

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 2 May 2018 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 Hugo Marfleet
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Robert Waller

In Attendance:

Cllr Mrs Jackie Brockway	
Cllr Lewis Strange	
Cllr Jeff Summers	
Oliver Fytche-Taylor	Planning & Development Manager
Ian Elliott	Senior Development Management Officer
Rachel Woollass	Interim Planning Officer
Martha Rees	Lincolnshire Legal
James Welbourn	Democratic and Civic Officer

Apologies: None.

Also present: There were 10 Members of the public

78 PUBLIC PARTICIPATION PERIOD

There was no public participation.

79 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Councillor David Cotton outlined to committee that the draft minute for item 76c from the meeting on 4 April referred to a 'stream', when in fact it should have been a 'spring'.

Subject to this amendment, the draft minutes from the meeting held on 4 April were

approved.

80 DECLARATIONS OF INTEREST

Councillor G. McNeill declared that he knew an objector to application number 137326 (Main Street, Burton).

Councillor Roger Patterson had spoken to residents about application 137374 (Sussex Gardens, Scampton), and would step down from the Planning Committee during item and speak as the Ward Member.

81 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

There was no update for this Committee.

82 137326 - LAND EAST OF HILLSIDE COTTAGES, MAIN STREET, BURTON LN1 2RD

The Senior Development Management Officer introduced planning application number 137326 – Land East of Hillside Cottages Main Street Burton Lincoln LN1 2RD. This was a planning application to erect a single cottage, together with part conversion and extension of an existing garage block to form ancillary annexe with access and landscaping (a resubmission of application number 136100).

The Senior Development Management Officer reminded Committee that policy LP22 of the Central Lincolnshire Local Plan (CLLP) for green wedges applied; the green wedge ran from Lincoln to the South Carlton area. However, the site was within the development footprint, was not in a wide open area, and did not join two settlements together.

The first speaker on this item was Councillor Sue North of Burton by Lincoln Parish Council. The parish council's views are highlighted below:

- The site had construction materials from Essex House, and trees and shrubbery from one of the nearby Hillside Cottages dumped onto the land;
- Formerly, the land had been used as allotments, with the garages on the site being used to allow the occupants of the cottages to park their cars away from the carriageway;
- There was a water channel at the back of 1 Hillside Cottage, which took the water from one of the many natural springs that ran through the site;
- People who used to work the land on the allotments notified the parish council that there were many Victorian pipes that ran underneath the site that had to be worked around whilst planting;
- There was concern from the parish council that major construction may divert ancient water courses and could have detrimental consequences on the Hillside Cottages;
- The sewerage pipes for the three stone cottages on Middle Street also run through

the proposed site, connecting to the sewer in Essex House;

- The artist's impression of the wall surrounding the site was misleading, and makes the stone walls appear higher than they actually are;
- The style of the building was not in keeping with neighbouring properties;
- The annexe was close to the boundary wall of Main Street, and will have a significant impact on the scenery in that part of the conservation area;
- The scheme would have a detrimental effect to the streetscene in the area; the Hillside Cottages are referred to in the Burton Conservation Plan as being of significant importance;
- The proposed development was in the key part of the conservation area; in the parish council's view, the views of Hillside Cottage would be detrimentally affected, contrary to LP25 of the CLLP. In addition, the prominent location of the site in relation to the neighbouring properties would breach LP26 of the CLLP;
- Previous comments on this application still stand, and for the reasons stated above the parish council would not support this application.

The second speaker was James Lambert from JH Walter, the agent for the applicant. The views of the speaker are summarised below:

- The proposed site was a brownfield, infill site;
- Burton had been allocated growth, and the site sat at the top of Burton's local plan hierarchy for land release. It would contribute to being one of the 7 sites required for Burton's growth, without using any greenfield sites;
- The earth excavation on site would allow a modest cottage to be built with no adverse impact on the neighbouring cottages;
- The artist's impressions show that the cottage will blend into the existing street scene, and the annexe was of an appropriate size;
- Natural stone, lime mortar, and William Blyth natural clay tiles had been specified;
- The proposal was subject to a pre-application enquiry, and the applicants met with West Lindsey District Council's (WLDC) Conservation officer, and Planning Officer on site to ensure that the approach to the architecture, detailing, siting, orientation and outlook of the dwelling was appropriate;
- The annexe would be used completely in conjunction with the main house, and would not be sold or rented separately;
- WLDC had full control over alterations in the future.

