

## 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 15 November 2017 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (Chairman)  
Councillor Owen Bierley (Vice-Chairman)

Councillor Matthew Boles  
Councillor David Cotton  
Councillor Michael Devine  
Councillor Paul Howitt-Cowan  
Councillor Mrs Jessie Milne  
Councillor Roger Patterson  
Councillor Mrs Judy Rainsforth  
Councillor Thomas Smith

Councillor Jeff Summers was also in attendance.

**In Attendance:**

Oliver Fytche-Taylor	Planning Services Manager
Russell Clarkson	Principal Development Management Officer
Martha Rees	Lincolnshire Legal
Abbie Marwood	Area Development Officer
James Welbourn	Democratic and Civic Officer

**Also present** 33 Members of the public

**Apologies:** Councillor Hugo Marfleet  
Councillor Giles McNeill

**Membership:** Councillor Giles McNeill was substituted by Councillor Paul Howitt-Cowan.

### 40 PUBLIC PARTICIPATION PERIOD

Mr Colin Cotter addressed the Committee on the subject of the West Lindsey District Council website, and the way the application documents are presented.

Planning documents were difficult to read on different electronic devices, and documents are displayed in no discernible order.

The Planning and Development Manager responded to the comments, answering that the issue of the order of the documents has been raised previously, but the Planning department were not in control of the corporate software in place. The department was going through

an exercise to review the customer care programme, which would include documents being displayed in a more user friendly manner.

IDOX software for document management was now available and should assist with these problems in the future.

Councillor David Cotton raised that the agenda pack did include all observations without having to go through the website.

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

Meeting of the Planning Committee held on 18 October 2017.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 18 October be confirmed and signed as a correct record.

#### **42 DECLARATIONS OF INTEREST**

Councillor Ian Fleetwood declared that he had received two letters from a Mr J Summers (no relation to the Leader) on application 136274. All Members of the Planning Committee had received these letters.

In addition to these letters, Councillor David Cotton had also received two emails.

Councillor Jessie Milne declared that she had organised meetings with Sir Edward Leigh MP but had not participated in those meetings on application 136274.

Councillor Jessie Milne also declared an interest in application 136636 as the applicant was a fellow Councillor. The Chairman confirmed that this interest applied to all members of the Committee.

**Note:** Councillor Thomas Smith arrived at 18:38.

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

The Planning and Development Manager updated the Committee on the following issues:

- The Community Infrastructure Levy had been formally adopted at Full Council earlier in the week. Thanks were given to Members for their support, as well as Rachael Hughes who has led on this issue. Guidance was being added to the website, training was being coordinated, and applicants are being made aware of the Levy;
- The Brattleby Neighbourhood Plan went to Full Council earlier this week and was approved. The Neighbourhood Plans for Lea and Scotter have referendums booked for 7 December;
- The Planning department have continued to send out regular update bulletins to Members on the prominent changes in Neighbourhood Planning;
- The revision of the five year supply for central Lincolnshire required a review of all

sites with existing planning permissions in place. West Lindsey District Council (WLDC) have completed their work on this and have submitted to the Central Lincolnshire team;

- The delivery of the allocated sites continued. Gainsborough northern neighbourhood was coming forward with a planning application now received;

**Note:** Councillor David Cotton and Councillor Ian Fleetwood declared a personal interest in the Community Infrastructure Levy as members of the Central Lincolnshire Joint Strategic Planning Committee.

#### **44 PLANNING APPLICATIONS FOR DETERMINATION**

#### **45 136274 - LAND OFF BISHOPBRIDGE ROAD, GLENTHAM MARKET RASEN**

The Chairman introduced a planning application for proposed new poultry rearing units and associated works.

The Principal Development Management Officer gave an update to the Committee on the application as there were some matters that had happened after the publication of the agenda. WLDC had been contacted by the National Planning Casework Unit on behalf of the Secretary of State for Communities and Local Government. The Secretary of State did not intend to take any action if the Committee were minded to refuse planning permission, but if they had been minded to approve the application, the Secretary of State would wish to consider whether to call the application in using a call-in policy.

There had been a further comment from a third party, a representative from Cornwall concerning the ammonia emissions from poultry farms. The third party put forward that poultry farms were responsible for 14% of the UK's total ammonia emissions.

The Applicant had not registered to speak at the Committee, but had given a precis (through their Agent) to the Planning department. The following points were highlighted:

- The Agent claimed there had been ample time for WLDC to request further information;
- In their view Regulation 25 of the Environmental Impact Assessment Regulations required the Local Planning Authority to request further information if they don't think a reasoned conclusion can be made. In their view there was no time limit on how many times this could occur;
- In relation to Regulation 25, no decision can be made within 30 days of receiving further information.

The Principal Development Management Officer then responded to these queries:

- A formal request for further information was made to the Applicant in July, as contained in the committee papers. Further information was received in September and the statutory 30 day consultation period undertaken. It was not open for this 30 day period to be cyclical for an indeterminate period, the Council has a statutory time limit by which to determine the planning application;
- In October, WLDC requested further clarity on certain points, but this was not a formal

request under Regulation 25. The letter did not purport such, and the additional information submitted by the Applicant was not under the banner of Regulation 25.

