

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in The Council Chamber - The Guildhall on 17 October 2018 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (Chairman for items 39-44 inclusive, and item 46)  
Councillor Owen Bierley (Vice-Chairman. Chairman for item 45 only)

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:**  
George Backovic Principal Development Management Officer  
Russell Clarkson Development Management Team Leader  
Martha Rees Legal Advisor  
James Welbourn Democratic and Civic Officer

**Apologies:** None.

**Membership:** Councillors Maureen Palmer and Anne Welburn were in attendance up to and including item 43.

13 Member of the public were present.

### 39 PUBLIC PARTICIPATION PERIOD

After opening the meeting, the Chairman reminded Members, people in the public gallery, and viewers of the webcast that application number 138180, Reepham Road Fiskerton had been withdrawn by the applicant, and would not be discussed.

There was no public participation at this stage of the meeting.

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

The minutes of the meeting dated 19 September 2018 were agreed as a true record and signed by the Chairman.

#### **41 DECLARATIONS OF INTERESTS**

Councillor Fleetwood declared an interest in application number 137950 – Land off Lea Grove, Bardney, and would stand down as Chairman for this item and speak as Ward member. He had been lobbied by the Parish Council and members of the public.

Councillor Fleetwood declared a non-pecuniary interest with relation to the planning application to be heard as agenda item 6a, in that he was Vice Chairman for the Parish Council which was objecting to the application. He clarified that he had not been involved with any of the parish planning decisions and would be considering the application solely in his role as Chairman of the Committee.

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

The Development Management Team Leader gave the following local and national updates:

- The consultation on the Cherry Willingham Neighbourhood Plan had ended. The independent examination was now underway;
- The consultation on the submission draft on the Willoughton Neighbourhood Plan had just ended. There was now a move to appoint an Independent Examiner;
- Consultation on the draft version of the Neighbourhood Plan in Sudbrooke was underway until the 5<sup>th</sup> November;
- In a change to legislation, as of 1 October, the local Planning Authority required the written agreement of the applicant in order to apply any pre-commencement conditions.

#### **43 138157 - BLEAK FARM, CHERRY WILLINGHAM**

The Principal Development Management Officer introduced application number 138157, an application for 5no. dwellings at Bleak Farm, Cherry Willingham.

There were a number of updates for this item:

- The original appeal on this site had now been validated by the planning inspectorate, and had a start date of 11 October;
- No additional information from the applicant had been submitted following last month's Planning Committee, so the application remained as written;
- The Cherry Willingham Neighbourhood Plan was referenced in the report; however, some of the policies within the Plan, in particular H3 have been challenged. The weight given to these policies would have to be tempered whilst the challenge was ongoing;

The first of the public speakers on this item was Parish Councillor Paul Moore, from Cherry Willingham Parish Council. He raised the following points:

- The Parish Council fully accepted the principal of development on this site, as established by the previously granted outline permission;
- This was an important site at the heart of the village, and it justified a development that made the most of the heritage and potential of the site;
- The Parish Council were gratified when an earlier application in May 2018 was refused, as they felt it did not live up to these heritage standards;
- This application seemed almost identical to a previous application from May 2018, which was rejected by committee; the Parish Council felt that there were no material changes in this application that could lead to this new application being granted;
- The site, until recent times, was a working farmstead. It was confirmed as a non-designated heritage asset in the Neighbourhood Plan;
- Some of the buildings on-site had now gone through demolition; however the historic context and the setting of the farmstead and nearby listed buildings remained unaltered. Any development on this site would have an effect on the setting and significance of these heritage assets, but this should be properly assessed to inform the design and layout of any new development. That was the requirement of adopted planning policy;
- The Parish Council agreed with Lincolnshire County Council's (LCC's) Historic Environment Officer that the submitted heritage statement was wholly inadequate;
- By only developing part of the site, the application failed to make the most of the whole area, and there was no requirement for public open space or affordable housing;
- Policy LP25 of the Central Lincolnshire Local Plan (CLLP) required that development proposals protected the significance of designated heritage assets, including their setting, as well as promoting opportunities to better reveal the significance of heritage assets. In addition, the desirability of sustaining and enhancing non-designated heritage assets should be taken into account;
- Many developments exist on old village-centre farmyards that retained design and layout links with the site's former use, and produced a high quality development that enhanced the village centre;
- The site's present condition was very poor; this did not justify an inadequate development proposal for this site simply to tidy it up (reflected in the National Planning Policy Framework – NPPF);
- It was important for this site to have the following as part of any application:
  - I. Establish a strong sense of place;
  - II. Respond to local character and history and reflect the identity of local surroundings;

