

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 8 February 2017 commencing at 6.30 pm.

Present: Councillor Stuart Curtis (Chairman)

Councillor Owen Bierley
Councillor Michael Devine
Councillor David Cotton
Councillor Matthew Boles
Councillor Thomas Smith
Councillor Roger Patterson
Councillor Judy Rainsforth
Councillor Mrs Jessie Milne
Councillor Giles McNeill

In Attendance:

Jonathan Cadd	Principal Development Management Officer
George Backovic	Principal Development Management Officer
Stuart Tym	Legal Services Lincolnshire
Simon Johnson	Senior Town Planner ENGIE
Dinah Lilley	Governance and Civic Officer

Also present 18 Members of the public

Apologies: Councillor Ian Fleetwood
Councillor Hugo Marfleet

Membership: No substitutes were appointed.

68 PUBLIC PARTICIPATION PERIOD

Mr S Taylor addressed the Committee under the Public Participation Scheme.

“Chairman, the Spirit of Scothern is grateful to those members who have called for a monitoring report on the Planners approach to s106 agreements. In your response to my previous question Chairman (Which members will be interested to know I only received 2 days ago after having to demand that officers follow the public question procedure) you indicated that this matter is not officer driven. I beg to differ.

It is the officers who are shaping this approach, as a planning officer admitted in 2015 that, and I quote “The Council does not have a policy in relation to section 106 obligations”. Clearly in the absence of policy direction officers are taking personal views, without fully researching community facility needs. You claim that all developments in Scothern were fully assessed with regards to community facilities.

On what basis? Where are these assessments? And if officers did undertake professional assessments why are they not even mentioned in reports to this committee? Indeed, by way of example the officer report for the Dunholme Road development provides not one word by way of commentary or consideration the request for 106 monies for community facilities? Why not? Can you produce these assessments Chairman? Indeed where are the assessments of need for open space, sports and recreation facilities required by section 73 of the NPPF?

The Officers constantly quote the legal tests for 106 agreements but fail to ever explain how other councils do make 106 provision for village halls, sports facilities, childrens playgrounds and the like. Often Councils specifically require offsite contributions. And the question I asked at the last Planning Committee – why can other Councils fund community facilities from new homes development? Simply hasn't been answered.

Even within the district we recently have had a graveyard justified, allotments, footpaths and sports facilities. So the officers protest that you cannot justify community facility contributions legally are so weak – that they even disregard them themselves – when they choose. Clearly Scothern, and possibly other communities, have been discriminated by officers inconsistent approaches on this.

Why can't our officers understand if there are more houses in a community it will need more and bigger community facilities? Surely this is purely common sense and what you the members and we the public want? Surely they should be able to put their professional expertise to achieving this – rather than spending time and effort trying to justify not support community facilities.

Can you chairman and the committee ensure that we, the Spirit of Scothern, do have a meeting with Planners to work through the issues and concerns as only an intelligent discussion with goodwill from all parties will resolve this matter for the benefit of the district and its communities. Indeed does the Planning Services Manager wish to signify this agreement now to such a meeting?"

Mr Taylor was responded to that he would receive replies to all of his questions in due course.

69 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 11 January 2017.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 11 January 2017, be confirmed and signed as a correct record.

70 DECLARATIONS OF INTEREST

Councillor David Cotton declared that he had not been present on the Site Visit to Nettleham, so would not take part in the deliberation on the item.

Councillor Giles McNeill reiterated the declaration he made at the previous meeting “.. a personal interest as he had liaised with the public regarding item (135429 – Nettleham) but had not taken part in discussions”.

Councillor Giles McNeill also declared that he was the Ward Member for Item 6b (134989 – Riseholme) and had been lobbied, but would act in his capacity as Committee Member.

Councillor Owen Bierley noted that all Councillors had a personal interest in item 6c (131548 – Torksey) as the applicant was a fellow West Lindsey Councillor.

Councillor Bierley declared a personal interest in item 6d (134618 – Nettleton) as he had had a telephone conversation with the applicant, on procedural matters.

