

## 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 31 January 2024 commencing at 6.30 pm.

**Present:** Councillor Matthew Boles (Chairman)

Councillor Emma Bailey  
Councillor John Barrett  
Councillor Karen Carless  
Councillor David Dobbie  
Councillor Ian Fleetwood  
Councillor Peter Morris  
Councillor Tom Smith  
Councillor Paul Swift

**In Attendance:**

Russell Clarkson	Development Management Team Manager
Martha Rees	Legal Advisor
Katie Storr	Democratic Services & Elections Team Manager
Ian Elliott	Development Management Team Leader
Richard Green	Development Management Officer

**Apologies:** Councillor Jim Snee  
Councillor Sabastian Hague

**Membership:** Councillor Paul Swift was appointed substitute for Councillor Sabastian Hague

### 77 PUBLIC PARTICIPATION PERIOD

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

### 78 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 3 January 2024 be confirmed and signed as an accurate record.

### 79 DECLARATIONS OF INTEREST

Councillor T. Smith declared a non-pecuniary interest in relation to agenda item 6b, application number 146823, as he worked for Sir Edward Leigh MP, but had not, at any point in time, discussed the application nor acted on his behalf with regard to this matter.

## 80 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

Members heard that the government had revealed the long-awaited commencement date for mandatory biodiversity net gain for both major and smaller developments, after laying a statutory instrument before parliament. The BNG policy, introduced by the 2021 Environment Act, would require developers to demonstrate how they planned to achieve a minimum 10% increase in biodiversity with all new developments in order to obtain planning permission.

The government had now tabled the statutory instrument (SI) confirming the commencement date for major development as being 12 February. The department also confirmed that the BNG requirement for small sites would apply from 2 April. In a statement published on 18 January, the Department for the Environment, Food and Rural Affairs (Defra) said: “From 12 February, BNG will apply to new applications for planning permission, except for applications for retrospective permission, the exemptions and transitional arrangements.”

Within Central Lincolnshire a minimum 10% increase in biodiversity was already sought under policy S61 of the CLLP, with Officers across Central Lincolnshire working closely to ensure adherence with the 12 February launch date.

Members were advised that draft guidance for local planning authorities could be viewed online at the following link:

<https://www.gov.uk/government/collections/biodiversity-net-gain#local-planning-authority-guidance>

The following update on Neighbourhood Lans was also provided.

<b>Neighbourhood Plan/s</b>	<b>Headlines</b>	<b>Planning Decision Weighting</b>
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham*, Dunholme*, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern*, Saxilby with Ingleby*, Welton by Lincoln*, Willoughton, Glentworth, Spridlington, Sudbrooke*, Scotton, Bishop Norton and Atterby, Gainsborough, Morton, Corringham, Sturton by Stow and Stow*, Hemswell and Harpswell, Keelby, and Hemswell Cliff.	Full weight
Scothern Review*	Examination at the final stage.	Review NP has increasing weight
Nettleham Review*	NP has reached the Examination stage. Examiner to be appointed soon.	Review NP has increasing weight
Reepham	Regulation 16 consultation ends on 2 Feb (extended to 16 Feb).	Increasing weight
Saxilby with Ingleby Review*	Local Housing Needs Assessment being undertaken by consultants	Review NP has little weight

	AECOM.	
Sturton by Stow and Stow*	Minor updates are being made to NP. Review Draft prepared for WLDC to consider.	Review NP has little weight
Grasby and Searby cum Owmbly	Local Housing Needs Assessment being undertaken by consultants AECOM.	Little weight
Springthorpe and Sturgate	Parish Meeting has applied to WLDC to prepare a NP. Decision to be issued soon.	No weight
Barlings, Newball, Stainton by Langworth and Reasby	Langworth Group PC has applied to WLDC to extend NP area and rename it. The consultation ends on 9 Feb.	No weight
Neighbourhood Plans - made (26) - designated/in preparation (17) - under review (9)* - future (40 approx)	To view all of WL's neighbourhood plans please go to: <a href="https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/">https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/</a>	<b>NP stage-weighting</b> - Made–full weight -Referendum successful–full weight -Examination successful/Decision Statement issued–significant weight - Submission Reg 16–increasing weight - Draft Reg14 - some weight - Designated – little weight

## 81 146729 - 33 WEST BANK, SAXILBY LINCOLN

The Chairman introduced the first application of the evening, application number 146729, to raise the ground to 5.90m AOD and increase the width and depth of the existing pond at 33 West Bank, Saxilby, Lincoln. The Committee heard of two updates since the report had been published, one being a further comment from a resident raising similar flood drainage concerns, and also additional information on the deliveries. Should the application be approved, there would be 47 days of vehicle movements for delivery of the materials on to the site, with deliveries spaced over a period of time to lessen the impact.

