

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in TheThe Council Chamber - The Guildhall on 9 January 2019 commencing at 6.30 pm.

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

Councillor David Cotton (from item 69)
Councillor Michael Devine
Councillor Paul Howitt-Cowan
Councillor Hugo Marfleet
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Robert Waller

In Attendance:
Mark Sturgess Executive Director of Operations and Head of Paid Service
Alan Robinson Strategic Lead Governance and People/Monitoring Officer
Oliver Fytche-Taylor Planning & Development Manager
Russell Clarkson Development Management Team Leader
Jonathan Cadd Principal Development Management Officer
Martin Evans Senior Development Management Officer
Martha Rees Legal Advisor
James Welbourn Democratic and Civic Officer

Also in attendance: 19 members of the public and press.

Apologies: Councillor Roger Patterson

Membership: Councillor Roger Patterson was substituted by Councillor Paul Howitt-Cowan

66 PUBLIC PARTICIPATION PERIOD

There was no public participation.

67 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 12 December 2018.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 12 December 2018 be confirmed and signed as a correct record.

68 DECLARATIONS OF INTEREST

The Chairman declared an interest on behalf of all Councillors as the applicant in item 71 was related to a Member of the Council.

The Chairman also declared on behalf of all Councillors for item 74 as the applicant was a Member of the Council, and therefore was known to all Members.

Councillor Giles McNeill declared an interest in item 73, 138494 – Land off the Hawthorns Nettleham, as the item had been discussed at a meeting of Nettleham Parish Council. He had taken no part in discussions at that meeting, and therefore was able to take part, and vote on this item.

Finally, the Chairman declared an interest on behalf of all Members of the Planning Committee as a letter had been posted recorded delivery lobbying Members on item 74, 138563, Land off Dunholme Road, Scothern.

69 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

There was no update this month.

Note: Councillor David Cotton arrived during this item.

70 138576 - LAND ADJ 25B CHURCH ROAD STOW

The Chairman introduced application number 138576, an application for approval of reserved matters for the erection of 2no. dwellings considering access, appearance, landscaping, layout and scale, following outline planning permission 134537 granted on 29 July 2016 – a resubmission of 138097.

The application was presented to committee as the applicant was from the immediate family of a Councillor. There were no updates to this report from the case officer.

There was one public speaker on this item – Mrs Tracey Coulson, representing the applicant. She highlighted the following points:

- This was a resubmission of a previously refused application from the planning meeting held on October 17 2018;
- Following this previous meeting, the applicants had listened and amended the scheme as necessary. The applicant had looked to reduce the size of the two dwellings, and provide a greater separation distance between plots. The ridge heights had been reduced on both plots;
- The overall floor area for both properties had been reduced to 70 metres squared;
- Comment had previously been made around the properties being three stories high; the properties were actually two stories in height, but with the addition of 'attic trusses'; these provided additional living space;

- It was hoped that the reduction of the ridge heights for both properties would afford an acceptable height of the development;
- The plot sizes were generous in nature and similar to the adjacent properties, as well as those opposite;
- The proposed sites were to stand around 9.5 metres from the ground to the top of the ridge height, and would not dominate the landscape;
- There were no issues in relation to listed or important buildings during the outline application, and no archaeological concerns;
- Ecology and protected species would have been considered by the case officer at the outline stage of planning; no further reporting was asked for;
- The existing hedge had been removed, but it was proposed to plant a new hawthorn hedge, set further back from the road. A grass verge was also proposed;
- New trees to the south of the site would soften the development;
- It was provisionally proposed to connect into the existing foul water drain to satisfy the requirements for surface water discharge. There would also be a shallow rainwater basin; full details would be provided in discharge of planning conditions, following the reserved matters stage of the application. Percolation tests had been carried out on site;
- The proposed dwellings were set back 18-19 metres from Church Road; the size and the scale of the dwellings were in keeping with the surrounding area.

Following on from the speaker's comments, it was noted by a Member that the resubmission had not had any objections from the Parish Council.

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

It was therefore **AGREED** that the application be **GRANTED**, subject to conditions.

71 138491 - LAND TO WEST OF A1133 NEWTON ON TRENT LINCS

The Principal Development Management Officer introduced planning application 138491 – land to the west of the A1133 Newton on Trent, Lincolnshire. This was an outline planning application for a mixed use village extension comprising of up to 325no. private and affordable dwelling units of use Class C3, community meeting rooms of use Class D1, with ancillary pub-café with use Class A4 and sales area with use Class A1, new landscaping, public and private open space with all matters reserved; a resubmission of 134411.