The third speaker was Mr Richard Seabrook, objecting on behalf of the owners of 1 Hillside Cottage. Their views are summarised below:

- The spring had run underneath their cottage for at least the previous 60 years;
- The new driveway would undermine the privacy of the back garden of 1 Hillside Cottage;
- The comparison of the line of Essex House to the line of the new proposed developments was unfair, as Essex House was set back on a large estate surrounded by gardens;
- The workshop on the site had always been a dry building; if the water course underneath the proposed development were to change course this may not be the case in the future;
- The new building would loom over the back of the 5 Hillside Cottages;
- An extension of the retaining wall would cut into the copper beech trees retaining ring; this should be re-examined by tree and landscape officers before proceeding;
- One of the artist's impressions made the stone walls appear higher than they are to lessen the appearance of a safety problem to the existing outbuilding;
- The objections from the previous meeting on 4 April still stand, along with those made above.

Finally, Councillor Jackie Brockway, Ward Member for this proposed site spoke to the application, and her views are summarised below:

- Support was given to those objection made above, namely LP25 and LP26 of the CLLP;
- In addition, the loss of sunlight and privacy would be detrimental to neighbouring properties;
- No new evidence had come forward on the presence of springs at the proposed site;
- The garages did not have foundations for houses.

Following these speakers, the Senior Development Management Officer and the Planning and Development Manager replied to some of the concerns as follows:

- During the site visit, the spring appeared to run through the front section of the development; this area would be undergoing the least amount of work as the excavation was due to take place at the rear of the property. To date, there was no clear evidence as to where the spring were located on the site;
- The illustrative drawings were intended as a guide only; as they were illustrative, they

would not be exact;

- Landscaping would be conditional and would be agreed at a later date. This would involve the Tree and Landscaping Officer;
- The Conservation Officer had been heavily involved and had no objections to the design, siting, scale and massing of the dwellings.

Members of the Planning Committee then had the opportunity to provide additional comments and questions, which are highlighted below:

- The site visit was explanatory; the water flow was at the bottom of the hill, and there was no evidence that it flowed underneath the site;
- Burton was a sensitive conservation area, and any development would need to be done correctly, and would need to meet criteria that would enhance the village;
- A Trees Officer had been involved in the application, and there was a condition in the report to make sure measures were put in place during construction on the subject of trees.

It was then moved and seconded that the recommendation in the report to agree the application, subject to conditions, be overturned and on voting it was **AGREED** that the application be **REFUSED** for the following reasons:

1. The proposed development does not take account of its historic environment or how it sits and impacts of the Burton Conservation Area, particularly in terms of design and amenity. The site is located in an unsustainable location away from transport links and shops. The proposal is therefore contrary to local policies LP13, LP25 and LP26 of the Central Lincolnshire Local Plan and guidance within the National Planning Policy Framework.

83 137374 - 36 SUSSEX GARDENS, SCAMPTON LN1 2UL

The Planning and Development Manager introduced planning application number 137374 – 36 Sussex Gardens, Scampton LN1 2UL. This was a planning application for the erection of 2no. dwellings and car parking, He also read out a note on Scampton Village and Scampton Former RAF settlement growth levels, which had been included in the agenda pack.

It was confirmed that the position statement read out by the Planning and Development Manager would be taken to a future meeting of Prosperous Communities Committee for further discussion. The Planning and Development Manager and the Council's solicitor both confirmed that the existing policies set out in the adopted Local Plan provided a clear direction and sound policy basis for making a decision on this planning application, and advised that the Council was therefore required to determine the planning application expeditiously.

