire Local Plan.

4. Prior to the occupation of the hereby approved dwellings, full details of the treatment of all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the units.

**Reason:** In the interest of the visual and residential amenity in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

5. 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:

- L-ADD-122 – 08 Rev B
- L-ADD-122 – 09 Rev A
- L-ADD-122 – 10 Rev A
- L-ADD-122 – 11 Rev A
- L-ADD-122 – 12 Rev A

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, LP25 and 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.

**Note:** Councillor D. Dobbie left the Chamber at 9.05 pm to retrieve Councillor A. White.

**Note:** Councillor A. White returned to the Chamber at 9.06 pm.

**Note:** Councillor D. Dobbie returned to the Chamber at 9.06 pm.

#### 48 145141 - GAINSBOROUGH TOWN CENTRE

The Chairman introduced the final application of the meeting, planning application 145141, for advertisement consent for 7no. freestanding map monoliths and 9no. fingerpost signs, in Gainsborough Town Centre. The Development Management Team Manager stated that there were no updates to the report, and gave a short presentation on the application.

The Chairman advised there were no registered public participants for the application, and invited comments from Members of the Committee.

Debate ensued, and Members were in general praise of the application, and that it would possibly help bring people into Gainsborough. There was some raised annoyance about the lack of solar panels, with a Member stating that Gainsborough Town Council wanted future proofing of the designs. It was also remarked that the application would not have come to the Committee's consideration if the applicant was not West Lindsey District Council.

**Note:** Councillor D. Dobbie declared that he had participated as Member of Gainsborough Town Council for the application, and left the Chamber at 9.15 pm for the remainder of the meeting.

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

1. The grant of express consent expires five years from the date of the grant of consent.

**Reason:** To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3. No advertisement shall be sited or displayed so as to—  
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);  
(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or  
(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

7. 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: Proposed Sign Details received 08/07/2022, Sign Removal Details received 08/07/2022 and Map of Proposed Sign Locations received 08/07/2022. 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.

#### **49 DETERMINATION OF APPEALS**

There were no appeal determinations for noting.

The meeting concluded at 9.16 pm.

Chairman