There were a number of updates to the application, listed below:

- There was a slight amendment to 'reason for refusal no.2' – the second sentence should read:

“insufficient evidence has been provided to determine whether development would sterilise mineral resources within the mineral safeguarding area, and it has not been demonstrated that development could not be reasonably sited elsewhere.”

The rest of the reason for refusal remained as printed;

- There was an error on page 45 of the agenda pack for this meeting in relation to West Lindsey District Council's (WLDC) consultation responses – it should have outlined that 76% of letters sent to households from WLDC supported the proposal, with 24% objecting. This did not change the nature of the recommendation;
- There were a number of additional responses:
 1. The Trent Valley Drainage Board noted an open water course to the southern boundary; consent would be required if development were within 9 metres of the top of the water course. Surface water run-off must not exceed 1.4litres per second per hectare. An area of open space alongside any maintained water course should be 9 metres in width and be provided to allow access for maintenance to the said watercourse. None of this information changed the recommendations within the report;
 2. The agents and applicants team provided an initial response to the concerns of the mineral waste authority, and indicated that a further report was yet to be completed. However, in summary that the key points which would be explored in more detail would be that mineral extraction from the site was likely to be restricted by physical and environmental constraints, such as the A1133 road to the east, existing flood defences to the west, Newton on Trent to the south and the east, and a power line crossing the site.

The Lincolnshire County Council (LCC) mapping was based on rather a large scale and included generalisations. Therefore, whilst it was possible that there may be sand and gravel of up to 6 metres underlying the site this may not be specifically the case for the application site as a number of test pits dug in 2015 indicated that this was limited to 1 metre. Sustainable drainage ponds could result in extraction of significant deposits should they be found.

Latest LCC figures show that the land bank was 8.25 years, which was above the 7 years required by the National Planning Policy Framework (NPPF) so extraction is not necessary;

- Planning officers were recommending a technical reason for refusal; if the applicant wanted to provide additional information following determination of the decision, this could be considered;
- Further information was supplied on the consultation process, and how it was conducted in a positive manner and without bias;

There were no speakers for this report, therefore Members and officers provided comment:

- The application was not mentioned in, and was contrary to the Local Plan;
- Newton on Trent is a small village and proposal would more than double the scale of the village. The application site fell within category 6, and paragraphs 79, 88 and 114 of the examination report of the Central Lincolnshire Local Plan (CLLP). When weighing up these against the positive weight of development, the officer recommendation was supported;
- The NPPF does indicate that in certain circumstances, large scale developments were often the best way forward. The difference between this application, and a development such as the 'urban extension' in Gainsborough would be the sustainability of facilities. The connections, bus services and facilities available in Newton on Trent were very limited. The enhancements suggested by the applicant were not sufficiently robust to accommodate the volume of extra residents;
- The benefits of the large scale development were outweighed by the location of the plans;
- Some concerns raised with reference to applicants running their own consultation and vote even given the professional qualifications of those running it;
- The proposal was to enhance the bus service in Newton on Trent; the current bus service was the 106. This proposal would involve a considerable sum of money being put forward for a minibus service, partially timetabled, partially call connect linking up with the existing commercial 100/106 service run by Stagecoach. The main commercial service could connect with the minibus at Saxilby, but as outlined within the report these measures are not deemed sufficient to create a sustainable alternative to the car for most;
- The scale of the development would lead to considerable numbers of people using their cars in the area;
- The amount of cars coming into the area as a result of the application would exacerbate traffic issues at the junction of the A57 and the A1133;
- The Post Office and the store had gone, and the local school was oversubscribed;
- The site was initially brought forward as part of the Local Plan process, but was rejected.

There were no further questions or comments and it was therefore moved, seconded and voted upon that permission be **REFUSED**, as per the officer recommendation in the report.

72 138494 - LAND OFF THE HAWTHORNS NETTLEHAM

The Chairman introduced application number 138494, an outline planning application for the

erection of up to 63no. dwellings with garages, access roads, footpaths and open space- access to be considered and not reserved for subsequent applications at land off The Hawthorns Nettleham.