III. Ensure that new developments were visually attractive as a result of good architecture and appropriate landscaping;

- The application site provided an opportunity for a good, sensitive development that respected and acknowledged its historical context and the wider character of the village;
- The submitted scheme failed to meet these objectives;

The next speaker was Councillor Maureen Palmer, Ward member for Cherry Willingham. She highlighted the following:

- The principal of a residential development on the site of a former working farmstead was accepted; any development would need to fit in with the setting of the site;
- Unless there were any significant differences in this application, it should also be refused;
- The inclusion of this site in the Neighbourhood Plan was not just focused on the preservation of the farm's buildings; heritage issues should have been an important part of the application;
- There were comments from district councillors previously about the site currently being an 'eyesore'; this may be the case, but any replacement not up to standard would be an eyesore for years to come;
- The overall site design should reflect that it was agricultural in nature in a previous time;
- The application site provided an opportunity for a sensitive development contributing to the wider character of the village; the submitted scheme failed to achieve those objectives.

The final speaker was Councillor Ann Welburn, also a Ward councillor for Cherry Willingham. The following points were highlighted:

- The original application back in August 2016 was for 13 dwellings with conversion of a barn. It was agreed with 25% of affordable housing units, with the provision of no less than 3% designated as public open space;
- Subsequently to this, the site had been sold, all outbuildings had been destroyed, bricks had been removed, the house had been vandalised and the site had been left derelict;
- Application number 137057, considered back in May 2018 was rejected for not protecting an historic site in Cherry Willingham, and was a proposal contrary to LP25 and 26 of the CLLP, as well as guidance within the NPPF at paragraphs 58, 128, 132 and 133. Added to this were statutory duties in section 66 of the Planning, Listed Building and Conservation Areas Act;

- The application before committee on 17 October was very similar to application 137057;
- Cherry Willingham residents welcome this development but request that it be dealt with as a whole. The importance lies with the setting;
- The wall outside the site is in disrepair and should be taken down;
- It was suggested that the applicant work with a steering group and the Parish Council as that would produce a far better outcome.

The Principal Development Management Officer reminded Members that they were considering the application before them now, and that it would not be for them to ask the developer to go away and come back with a larger site to be developed.

In relation to affordable housing, LP11 of the CLLP was referred to. It was explained that whilst the number of dwellings fell below the threshold for requiring affordable housing, if the scheme was followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the scheme, then, if the combined total of dwellings qualified for affordable housing, the level of affordable housing would be backdated to include this scheme.

Some weight could be afforded to the draft Neighbourhood Plan, however there were unresolved objections to this, which would temper the weight that may be given.

There seemed to be a general acceptance of development at the site, but problems with the scheme's layout. There needed to be a wider perception of reflecting the local character.

Officers recognised that the site was being considered as important; however this wasn't reflected in the development plan or the Neighbourhood Plan.