Following a presentation on the application, the Chairman explained there were six registered speakers, and he invited the first, Councillor Liz Hillman, Chair of Saxilby Parish Council, to address the Committee.

Councillor Hillman explained local and Parish Council objections to the application, based on concerns regarding the potential impact of flooding in the area, the traffic movements and the associated impact on the road and other road users, as well as environmental issues related to emissions, and flood risk. She detailed what the Parish Council believed to be the anticipated traffic movements in relation to this application and stated the existing damage to the road, caused by flooding and excessive heavy goods vehicle movements, would be exacerbated much to the detriment of other residents and road users. With regard to flooding, Councillor Hillman stated there had been severe flooding across the road and into

gardens, with a multi-agency meeting arranged involving the Environment Agency, Canal and River Trust, Anglian Water and Lincolnshire County Council. The proposed traffic management plan was welcomed, however there was local scepticism as to whether it would be adhered to, leading to potential issues with mud and debris clogging drains, thereby further worsening drainage issues in the area. It was felt that the proposed works and associated vehicle movements would worsen the impact of the existing issues. Councillor Hillman concluded her address to the Committee by requesting that Councillors undertake a site visit, in order to view the location of the proposed work, prior to making any decision.

The Chairman thanked Councillor Hillman for her time and invited the second registered speaker, Mr Giles Cook, the applicant, to address the Committee.

Mr Cook highlighted that the application adhered to planning policy and had received no objections from statutory bodies. He stated there was a robust drainage system designed that would prevent any further flooding around the site and surrounding areas, and there had been no objections from the Environment Agency or the Lead Flood Authority. He explained that a comprehensive ecological report had been prepared, giving a biodiversity net gain of 12.63% and would allow wildlife to flourish. He brought attention to the traffic management plan which had been submitted and approved by the Highways Agency. With regard to the low-lying level of the land, Mr Cook stated it was clear to see the ground levels were much lower than the surrounding land, with Ordnance Survey maps pre-dating 1904 showing the site at normal ground level. The current level of the site, rendered the land unusable for a significant part of the year. The construction of a new dwelling on the site had aimed to ameliorate the previously unused site, remove the dilapidated outbuildings and create a forever family home. The Committee were requested to base any decision on the facts of the application and the positive impact the improvement works would have on the area for years to come.

The Chairman thanked Mr Cook and invited the three registered objectors, Mr Hotchkin, Mrs Buchanan and Mr Crowther, to address their concerns to the Committee.

Mr Hotchkin explained he was representing the residents of West Bank, as there was widespread concern for the impact on their properties should the application be approved. He stated that the land had always been at a lower level than surrounding areas, and had maintained a healthy wildlife habitat, without the need to increase the land level. In relation to flooding, he stated that the owner had needed to use water pumps to drain the land into the canal, which residents felt was proof there was no natural drainage in place. This then raised concerns as to where the water would be displaced if land levels were subsequently raised, with residents feeling their properties would be flooded. Mr Hotchkin stated that the land worked as a natural habitat without any work required to it, and requested the Committee to consider the flood implications of the application.

Mrs Buchanan then addressed the Committee, raising concerns regarding the integrity of the road, which she felt had not been addressed in the response from the Highways Agency. She highlighted the existing damage to the road and grass verges as vehicles were having to mount the bank in order to pass each other. The impact of vehicle movements anticipated should the application be approved would only add to those existing issues, having a detrimental effect on all those living along the road. Mrs Buchanan stated that the amount of vehicle movements in itself would prove disruptive, and would only exacerbate difficulties for

residents.

Mr Crowther addressed the Committee as the final registered objector, who raised concerns regarding possible breaches of planning permissions on site. He summarised comments from previous speakers, stating that the number of objectors to the application indicated the level of concern from local residents regarding the two main areas of concern, those being the risk of flooding in neighbouring properties and the detrimental impact on an already damaged road.

The Chairman thanked all speakers and invited the final registered speaker, Ward Member Councillor Jackie Brockway, to address the Committee.