The only speaker on this application was Councillor Roger Patterson, Ward Member for Scampton, who stood down from his role on the Planning Committee for the duration of this application. The following points were made by Councillor Patterson:

- The RAF base at Scampton is current and still active. The roads and infrastructure around the site were jointly owned by the Ministry of Defence and two local residents' associations;
- Inset 1 of the Central Lincolnshire Local Plan showed Scampton, and RAF Scampton as one whole settlement. A historic footpath linked the two conurbations;
- There was a joint parish council for Scampton;
- The builders started digging out footings on the site without planning permission;
- Another application, not inkeeping with the area that had been passed without coming to Planning Committee had undergone building work without having previous planning permission;
- There had been no direct consultation with residents; the only notice displayed in the area was around 100 metres away, and behind a tree;
- There was contamination on the land; however it was not clear what the type of contamination was, and what action had been taken;
- Scampton and RAF Scampton should be counted as one settlement until such time that the situation was reviewed, and adopted by Council;
- Under LP4, the application should be refused as Scampton had already met its full quota of development.

The Planning and Development Manager, the Planning Officer and the Chairman then replied to some of these points:

- The application for a home office would not normally come to Planning Committee unless there was a specific request for it do so, which had not been forthcoming. There was an enforcement case underway;
- Officers follow policies set for them; the professional opinion of the officers was as set out in the report. It was unfortunate that this settlement was omitted from the local plan;
- The Chairman commented that the Central Lincolnshire Local Plan was adopted in 2017 and all parish councils were included at every stage of consultation prior to adoption. It had subsequently been adopted by the Central Lincolnshire Joint Strategic Planning Committee and was now the development plan in place for this area and was supported by all four partner authorities (WLDC, North Kesteven District Council, City of Lincoln Council and Lincolnshire County Council);
- Only the historic part of the village was shown as Scampton on the inset map as part of the CLLP. The two settlements were separate;
- Section 73a of The Town and Country Planning Act 1990 dealt with developments

that had been started, or carried out, before the date of the application.

Sub section 1 deals with developments that had been carried out:

- (a) Without planning permission;
- (b) In accordance with planning permission granted for a limited period;
- (c) Without complying with some conditions subject to which planning permission was granted.

Following further queries from Members, the following information was provided:

- The former RAF housing was not within the Area of Great Landscaped Value (AGLV). There may be footpaths that connect the two areas, but there was degrees of separation for the settlements;
- It cannot be said that the settlements are linked for planning considerations just because they had one parish council;
- This was a retrospective application, which would complete the end of a row of housing, similar to other rows on the site. The two additional dwellings were, taking into account all of the above, otherwise acceptable in planning terms;
- The car parking with the dwellings was separate land, which the applicant does not own.

The recommendation to approve the planning application was moved, seconded and voted upon and it was **AGREED** that planning permission be **GRANTED** with the conditions as set out in the report.

84 135868 - LAND OFF CARR ROAD, NORTH KELSEY, MARKET RASEN LN7 6LG

The Planning Officer introduced planning application number 135868 – Land off Carr Road, North Kelsey, Market Rasen LN7 6LG. This was an outline planning application for residential development of up to 9 dwellings – all matters reserved.

There were no further updates from the Planning Officer.

Councillor Lewis Strange, Ward Member for Kelsey Wold, spoke to the application and made the following points:

- It was pleasing that the proposal had been restricted to 9 houses;
- The water run-off on the proposed site was a concern; it would be advantageous for the water authorities to commit to taking care of the run-off;
- This needed to be a development that West Lindsey was proud of.

In response to these comments, the Planning Officer informed Members of the following issues:

- The proposed development was policy compliant within a medium sized village;

- There was a condition suggested by Highways Lincolnshire to provide a linked footway from Carr Lane into the village of North Kelsey.

The recommendation to approve the planning application was moved, seconded and voted upon and it was **AGREED** that planning permission be **GRANTED** with the conditions as set out in the report.

The Committee also requested that the application come back at the reserved matters stage.

85 137057 - BLEAK FARM, HIGH STREET, CHERRY WILLINGHAM LN3 4AH

Note: Councillor Ian Fleetwood declared an interest prior to the start of this item as it was within his ward as a County Councillor. He had not been actively involved with the Planning Committee on Cherry Willingham parish council, even though he was a Member. He had also not been lobbied.