Following these issues raised by officers, Planning committee members then provided their own comments;

- There was currently a planning appeal lodged against a previous iteration of this application;
- The site was in the centre of the village; non-designated heritage assets are no less important than their designated counterparts;
- There were sufficient reasons to support refusal, namely LP25 and LP26 of the CLLP, regarding the historic setting. Also, policy 127(c) of the 2018 national policy, which was sympathetic to local character and history, and policy 128 – design quality should be considered throughout the evolution of proposals.
- Paragraphs 185(c) and 191 of the NPPF were applicable;
- Other Councillors felt that there wasn't enough information in the application to refuse;

- There was not enough assurance in the application that there would be outcomes that were going to protect the heritage of the site;
- No development would take place on site until a sample of brick no more than 1m in height be installed. Officers and Members could go to the site to inspect materials;

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 development is not sympathetic to local character and history, including the surrounding built environment. 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 design quality and layout. The proposal is therefore contrary to local policies LP25 and LP26 of the Central Lincolnshire Local Plan and guidance within the National Planning Policy Framework, particularly paragraph 127(c), 128, 185(c) and 191.

#### **44 138097 - CHURCH ROAD, STOW**

The Development Management Team Leader introduced application number 138097, for the proposed erection of 2no. dwellings at Church Road, Stow.

There were two updates to the report:

- An extension of time on the application had been agreed to the 19 October 2018;
- The applicant had agreed to the pre-commencement decision on materials.

Councillor Chris Turner spoke on behalf of Stow Parish Council, and highlighted the following five objections:

1. In the opinion of the Parish Council, conditions 4 and 5 of the outline planning permission had not been met. These related to surface, and foul water drainage issues on Church Road, which was prone to flooding. The officer's report confirmed these conditions had to be met at some time in the future, but that it did not relate to reserved matters in this application. It would be difficult to consider drainage after approval had been granted for development;
2. Permission for a small bungalow immediately to the north-west of this application was refused. The applicant in that case appealed; this was unsuccessful; the proposed bungalow would have damaged the view of the open countryside from Church Road. For application 138097, this appeared to have been addressed by the officer under the 'views' section. Extensive bedrooms in the roof will make them appear like three-storey properties, which again would damage the view of the open countryside from Church Road;
3. It was hard to envisage a house with five bedrooms, a large number of toilets and a double garage conforming to low carbon living;
4. There was no requirement for an archaeological survey;

5. There was a vibrant community in Stow; what the village needed was affordable housing for families.

The next speaker was Mrs Carolyn Turner, who was objecting to the application. She raised the following points:

- Mrs Turner was a local resident of 35 years;
- Earlier in 2018 planning permission for a small bungalow adjacent to the plot for application 138097 was refused because it would detract from the view of the countryside from Church Road;
- The proposed dwellings were totally out of character with the area. They contained many windows, and did not blend in with the tiny single track road on Church Lane;
- The submitted plans show a laudable attempt at fitting into the surrounding landscape; however, closer inspection shows that hedges were to be destroyed as they were overrun with species. In fact, the hedgerow could be seen as a haven for flora or fauna;
- Bulldozers had already decimated the area;
- LP4 of the CLLP advised that Stow should accommodate small scale development of a limited nature in an appropriate location; this development was neither small-scale nor appropriately located;
- The drainage in place could not cope with a one in ten year event;
- The application was totally inappropriate in terms of appearance, style, and landscape.

Following these comments, the Development Management Team Leader responded:

- Planning permission had already been granted on this site; this application is for reserved matters only;
- Drainage was a condition of the application. The applicant would need to submit these details and it would need to be agreed. The lead local flood authority did not raise objections at the time of granting planning permission;
- The bungalow to the north of the site was refused; however the application before Members was independent of that application and was not seeking planning permission;
- No conditions were required for archaeology, nor the ecology of the site at the time of granting permission;
- Consideration was required purely for the reserved matters - scale and appearance of

the buildings, and the layout of the site, landscape and access.

Members then provided their comments on the application. Following this, further information was provided;

- The proposed houses had dedicated garages to their front, with ample off-road parking;
- If the landowner had not been an immediate family member of a Councillor, the application would have been an officer decision;
- On previous applications when a site visit had been requested, the developer had put up height indicators so it would be clear how much massing there would be;

At this stage in proceedings, it was moved and seconded that the committee go on a site visit, but this was **REFUSED**.