Councillor Bierley sought advice on item 6e (135428 – Normanby by Spital) as he had been on the Planning Committee when a previous application had been submitted, at which he had voted against the principle of development. The Legal Adviser informed Councillor Bierley that this was a separate application, and that if he was satisfied that he could be persuaded either way, then he was not conflicted from taking part.

Councillor Milne declared a personal interest in Item 6b (134989 – Riseholme) as she had accompanied Sir Edward Leigh MP at a meeting, however she had not taken part.

71 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Principal Development Management Officer informed the Committee that the Housing White Paper had been issued the previous day by the Secretary of State, and summarised the key points, which were:-

- Statutory Requirement for Starter Homes Not Introduced
- Standard National Methodology for Objectively Assessed Need (Housing)
- Housing Delivery Test
- Measures to Boost Build Out Rates
- Consideration to Fee Requirement for Making a Planning Appeal
- Neighbourhood Plans Face New Tests to Retain Protection
- Planning Application Fee Increases
- Support for Build to Rent

Many of the changes involved amendments to the National Planning Policy Framework. The Government intended to publish a revised Framework later this year, which would consolidate the outcome from the previous and current consultations. It would also incorporate changes to reflect changes made to National policy through Written Ministerial Statements since March 2012.

A government-commissioned review published alongside the White Paper recommended that the Community Infrastructure Levy (CIL) should be replaced with a "hybrid system" of a low level tariff for all developments and section 106 for larger developments. The White Paper said that the Government "will examine the options for reforming the system of developer contributions including ensuring direct benefit for communities" and would respond to the CIL review and "make an announcement at Autumn Budget 2017".

The Committee briefly debated some of the highlights and it was requested that the summary be circulated around all Members of the Committee.

72 PLANNING APPLICATIONS FOR DETERMINATION

RESOLVED that the Planning Applications as set out in Item 6 be determined as set out below.

72a 135429 - NETTLEHAM

Planning application for the full demolition of the two storey element of the existing outbuilding, extensive repair and renovation of the single storey sections together with the rebuilding of the two storey area, first floor extension and change of use to form a family annex at The Cottage, 10 Church Street, Nettleham.

The Principal Development Management Officer reminded Members of the revised conditions set out for the previous meeting - Conditions 2 and 4 were to be amended to end with the words "and be retained as such thereafter." A further plan was to be added to Condition 4 - RDS11066/01 revision B.

The Officer then summarised a letter which had been received regarding the structural integrity of the building at different points over time. The officer confirmed that there had been liaison with Building Control officers over the stability of the building and that they had confirmed it was unsafe and should be demolished.

Mr and Mrs Harris then spoke in objection to the proposals. The main concerns were that the assumption was that the new building would have no greater impact than the previous barn, when the proposals were to be one third taller than the original structure, and the design did nothing to preserve heritage assets. The wall would be 1.2 metres from windows and would be oppressive, overbearing and overshadowing. Concerns were also expressed for an elderly neighbour who lived in a bungalow next to which the new build would be 59% taller.

The Principal Development Management Officer noted that the increase in size and scale of the proposal over the existing barn, that such additions had been approved previously and the scheme had been considered acceptable. The barn had been present when the neighbouring properties had been built and the distance between considered adequate. It was also noted that the extension to the barn had been approved when the neighbouring development application (8 Church Street) was being determined. Windows were already affected and should in any case be obscured glazing, but were not.

Members agreed that the site visit had been useful, and whilst having some sympathy for the neighbours however, could find no planning reasons to justify refusal of the application.

It was questioned if an additional condition could be applied which stipulated that no further windows be installed which would overlook the neighbouring properties. This would be possible and an additional condition would be included.

It was moved, seconded and voted upon that permission be **GRANTED** subject to conditions, and the inclusion of the additional condition below.

Amended conditions

2. No development shall take place until details of all external and roofing materials 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 and be retained as such thereafter.