There were no officer updates for this application, so Members first heard a number of speakers to the application. The first speaker was Councillor John Evans from Nettleham Parish Council. He raised the following points:

- The first area of concern from Nettleham Parish Council was related to policy H1 of the Nettleham Neighbourhood Plan (NNP), which stated that *'housing sites should be restricted to a yield of 50 homes, unless it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community, and also their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topology and landscape settings.'*

Whilst acknowledging that an indicative drawing had been supplied, the 25% increase in housing numbers from the CLLP and the Neighbourhood Plan could not be accounted for until a detailed plan had been seen. However, an outline permission for 50 dwellings would be supported;

- Avoiding 'planning creep' was desirable. A final detailed plan with extra dwellings would not be wanted;
- The second area of concern was around footpaths. The proposal mentioned footpaths, and this was to be applauded as they were a feature of the NNP. However, footpaths should form part of a Section 106 agreement, so that when the application moved to a detailed stage, they were not forgotten or ignored. Nettleham Parish Council would want footpaths defined as 'all-weather' with a minimum width of 2 metres to encourage cyclists and horse riders;
- The final area of concern was play equipment. The nearest playground was on Larch Avenue, built some 15 years ago. This was approximately a 100 metre walk from vehicular access to this site. The area comprised of one slide, two climbing frames and other childrens' rides, and was a small site that catered for around 40-50 houses. To double the amount of houses using that site was wrong, and the new site should have its own play area.

The second speaker was Mr Phil Scrafton, agent for the applicant. He raised the following points:

- The application responded to material planning and amenity considerations satisfactorily;
- The number of houses for development within the NNP was an indicative figure, therefore it was the applicant's view that 50 houses was not intended to be an upper limit;
- Paragraph 10.2 in the adopted Local Plan clarifies the above issue; the 50 houses in the NNP was an estimate based on the size of the site, the assumption of the development area, and the net residential density;

- Paragraph 10.2 goes onto say that developers should produce the most appropriate design led solution, and they need not be constrained by the indicative figure;
- Other schemes in Nettleham have been able to deliver more dwellings on a site that had a lower indicative figure; for example there were 36 additional dwellings at Deepdale Lane which made 'effective and efficient use of that land';
- Development was restricted to 20 dwellings per hectare, with the footpaths and open space being incorporated;
- Whilst the figure of 1,811 square metres of open space within the report was not incorrect, it only referred to the area identified south and west of the new access road. An additional swathe of open space was included northwards of the site. Including this area extended the provision, going beyond the 0.2115 hectare provision. The applicant was happy to be bound by this higher figure;
- The construction management plan was an important mechanism needed before the commencement of any development. It would ensure the proper control of building activities such as the hours of work, so that residential amenities were protected as much as possible. This would be controlled through a planning condition;
- A direct connection could be made to the adjacent watercourse at a restricted greenfield equivalent rate; no additional burden would be put onto existing Anglian Water infrastructure. Sustainable drainage principles had been met;
- A planning obligation had been agreed in principle which provided for 16 affordable units and the desired footpath through the site and the neighbouring field, ending at Nettleham Beck;
- This was precisely the type of development the planning process should be aiming to deliver.

The final speaker on this item was Councillor Angela White, who raised the following issues:

- There was inaccurate information in the report regarding Nettleham's schools. There were two schools in Nettleham; Nettleham C of E Junior School, and the Nettleham Infant School;
- The report states that Nettleham Primary School was incapable of expansion; this was incorrect, and the school had had no consultations with the education authorities;
- There should be further clarification on why the section 106 money was going to a school in Lincoln rather than remaining in the village. This was the second occasion this had occurred; previously monies had been granted to Monks' Abbey Primary School in Lincoln;
- This application was designated within the NNP.

Note: Following her speech, Councillor Angela White left the chamber and did not return.

Officers were then given the opportunity to respond to the comments raised by the public speakers:

- The 50 dwellings yield in the NNP was an indicative figure; developers could be allowed over this figure provided that they could show policy H-1 of the NNP was being met;
- The NNP explained that the figure of 50 dwellings for this site was based on residential density in Nettleham. The density given by the application was similar to the figure given in the NNP, and the surrounding neighbourhoods;
- There was an equipped play area in the proximity of the site and the development would be liable for Community Infrastructure Levy (CIL) funding, creating funds for the parish council to invest;
- It was recognised that there would be a requirement for a contribution to school provision that would be secured through a Section 106 legal agreement; this was advised by the Local Education Authority (LEA) on the basis that capacity would free up places at the Nettleham schools if children have capacity at schools nearer to them;
- A public footpath was proposed all the way from the northern boundary, as is required by the NNP. It was proposed that this be secured through Section 106 monies;

Members were then to provide comment and ask questions of officers. Information from this discourse is documented below:

- The NNP outlines a plan of 50 dwellings for this site; granting more dwellings on this application could encourage other developers to always go above the indicative figure suggested;
- The NNP had a notional limit of no more than 20 dwellings per hectare, and does not limit developers to 50 dwellings. The application must demonstrate that properties blend into the community;
- There had to be fluidity within the Local Plan, but a 26% uplift in the number of dwellings was considerable;
- A different interpretation of an indicative number of dwellings for this site around 50 would be somewhere between 45 and 55 dwellings.