Further comment was provided:

- The last assessment Strategic Housing Market Assessment was in July 2015; it outlined that houses of all types were needed in Central Lincolnshire. The greatest need was for small properties, but all types were needed;
- When speaking to businesses in the area, their preference was for more executive homes in West Lindsey;

It was proposed, and seconded that Members support the officer recommendation in the report, but this was **REFUSED**.

There were no further questions or comments and it was therefore moved, seconded and voted upon that permission be **REFUSED**. The scale of the development does not relate well to the site and surroundings and therefore does not achieve a high quality design that contributes positively to local character and is contrary to the provisions of the Central Lincolnshire Local Plan, in particular policy LP26.

#### **45 137950 - LAND OFF LEA GROVE, BARDNEY**

**Note:** At this point in proceedings, Councillor Ian Fleetwood stepped down from the committee to speak as Ward Member for the item and Councillor Owen Bierley sat as Chairman.

The Principal Development Management Officer gave the following update to committee:

- The minerals and waste team from Lincolnshire County Council have lifted their safeguarding objection to the proposal;

The first public speaker was Councillor Robert Webb, from Bardney Group Parish Council. He raised the following points from the viewpoint of the Parish Council:

- There was currently no spare capacity in the drainage system. Several properties had been flooded with effluent; at times of heavy rainfall; surface water was a known problem in Bardney;
- Anglian Water had assessed the area and concluded it was acting above its previously stated capacity; they had also said that this development would lead to an unacceptable risk of flooding downstream;
- In recent times heavy rainfall had caused flooding to take place; the last occurrence was 8 October;
- A water study in 2010 stated that the drainage infrastructure in Bardney could only cope with an additional 333 dwellings; since that date, 400 homes had been approved or built. No further applications should be approved on public health grounds until the health matter was resolved;
- The true measurement of the road is 4.8 metres; this was not a straight road and had a 90 degree angle;
- The Highways department at Lincolnshire County Council in October this year said there had been no consultation between the risk management team and the regional team covering Bardney; therefore the response to the consultation had been inaccurate and should not be accepted;
- Parking on Lea Grove was difficult as not all houses had driveways;
- The nearest bus stop was half a mile from the site, with only five buses a day. Most residents have to use private vehicles;
- The development made no provision for employment or retail within the village;
- It was disputed whether the site was brownfield; it had historically been greenfield and used for grazing;
- A letter had been received from the local school outlining that the cost of an additional classroom would be approximately £300,000, not £45,000.

**Note:** Councillor David Cotton declared a personal interest as he was acquainted with Mr Michael Braithwaite, the next speaker, as Mr Braithwaite had worked alongside him on the Joint Strategic Local Plan. He had not had any dealings with Mr Braithwaite on this application.

Councillor Owen Bierley added that Members of the Central Lincolnshire Joint Strategic Planning Committee had met Mr Braithwaite in his former role on the Central Lincolnshire Joint Strategic Planning Committee.

The next speaker was Mr Michael Braithwaite, planning consultant, acting for the applicant. He raised the following points:

- The planning application was prepared and submitted following positive pre-application advice with officers at West Lindsey District Council;
- The brownfield site was within the developed footprint of Bardney;
- This site met the intensification and renewal criteria within the Central Lincolnshire Plan for a large village;
- There was contact with Highways at Lincolnshire County Council to explore capacity on the site. This was supported; Highways had had comments drawn to their attention and considered that the site met their standards;
- Discussions had been held with Children's Services at Lincolnshire County Council about the needs of the local primary school;
- The Parish Council had been approached; it was understood that the area was not developing a Neighbourhood Plan;
- Discussions with the local planning authority and the applicants had led to some changes; most notable was the reduction in the number of proposed houses on the site, and a change to the redline boundary that cuts through the existing bowls pavilion;
- Lincolnshire County Council had now withdrawn its objection to the application as it would not be able to extract gravel from underneath the site;
- There had been no response to highways safety as this had been covered by the relevant consultees and conditions;
- The granting of planning permission would enable the redevelopment of a derelict site within West Lindsey;

The third speaker was Mr Rowlett, a local resident opposing the application. The following points were raised:

- His home on the corner of Lea Grove had been flooded a number of times as drainage could not cope. People across the road had had effluent in their gardens;
- People were parking on the grass verge in the estate, which was in a terrible state;
- The street would struggle to cope with construction traffic; refuse lorries have been scratching cars on Lea Grove;
- A number of elderly people live on the street, as well as children;
- There were two to three cars for every house; as a result, there was parking on the

street, and it was difficult to see to come out of your driveway;

- The main concerns were safety, drainage, and heavy vehicles on the road.