REASON: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have low environmental impact in accordance with West Lindsey Local Plan First Review Policy STRAT 1.

4. With the exception of the detailed matters referred to by the conditions of this consent, the works hereby approved shall be carried out in accordance with following drawings and be retained thereafter:

- RDS 11066/01B Proposed Elevations
- RDS 11066/02B Proposed Barn, Elevations, sections & Site Plan
- RDS 11066/03A Site Location Plan
- RDS 11066/04 Window & Door Details Type A
- RDS 11066/05 Window & Door Details Type A
- RDS 11066/06 Window & Door Details Type B
- RDS 11066/07 Window & Door Details Type C
- RDS 11066/08 Window & Door Details Type D
- RDS 11066/09 Window & Door Details Type E
- RDS 11066/10 Window & Door Details Type F
- RDS 11066/11 Window & Door Details Type G

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 Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

Additional Condition

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendments) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no additional openings other than those hereby permitted in the external walls or roof of the eastern elevation of the development shall be formed without an express grant of planning permission.

Reason: To avoid overlooking and light pollution in the interests of the residential amenities of adjoining occupiers in accordance with West Lindsey Local Plan First Review Policy STRAT1.

72b 134989 - RISEHOLME

Listed building consent for the restoration of Riseholme Hall Stables at the University of Lincoln's Riseholme Campus - to be determined in accordance with application reference 134780, at the University of Lincoln, Riseholme Park, Riseholme.

Neil Foster, of Riseholme Parish Council, was pleased with the upgrade to the stable block and would like an Historic England buildings record completing. Whilst the restoration was to be sympathetic, the wider application proposals were unclear, and the Parish Council were open to continued dialogue with the University.

Alex McCallion, agent for the applicant, reminded Members of the poor condition of the stable block as seen on the site visit, which although architecturally significant, was merely used for storage. The buildings had been subject to a mixture of repairs of varying quality, and it was proposed to replace all of these. The original plan was to be retained, original features including the clock face restored, and the historic fabric preserved. There had been no objections from statutory consultees.

Whilst the Listed Building Consent being sought was part of a wider application the proposals were to be considered on their own merit. The remaining proposals had been deferred for further local consultation.

The proposals for approval of **Listed Building Consent** were moved and seconded, and on being voted upon it was **AGREED** that permission be approved subject to the conditions as set out in the report.

72c 131548 - TORKSEY

Planning application for proposed housing development for two pairs of semi detached dwellings on Main Street, Torksey.

Roger Eyre, spoke on behalf of the applicant and questioned the recommendation to refuse the application, citing the weight to be given to the Central Lincolnshire Local Plan which allowed for up to four houses on infill sites. The Environment Agency had not objected to building on the site in 2014, however the report states that a sequential test would require development further away from flood risk. Any archaeological issues could be conditioned to be addressed, and the proposals would enhance the site, removal of Permitted Development Rights would ensure protection.

Christiana Naidu, spoke in objection to the application, stating that this was an important historic site which should not be developed at the expense of residents' enjoyment. There was the potential of increased traffic and anti-social behaviour. The height of the buildings would block light, overlook gardens, and block the view of the green strip. The field and green space should be left for residential amenity. Torksey was also prone to flooding.

The Principal Development Management Officer described how the issues were a matter of balance. It was up to the decision makers (the Local Planning Authority not the Environment Agency in this case) to assess whether the sequential test had been met, whether other less vulnerable sites were available. Reference was made to recent appeals, following which the

Planning Inspector had stated that development should not be permitted if other sites, not within a flood zone, were available. It was proposed that floor levels should be above flood level, however the effectiveness of defences could not be guaranteed and this would not in itself satisfy the the sequential test.

Members made reference to the archaeological aspect and noted that once important remains had gone they could not be replaced.

It was moved and seconded that permission be **REFUSED** as per the recommendation and reasons as set out in the report, this was **AGREED**.