Members then discussed the amount of dwellings they would like to see on the site. An amendment to the application was proposed, seconded and voted upon and approved; the amendment changed condition 12 in the report to read:

“the development shall comprise of a maximum of 50 dwellings.”

The amendment then became the substantive recommendation. This was then voted on, and:

It was therefore **AGREED** that planning permission be **GRANTED**, subject to the conditions in the report (as amended). There would be a delegation 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:

- The construction of 16 affordable homes with tenure to be agreed at reserved matters. This is an indicative number dependant on the dwelling number applied for at reserved matters,
- An NHS contribution to create additional consultation space at the surgery. Based on an indicative number of houses and their size, which would only be determined at reserved matters, this could amount to £39,847.50
- An LCC Education contribution towards additional classrooms at the Carlton Academy, Lincoln. Based on an indicative number of houses and their size, which would only be determined at reserved matters stage this could amount to £135,517.00
- Open space on the site including a management and maintenance plan.
- Pedestrian footpath from the south boundary of the site to the Nettleham Beck and then south to the Anglian Water Sewage Works (see plan J1727 SK12 dated December 2018).

73 138563 - LAND OFF DUNHOLME ROAD SCOTHERN LINCOLN LN2 2UD

The Chairman introduced application number 138563, an outline planning application to erect 6no. dwellings with all matters reserved – a resubmission of 136727 - at land off Dunholme Road, Scothern, Lincoln LN2 2UD.

Prior to receiving updates from officers, the Chairman read out a statement regarding the proposed financial contribution from the developer to the local community, should the application be approved. The contribution had been referred to within the application, but should not form part of the decision to be made by committee. As acknowledged by the agent in recent correspondence, it could not be a material consideration for the planning application – therefore it was not a matter that should be discussed further or give weight to, as only material planning considerations can be taken into account in the determination of planning applications.

There was one update to the application from the Senior Development Management Officer, which was an additional letter of rejection from a resident – the points listed were:

- 10% growth in the numbers of dwellings had already been exceeded;
- There were existing problems in the village with traffic speed;
- The money offered to the village should not come into the equation;

This late update did not change the officer recommendation in the report.

The first speaker on this application was Councillor Cathryn Nicoll from Scothern Parish Council. She made the following points:

- Following a parish council meeting on 22 November 2018 Scothern Parish Council submitted comprehensive comments against this application;
- The offer of £150,000 for the village hall had been noted, but not considered as part of the application as this was a private arrangement, not a statutory S106 planning agreement or Community Infrastructure Levy (CIL);
- This was development outside of the continuous form of the village. The development area could not be considered infill, as it was within the Manor's parkland; the site was bounded by areas used for sheep grazing at this current time;
- The CLLP identified Scothern as requiring 10% residential development, which would equate to 36 dwellings. Planning had already been granted for over 70 dwellings;
- The Manor House had been on the application site since the 13th century. The park attached to the house was detailed in probate will as being of historic importance, and was catalogued extensively in the Scothern Neighbourhood Plan;
- Information had been distributed to residents by the applicant; many residents had not received this, and Scothern Parish Council were unsure whether all dwellings had received this information. The analysis of the responses was within the Design and Access statement for the application;
- There were already ample properties of the same type under construction opposite this proposed development, and 8 large dwellings were being constructed at the east side of the village.