The final speaker was Councillor Ian Fleetwood, Ward Member for Bardney. He raised the following points:

- This application had come back for all matters reserved; matters are made more difficult as Bardney did not have a Neighbourhood Plan;
- The access to Lea Grove was 4.8-4.9 metres wide in some places;
- Councillor Fleetwood had met local residents and discussed the issue; if the location was viewed on a Saturday morning, there would be cars parked on the corner of Lea Grove. Some houses do not have any parking space at all. It would be virtually impossible on a normal evening or weekend to see to exit Lea Grove;
- Sewage was coming into residents' gardens. There were issues with heating oil coming out of the ground and into drains;
- Emails to the clerk at Bardney Group Parish Council from Anglian Water about the capacity for drainage on the site had been received;
- A site visit would be recommended; this would allow information from Anglian Water to come forward. Members would be invited to park on Lea Grove and see for themselves what the site was like;
- Access to the site used to be from the elbow bend on Wragby Road;
- If committee were not minded to vote for a site visit, they were encouraged to refuse the application.

Officers then responded to points raised during the speakers' section of the meeting. These were as follows:

- When looking at infrastructure requirements, there would be dialogue with the Estates department at Lincolnshire County Council (as Local Education Authority) rather than contacting the school direct – this was standard practice;
- Flooding – the site fell within Flood Zone 1. There were no objections to this proposal on the grounds of flooding from Anglian Water or the lead local flood authority;
- There were conditions proposed, as requested by Anglian Water, for a foul water drainage strategy to be agreed;
- Highways Lincolnshire had been contacted twice about this application because of the large number of objections on the grounds of parking on Lea Grove; this was not currently an issue as far as Highways were concerned;

- If there were to be a Highways issue in the future, it would be within their gift to put double yellow lines onto the road;

**[Due to technical issues with the webcast, the meeting was adjourned at 2030.**

**The meeting reconvened at 2034.**

**Note: Councillor Ian Fleetwood left the Chamber on the advice of the legal representative so as not to provide undue influence over the committee. This happened during the adjournment, and he did not return upon the resumption of the meeting. All other Members were present at the resumption.]**

The Principal Development Management Officer finished his response by saying that the bar set by the National Planning Policy Framework on highways grounds had been set high in terms of a refusal on highway safety; if Members were minded to go against the advice of Highways they would need evidence to support a contrary view.

Members were then asked to provide comments on the application. Further information was provided:

- Access from Wragby Road was not precluded on this application;
- The statutory consultee on flooding was Lincolnshire County Council as Lead Local Flood Authority, not the Environment Agency;
- There was a duty, given concerns raised by the public, to investigate instances of effluent entering homes;
- The response from Anglian Water on foul water stated ‘the foul drainage from this development was in the catchment of the Bardney water recycling centre that would have available capacity for these flows’.

There were no further questions or comments and it was therefore moved, seconded and voted upon that the decision to grant planning permission be **AGREED**, subject to conditions, and would be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- An affordable housing contribution of 5 dwellings on site
- A contribution of £45,105 towards an additional classroom at Bardney Primary School or land adjacent Bardney Primary School as an in-kind payment of this contribution

In addition to the S106 as the Community Infrastructure Levy (CIL) is in force – the development is expected to be liable.

In the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application will be reported back to the next available Committee meeting following the expiration of the 9 months.

**46 DETERMINATION OF APPEALS**

**Note:** Councillor Ian Fleetwood rejoined the meeting for the final item.

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

The meeting concluded at 8.54 pm.

Chairman