72d 134618 - NETTLETON

Planning application to erect six affordable dwellings, together with change of use to public open space. Also, outline planning application for 19 dwellings with all matters reserved on land to the North of Moortown Road, Nettleton.

The Principal Development Management Officer informed Members that the original figure for the number of dwellings had been reduced, therefore the Local Education Authority might need to recalculate the level of contribution that would be required.

J. Parker, the applicant, addressed the meeting, was a long-time local resident, and had started pre-application discussions two years ago and had worked continually with planning officers. Nettleton had been identified for growth and there was a demand for affordable housing, therefore a sympathetic well planned expansion was proposed, to support the community. There were many positive aspects and no objections from highways officers or the Environment Agency.

Members debated the application, and whilst acknowledging that it was not an exceptions site outside of the settlement limit, and there were archaeological issues to address, they were able to support the proposals.

It was moved, seconded, voted upon and **AGREED** that:

the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to:

- A) enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-
- 25% affordable housing (to be delivered on site;) along with a contribution of £12,108.50
 - A capital contribution would be required in lieu of on-site Education provisions. This would be determined utilising the Education Authority formulae for contributions.
 - Open space/attenuation basin and on-going maintenance for these areas and drainage infrastructure.

and;

- B) enable the satisfactory completion of the required archaeological investigation and reports.

And, in the event of the archaeological works are not being carried out satisfactorily or finds of archaeological significance are identified (in the opinion of LCC Archaeology Section) and/or s106 not being completed and signed by all parties within six months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the six months or the identification of archaeological finds of significance whichever is sooner.

72e 135428 - NORMANBY BY SPITAL

Planning application for three dwellings on land to rear of Bottle and Glass, 46 Main St, Normanby by Spital.

The Principal Development Manager explained that as the houses, previously given permission, that had been erected on the site were slightly different to that granted the application had been submitted to regularise the situation.

The applicant, Martin Merrigan, addressed the meeting, thanking the Planning and conservation officers for their input, however he wished to point out that contrary to comments made on the application by the Parish Council that: condition discharges had been applied for on 23 March 2016; archaeology issues were being addressed; Anglian Water had given full support and there would be 28% less surface water; and the Public House was now a Community Asset, which had secured its future. The car park was still used by the shop and school. Attempts had been made, unsuccessfully, to liaise with the Parish Council.

Councillor Summers addressed the Committee as Ward Member, describing the properties as rabbit hutches and disputing the compass directions cited. He claimed that the site visit had been undertaken at the wrong time of the day in terms of school traffic. Local residents did not find the development acceptable, and changes to the design would not change this. Previous objections had been ignored, and the application did nothing to enhance the village, and met no local need. The lack of outdoor space meant that children would have to play in the pub car park. There were several issues with contaminated water run-off from the car park and inadequate drainage for rainwater and foul sewage, and there was a legal requirement to have two separate drainage systems. The rules were being disregarded, and there were many issues wrong with this development.

The Principal Development Management Officer addressed some of the issues raised, stating that the principle of development had been established by the previous planning permission, and that the surface water drainage had already been installed. This connected to the existing private drainage under the site which in turn connected to the public sewer. The Developer Services arm of Anglian Water accepted the proposals.

The Chairman stated that the crucial issues were whether the changes to that previously approved, made the development unacceptable.

Committee Members discussed the application, wondering how the changes to the original

proposals had been allowed to happen, and whether officers were aware of these changes. Officers confirmed that the new application was submitted following commencement of enforcement action

Slides were shown which depicted the proposals for the final design, and also a photograph of the built dwellings including a nearby dwelling, which showed some similarities

Members of the Committee moved, seconded and voted upon the recommendation and it was **AGREED** that permission be **GRANTED**.

73 DETERMINATION OF APPEALS

Comment was made on the determination of the Saxilby appeal which had been allowed, however it was significant that no costs had been awarded. Although this had been a setback to the Neighbourhood Plan, it was worthwhile carrying on.

Note was also made regarding the length of time the appeal had taken to be determined.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.30 pm.

Chairman