Councillor Brockway stated that she wished to oppose the application for a number of reasons, as previously raised by residents. She highlighted the history of the land, having been indicated as marsh land on Ordnance Survey maps dated back to 1885, with marshland naturally being lower lying than other areas. Additionally, she suggested that the biodiversity of marshland would be significantly different to that of grassland. In relation to flooding, Councillor Brockway highlighted instances of flooding in the neighbouring properties, echoing previously expressed concerns that if the land level was increased, this risk of flooding would increase. She concluded her statement by asking the Committee to consider why there had been such an expression of objection from local residents and called to support the request for a site visit, that Committee Members could understand for themselves the difficulties faced.

The Chairman thanked all speakers and invited a response from Officers. It was highlighted that the scheme included a positive land drainage scheme, which had been submitted and accepted by the Lead Local Flood Authority, and there was no objection from the Environment Agency to this application. On a temporary basis, there would be 47 days of heavy goods vehicles moving along West Bank, however Highways Agency had not raised any objections. With regard to comments suggesting breaches of planning, that was not for the Committee to consider in relation to this application, it would be for the Enforcement Team to consider.

The Chairman invited comments from the floor. There was significant discussion regarding concerns about the flood risk and vehicle movements. Members appreciated there had been no objections raised from statutory consultees, however there was some concern as to whether there had been sufficient consideration given to the specifics of the site.

A Member of the Committee proposed that the application be deferred in order for a site visit to be undertaken, so that Members might understand fully the existing land levels, the proposed raised land levels and how this might compare with surrounding areas. This proposal was duly seconded.

On taking the vote it was unanimously

**RESOLVED** that the application be deferred for a site visit to be held, to afford Members a greater understanding of the land levels and potential impact of the application.

**82 146823 - LAND AT, CAENBY ROAD, CAENBY, GLENTHAM**

The Chairman introduced the second application of the evening, number 146823 to erect 2no. dwellings, detached garage, stables with manege, construction of vehicular access and change of use of agricultural land to a paddock on land at Caenby Road, Caenby, Glenthams, this being a resubmission of application number 145745. With no updates to the application, Members were provided a short presentation of the application. Chairman thanked the Officer and explained there was one registered speaker, Mr Andrew Clover, the agent for the applicant. Mr Clover was invited to address the Committee.

He thanked Chairman and Members for the opportunity to speak, and summarised the details of the application under consideration. He highlighted that the application and design had been developed alongside the Planning Authority and was intended to complement the historic character of the village. He confirmed that care and consideration had gone into the positioning of windows and balconies to ensure there was no overlooking of neighbouring plots, and he highlighted that the Conservation Officer had confirmed there would be no harmful impact on the setting of Rose Cottage. Mr Clover brought attention to the biodiversity net gain being over 10%, as well as highlighting that there had been no objections from statutory consultees. Having explained the application, Mr Clover concluded his statement by requesting the Committee to support the Officer recommendation to approve the application.

With no Officer response needed, the Chairman invited comments from Members of the Committee. In response to a questions regarding horse waste and the proximity to any open water source, the Officer highlighted through photographs and drawings the location of where manure would be stored, confirming it was away from open water sources.

With this confirmed, the Officer recommendation was duly moved and seconded. On taking the vote it was unanimously agreed that permission be **GRANTED** subject to the following conditions.

**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

2. Prior to the commencement of the development, a 30-year Biodiversity Net Gain Management and Maintenance Plan & Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details:

- Details of the size, species, planting arrangement and position of all trees, hedgerows and other vegetation to be planted in accordance with the details in the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'The Paddock, Caenby Road, Glenthams' (KJ Ecology Ltd) dated November 2023 and

Drawing No. 40923-110 Rev B dated 05/01/2024.

- Details of boundary treatments (including boundaries within the site) and hardstanding.

The development shall be carried out in accordance with the approved scheme.

**Reason:** To ensure that the biodiversity net gain measures are maintained for a 30-year period and a landscaping scheme is implemented to enhance the development in accordance with the NPPF and Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

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

**3.** 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: 40923-110 Rev B dated 05/01/2024, 40923 -103 Rev B dated 05/01/2024, 40923-109 REV A dated 13/07/2023, 40923-108, 40923-107, 40923-106, 40923-105 and 40923-104 dated 28/05/2023. 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 in the interests of proper planning.

**4.** No development, other than to foundations level shall take place until the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods and type of pointing to be used (see notes to the applicant below).