The Senior Development Management Officer introduced planning application number 137057 – Bleak Farm, High Street, Cherry Willingham LN3 4AH – for the residential development of 5no. detached dwellings.

There had been a previous application (132418) – outline planning application for up to 13 dwellings with all matters reserved, and the conversion of a barn to a dwelling. This was granted with a legal agreement in August 2016. This application had been for the entire site; the application before Members here (137057) was just on part of the site.

Committee had had strong views on the previous application, and on the accompanying site visit. This was why the current application had been referred to Planning Committee.

As a further update to Committee, there was a slight mistake in the report. The Tree and Landscape Officer was listed as having an ‘objection’; this had been changed to ‘no objections subject to mitigation conditions’. This was due to moving plot 5 further away from a protected tree on site.

The parish council had submitted further comments on 1 May. These were:

- The heritage document did not address that the Neighbourhood Plan had Bleak Farm as a non-designated site;
- The style of the development was not appropriate for a central historical village location;
- The site demands a quality development appropriate to the location and heritage of the site.

The Neighbourhood Plan remained in draft form, and could only be afforded limited weight. Within the Plan, Bleak Farm was listed as a non-designated heritage asset, but the site as a whole was not.

The first speaker on this application was Cherry Willingham parish Councillor Paul Moore. The following points were highlighted:

- The parish council do not have an objection in principle with the development for residential purposes;
- The application failed to make appropriate use of the important site, and was a missed opportunity;
- The site's present condition was not as it should be. However, the present condition of the site was not a reason for this development to be granted;
- Paragraph 130 of the National Planning Policy Framework (NPPF) advised that "where there is evidence of deliberate neglect of, or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision." The heritage assessment was inadequate and a more robust assessment should take place as advocated by WLDC's Conservation Officer;
- The development of the site would impact on nearby heritage buildings, in addition to Bleak Farmhouse and its former associated farm buildings. With appropriate development, these buildings could be enhanced and improved;
- The generic design and lack of appreciation of the historic context of the development was contrary to Policy LP25 of the CLLP;
- The submitted heritage statement does not satisfy paragraph 128 of the NPPF, as it does not refer to Bleak farmhouse as a non-designated heritage asset;
- Paragraph 58 of the NPPF required that the new development added to the overall quality of the area, over the short and long term. There was little short term benefit in just tidying up the site;

The final speaker, in support of the application, was Michael Orridge, agent for the applicant. He highlighted the following points:

- The site was located in the large village of Cherry Willingham as an infill location. The draft Neighbourhood Plan for Cherry Willingham acknowledged the need for large dwellings in the village;
- The proposed dwellings provide the amenities required by growing families, including en-suite bathrooms, open plan living arrangements, bedrooms for use as a home office, and room for extended family;
- The applicant was willing to construct the road frontage dwellings at plots 1 and 2 out of reclaimed brick;
- The proposal, due to its siting, scale, massing and design of the dwellings would preserve the setting of the nearby listed buildings and the non-designated heritage assets;
- The proposal was in line with the local planning policies LP25 and policy HE1 of the

draft Neighbourhood Plan;

- There was outline planning permission granted by WLDC Planning Committee previously; this development would be able to contribute to the site's longevity and allow families to enjoy the village setting.

Members then had the opportunity to provide comment on the application. These comments are highlighted below:

- This was the historic core of the village; there was a large heritage asset representing this core;
- Since the demolition, the site's appearance had declined;
- There was a contamination condition proposed – work must be stopped for remediation if contamination were to be found should the application be granted.

It was then moved and seconded that the recommendation in the report to agree the application, subject to conditions, be overturned and on voting it was **AGREED** that the application be **REFUSED** for the following reasons:

1. The proposed development will not protect the historic village centre of Cherry Willingham, its setting and its heritage assets including non-designated heritage assets through its detrimental layout and design. The proposal is therefore contrary to local policies LP25 and LP26 of the Central Lincolnshire Local Plan, guidance within the National Planning Policy Framework, particularly paragraph 58, 128, 132 and 133 and the statutory duty set out in section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990.

86 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.22 pm.

Chairman