The second speaker was Mr Andrew Clover, speaking on behalf of the applicant. He raised the following points:

- The growth level for Scothern, identified in the Local Plan had been reached, therefore policy LP2 outlined that clear local support was required for any further applications to be successful. A questionnaire had been sent to 364 properties in the village, with 105 responses received. 70 of these responses had been in favour of the proposals. This level of support was similar to an application approved in Marton, and greater than an approved application in Scothern itself. These were approved under officer's delegated powers;
- An inspector stated in a recently allowed appeal in Langworth that applications approved before the Local Plan was adopted should not be included in growth figures. If this appeal was given weight, then this would equate to a growth level of 33 dwellings remaining in Scothern – this had not been referenced in the report;
- There were no brownfield or infill sites available in the village. Allocated sites were all on the edge of the village;

- In terms of the Heritage Impact Assessment, no substantial harm would be caused to the Manor House. Any harm arising from development would be outweighed by the benefits to the village;

The third speaker was Mr Steve Taylor, a supporter of the application. He raised the following points:

- Policy LP15 of the Local Plan outlined support for community facilities, and this was not referred to in the officer's report. Over the past three years, Scothern had had developments approved, but received no money for community facilities. The philanthropy associated with this development was positive. The late Councillor Stuart Curtis instigated this way of funding community facilities as a way of resolving the lack of planning monies, and to make sure there was a sustainable, fit for purpose village hall;
- Under policy LP15, it was possible for developments to pool together planning monies for community facilities. If the applicant was prepared to work with WLDC on the provision of Section 106 monies, then this should be taken into account. This would not be dissimilar to applications within Gainsborough, such as the recent hotel development;
- The application could be deferred to allow further thought as to how the section 106 agreement could be used for cumulative effect of 70 dwellings in Scothern;
- Village halls should not be left to rot and collapse; if facilities at Scothern Village Hall cannot be improved soon, the prospect of non-viability and closure was real.

The final speaker was Councillor Robert Waller, who stood down from his role as Planning Committee member for this item and spoke as Ward Member. He raised the following points:

- This application was first submitted as outline planning application 136727 and was subsequently withdrawn following the death of district Councillor Stuart Curtis, who had been a supporter;
- Councillor Waller had been lobbied by both supporters and objectors of this application on numerous occasions;
- This application was somewhat different in that the developer had entered into a unilateral agreement with the village hall. This should not have any bearing on the decision of the committee; in fact some residents had seen this as an attempt to 'buy' the planning permission;
- The application was perceived by objectors not to be in accordance with Scothern Neighbourhood Plan and contrary to the CLLP, and policies LP2, LP4, LP26, LP55 of the Central Lincolnshire Local Plan;
- Residents in favour of the application saw that the 6 dwellings was a small price to

pay to give the village hall a new lease of life. The development was on the edge of the village and would provide funds to the upkeep of the Manor House;

- Some letters of support were from outside of the county;
- No objections had been raised from LCC Highways, the Drainage Board, or from ecology advisers;

Note: Following this speech, Councillor Robert Waller left the Chamber for the remainder of this item.

Following on from the public speakers on this item, the Development Management Team leader and the Legal Adviser provided feedback on the points raised:

- Reference had been made to a unilateral agreement; this was not a part of the planning application under consideration and was not a material planning consideration before the Committee today. The decision reached at committee would need to be taken against the Local Plan, adopted policies and the Scothern Neighbourhood Plan;
- Obligations and financial contributions within a Section 106 agreement were subject to three legal tests. In this instance, a contribution to a village hall would not meet those tests – planning obligations need to mitigate developments, in this case being six homes;
- A private agreement was not a planning obligation; this was something entered into between the developer and a village hall trust outside the planning process.

Members then provided comment on the application, and asked questions of officers. The following information was highlighted:

- There was merit in taking into account the heritage on the site, as there was a threat to the historic nature of the property;
- During development of Burton Waters, it was decided that the provision and adaption of a 'meeting place' was beyond the scope of an application for 295 dwellings; the application before Members tonight was for only 6 dwellings;
- Planning Officers reiterated the statutory tests for a lawful S106 planning obligation. Within the adopted Local Plan, there was the adopted supplementary planning document that addressed funding for the village hall to be made through raised CIL monies;
- Views were raised as to whether it was the right development, but in the wrong place;
- If a Councillor were not involved in the application, then it would have been decided under officer delegations, and would have been refused as being contrary to both the Local Plan, and the Scothern Neighbourhood Plan;

- Both residential development sites in proximity to the application had been allocated within the Neighbourhood Plan and were accounted for in growth levels and the village growth allowance had already been significantly exceeded.

Members then moved and seconded two separate motions; one in support of the officer recommendation of refusal, and one for a site visit. The vote on refusal was taken first, and therefore it was decided that permission be **REFUSED**, as per the officer recommendation in the report.

74 DETERMINATION OF APPEALS

Note: Councillor Robert Waller returned to the Council Chamber.

The appeals reported for January's meeting were noted.

The meeting concluded at 8.26 pm.

Chairman