**Reason:** To ensure the use of appropriate materials to safeguard the character and appearance of the locality in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

**5.** No development, other than to foundations level shall take place until a 1m square sample panel of the proposed new stonework, showing the coursing of the stonework, colour, style and texture of the mortar and bond of the stonework have been provided on site for the inspection and approval in writing by the Local Planning Authority (the sample is to be retained on site until the new development is completed). The development shall thereafter be constructed in accordance with the approved details

**Reason:** To ensure the use of appropriate materials to safeguard the character and appearance of the locality in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

**6.** No development, other than to foundations level shall take place until a scheme for the disposal of foul and 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 dwelling.

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with Policy S21 of the Central Lincolnshire Local Plan.

7. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

**Reason:** To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan

8. The development hereby permitted shall be undertaken in accordance with the details set out in the submitted Energy Statement by Andrew Clover Planning and Design received 11/12/2023, unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt this includes the standards set for the performance of the fabric of the building, the utilisation of air source heat pumps, solar panels and mechanical ventilation with heat recovery.

**Reason:** In order to ensure efficient buildings and reduce energy consumption, in accordance with Policies S6 and S7 of the Central Lincolnshire Local Plan.

9. Prior to occupation of the dwellings hereby permitted, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement received 11/12/2023 and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of Policies S6 and S7 of the Central Lincolnshire Local Plan.

10. The development hereby permitted shall be undertaken in accordance with the mitigation and enhancements in the following ecological documents:

- Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'The Paddock, Caenby Road, Glentham' (KJ Ecology Ltd) dated November 2023.

**Reason:** To ensure that a landscaping scheme to enhance the development is provided in accordance with Policy S60 and S61 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no domestic oil tanks or domestic gas tanks shall be placed within the curtilage of the dwelling(s) hereby approved.

**Reason:** In the interests of energy efficiency to accord with Policies S6 and S7 of the Central Lincolnshire Local Plan.

12. The stable block, manège and paddocks hereby approved shall only be used for the purposes of keeping of horses in conjunction with the private use of the land, and shall not

be used for any commercial purposes without the prior written consent of the Local Planning Authority.

**Reason:** For avoidance of doubt and in the interest of highway safety and residential amenity in accordance with the NPPF and Policy S47 and S53 of the Central Lincolnshire Local Plan.

**13.** No external lighting shall be installed around the manège as shown on Drawing No. 40923-110 Rev B dated 05/01/2024, 40923 -103 Rev B dated 05/01/2024 and 40923-109 REV A dated 13/07/2023 without the prior written consent of the Local Planning Authority.

**Reason:** To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

**14.** Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number No. 40923-110 Rev B dated 05/01/2024 and 40923 -103 Rev B dated 05/01/2024 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

**Reason:** So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre in accordance with the NPPF and Policy S47 of the Central Lincolnshire Local Plan.

**15.** All planting and turfing approved in the Biodiversity and Landscape Management Plan under condition 2 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging 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. The landscaping should be retained thereafter.

**Reason:** To ensure the site is visually softened by appropriate methods in accordance with the National Planning Policy Framework and Policies S53 and S57 of the Central Lincolnshire Local Plan.

**16.** The garage hereby approved for Plot 1 shall not be occupied at any time other than for purposes incidental to the enjoyment of the dwellinghouse known as Plot 1.

**Reason:** The application has been assessed and found to be acceptable as an outbuilding incidental to the use of Plot 1 and not an independent dwellinghouse in accordance with the National Planning Policy Framework and Policy LP53 of the Central Lincolnshire Local Plan.

**17.** The paddock hereby approved and as shown on Drawing No. 40923-110 Rev B dated 05/01/2024 and 40923 -103 Rev B dated 05/01/2024 is not within the residential curtilage of Plots 1 and 2.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

**18.** Notwithstanding the provisions of Classes A, AA, B, C of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not be altered or extended (including the installation of solar panels), no new windows shall be inserted and no new gates, walls or fences shall be erected unless planning permission has first been granted by the Local Planning Authority.

**Reason:** To enable any such proposals to be assessed in terms of their impact on the living conditions of the proposed dwelling/the resulting amount of space around the proposed dwelling and to safeguard the character and appearance of the host dwelling(s) and its surroundings in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

### **83 DETERMINATION OF APPEALS**

With no comments, questions or requirement for a vote, the determination of appeals was **NOTED**.

The meeting concluded at 7.22 pm.

Chairman