Following this information, the Chairman invited registered speakers to talk on the application. First was Christopher Drinkall, a partner from Rollits who was the first of two speakers from the Glenthams Action Group who were opposing the application. He highlighted the following points:

- The applicant had failed to provide sufficient information in their environmental statement which would have permitted a proper analysis of the applications compliance, or otherwise with Local Planning Policies, namely LPs 9, 14, 16, 17, 21 and 26;
- Full compliance with the above policies would have been a bare minimum for the application, and these had not been addressed. Only then could other policies, such as LP55 be tackled;
- The application was also contrary to LP 25; it did not provide an appropriate description or assessment of any heritage assets;

For the remaining 2 minutes 15 seconds, Fiona Pringle of the Glenthams Action Group spoke against the application, and her points are listed below:

- The application should have been rejected on the grounds of the health and welfare of the people living in Glenthams;
- There were many errors in the application; the main error would be that the application was in the wrong place;
- This type of factory farming was not sustainable, and brings no benefits to Glenthams, or the surrounding area.

Councillor Jeff Summers, the Ward Councillor for Glenthams then spoke against the application:

- The site falls into the category of Best and Most Versatile (BMV) land;
- The field in the application had a high yield potential for growing crops;
- This was an area of arable land offering extensive views of the Wolds. Views west of the Wolds would have been blighted by this development;
- 150 fans in the shed would produce a lot of noise on a hot day;
- The fire toxins would be high due to the high level of birds in the unit;
- There were two main issues with traffic. Firstly, HGVs struggle with the pinch point outside the village shop in Glenthams. Secondly, moving birds during the night will cause considerable noise pollution;
- The spreading of disease would be concerning, particularly the potential for avian flu;

Following these speakers, Councillor Bierley commented that there was not enough information provided by the Applicant on the Environmental Impact Assessment, therefore it wasn't appropriate to discuss areas of planning policy in detail in absence of adequate information. He then proposed to refuse the application as stated in the report.

Councillor David Cotton asked several questions of Planning officers, which were answered below:

- The Applicant would have the opportunity to resubmit their application should it have been rejected. There would be a 'free go' within 12 months of the decision. There was a normal right of appeal, with there being 6 months to lodge an appeal to the Secretary of State;
- Animal welfare was not a material Planning consideration, as it was covered by other statutory legislation;
- Historically the 'normal' distance from any properties to a development would be 400 metres, but this is no longer part of Planning policy. The nearest property to the development is listed within the further information in the report at 332m to the nearest property;
- If permission should be granted, then the type, and colour of the property could be conditioned.

The recommendation in the report to refuse the application was proposed, seconded and voted upon and agreed unanimously.

It was therefore **AGREED** that the application be **REFUSED** for the following reasons.

1. The Environmental Statement does not include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, by taking into account current knowledge and methods of assessment. In particular, it does not provide a description of the likely significant effects of the development on the environment resulting from the emission of pollutants. It does not identify, describe and assess in an appropriate manner the direct and indirect significant effects on the proposed development on factors such as population and human health, biodiversity, land, soil, water, air and climate. The Environmental Statement has assessed the landscape impact of development against the incorrect Local Landscape Character Area. Development would therefore be contrary to the provisions of the Central Lincolnshire Local Plan, particularly policies LP9, LP14, LP16, LP17, LP21 and LP26.
2. The development would result in the potential loss of up to 3.80 hectares of best and most versatile agricultural land. It has not been demonstrated that the land would not fall within grade 3A of the agricultural land classification and, if so, that there is insufficient lower grade land available or that the impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions. Development is therefore contrary to policy LP55 (Part G) of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, particularly at paragraph 112.
3. The application does not provide an appropriate description and

assessment of the significance of any heritage assets affected, including any contribution made by their setting. This is contrary to policy LP25 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, particularly at paragraph 128.

**Note:** The meeting was adjourned at 1914 to let members of the public leave the meeting.

**46 136636 - LINDUM WAY, THE ELMS, TORKSEY**

Note: The meeting reconvened at 1916.

The Committee considered a Planning application to erect a detached single-storey flat roof building to be used as a bus shelter and sanitary accommodation.

There was no update for this application and no speakers.

Officers confirmed that this application had been brought in front of the Committee as it related to a Councillor. Had this application not involved a Councillor, it would have been decided under the scheme of delegations.

The application was proposed, seconded and voted upon and approved unanimously.

It was therefore **AGREED** that the application be **GRANTED, subject to 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: ARQ/1149/01 dated 03 August 2017. 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 LP26 of the Central Lincolnshire Local Plan.

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by

ARQ Design revised October 2017 and the following mitigation measures detailed within the FRA:

The flood resilience measures specified in section 6 of the FRA shall be implemented and the mitigation measures shall be fully implemented prior to first being brought into use and retained thereafter.

**Reason**

To ensure that the development is resilient to flooding as set out in Paragraph 59 of the National Planning Policy Framework and in accordance with LP14 of the Central Lincolnshire Local Plan.

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

None.

**47 DETERMINATION OF APPEALS**

**RESOLVED** that the determination of appeals be noted.

The meeting concluded at 7.18 pm.

Chairman