

SCOTTER PARISH COUNCIL
Extraordinary Meeting of the Council held on 26th August 2010

PRESENT: Councillor S. Rayner (Acting Chairman), Councillors M. Armstrong, C. Baker, B. Billam, M. Brown, D. Capes, C. Day, J. Fillingham and A. Sheardown, Ward Councillor W. Parry, Mr S. Sharp (WLDC Planning Officer), 32 members of the public (17 departing at the end of the public open forum), M. Brown (Clerk).

Notes of Public Open Forum (Not part of the meeting minutes)

Councillor Rayner welcomed members of the public to the open forum and introduced Simon Sharp, Development Management Team Leader at West Lindsey District Council and the planning officer responsible for the application under consideration, who had been invited to the meeting to hear the views expressed by the Council and the parishioners. He then invited comments from the public on the application. With one exception (welcoming additional competition as a breeding ground for improved quality in retail provision in the village), the comments made were against the application with concerns expressed regarding :

- (i) The current issue of illegal parking in the vicinity of the proposed site that effectively blocks the road to wide farm vehicles. Two local farmers expressed their fear that the illegal parking will increase as a result of the proposal.
- (ii) The proposed positioning of the access road to the development, being close to the narrowest part of High Street and opposite the junction with The Green that already suffers from compromised sight lines.
- (iii) The potential that the car park will be used as a meeting place for young people to the detriment of adjacent and nearby dwellings.
- (iv) The negative impact that a development of this size and scope may have on the other retailers in the village, with the specific point made that there is already a vacant shop within the village which suggests that there is no local need for further development. Concerns over the ongoing viability of existing retailers were stressed, with one retailer explaining the significant investment that had been made in her facility since she took it over in 2007.
- (v) The potential for increased traffic flows on High Street and the impact that these may have during peak times (e.g. arriving at/leaving school) on road and road crossing safety.
- (vi) The proposed closing time (at 11pm) was seen as far too late, encouraging the excessive consumption of alcohol and the potential for anti-social behaviour in the locale. This would be exacerbated if the other three proposed units were opened as take-aways, with increased noise, smells and litter in addition to late-night traffic movements. The point was also made that the village already has four take-away facilities so there is absolutely no need for any more.
- (vii) The potential that further development will exacerbate drainage/sewerage problems in the village.

At this point, Mr Sharp asked the Chairman's leave to make a few comments on the process that WLDC will follow in relation to this application. Firstly he explained that the consultation period in relation to it had been extended to 15th September 2010 and that written comments from local members of the public would be welcomed by the District Council as long as they were received by that date. He then listed the considerations that WLDC can take into account in deciding whether this application should go ahead and, if so, on what basis.

WLDC will consider whether the scale of the development is commensurate with the size of the village, with planning policy guidance stating that the proposal should only serve the immediate locality and not attract custom from outside of the parish. It will also look at the existing retail provision and needs to ensure that the proposal will not affect the viability and vitality of the village centre as a whole. However, the decision cannot be taken on competition grounds.

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Parking is a material consideration and WLDC will wish to ensure that there is sufficient provision to suit those with mobility requirements, whilst there is also the ability to cycle/walk to the development. The development must not lead to highways safety problems, but cannot be refused on the basis of illegal actions by motorists (such as parking on double yellow lines) as the latter is a matter for enforcement by the police.

The opening hours are also material and WLDC will look at these to see if they might result in noise/disturbance to nearby residents. It will also look at all potential issues associated with residential amenity (such as odours, noise, etc.) to ensure that these are satisfactorily controlled either by planning conditions or within the initial design. If such things cannot be properly controlled by means of conditions, this would be grounds for refusing the application.

The design and appearance of the proposed building is also material and the listed building within the site must be protected, with its setting preserved.

Mr Sharp further explained that the majority of applications are dealt with under delegated powers, with planning officers having the power to make the final decision. However, it is within his control to send this application for consideration at a full meeting of WLDC's Planning Committee, which is made up of elected members. Due to timings, it is most likely that it will go to the Planning Committee meeting to be held on the evening of 20th October 2010 at the Guildhall, Marshall's Yard, Gainsborough, and the applicant's agreement to this course of action will be sought.

The Chairman thanked Mr Sharp for his comments and invited final comments from the members of the public. Further clarification was sought as to why competition was not regarded as a consideration in the determination of the application and Mr Sharp explained again that the decision cannot be taken on the potential viability of one existing store but that WLDC will consider the existing provision against the needs of the village catchment and immediate surrounding areas, with a view to ensuring that there is a vibrant and viable village centre. With no further comments made, the Chairman thanked everyone for their attendance and participation and stated that the extraordinary meeting of the Council would now commence. Members of the public wishing to do so were most welcome to remain but would not be allowed any further opportunity to speak during the meeting itself. Seventeen members of the public then left the room, with the meeting commencing at 8.07pm.

Minutes of an Extraordinary Meeting of the Council held on 26th August 2010

97 2010/11 : To receive and approve apologies for absence

The Council noted the absence of Councillor Bullivent and also noted the apology received from Ward Councillor Underwood-Frost who had declared an interest in his capacity as Chairman of WLDC's Planning Committee.

98 2010/11 : To receive declarations of interest

Councillor Baker declared an interest in relation to the planning application on the agenda on the basis that the proposed development is immediately adjacent to her home and stated her intention to abstain from voting on the matter. No other declarations were made at this time.

99 2010/11 : To consider what comments should be made to the planning authority in relation to planning application 126246

The Council discussed the application for the erection of a Lincolnshire Co-operative convenience food store and three shop units for A1 (shops and retail), A3 (restaurants, snack bars and cafes), A5 (take-aways) on land adjacent to 72 High Street, Scotter in light of the detailed papers presented with the application (which had been prior considered by Councillors) and in light of the comments made by parishioners during the open forum, and a lively debate then ensued.

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At the conclusion of its lengthy deliberations, Councillor Brown proposed that the Council should object to the application. This was seconded by Councillor Sheardown and put to the vote. Five Councillors voted in favour of the proposal and three Councillors voted against, with Councillor Baker abstaining. In consequence, it was

RESOLVED : To object to planning application 126246 on the basis that it is contrary to elements of WLDC planning policies RTC6, RTC9, ECON1 and NBE3 of the Local Plan First Review, June 2006, and specifically that :

- a) Policy RTC6 requires that development proposals should be small in scale and serve a local need only. The size of the proposed Co-operative store is contrary to the first element of this requirement as it is extremely large and not in scale with the size of the settlement. When considered against the background of the existing retail provision in the village, the proposal as a whole (which includes the provision of three further outlets), cannot serve purely local needs without having a significant and detrimental effect on the existing retailers and, thus, would significantly harm the vitality and viability of the village centre. The retail statement provided in support of the application is also flawed in that it ignores the existence of a second retail outlet within Scotter (on the grounds that it is just outside of the defined “village centre”, even though it is readily accessible by local residents) and omits to mention the existence of the Asda supermarket (which is far closer to the village than the other supermarkets cited).
- b) Due to the sheer scale and massing effect of the proposed building, it is contrary to a further element of Policy RTC6 as it is not sympathetic to the local streetscape, which is predominantly residential at this point. It will also detrimentally affect the setting of the listed dove cote, situated within the curtilage of the site, contrary to Policy NBE3. The fact that the dove cote would become readily accessible to members of the public (which has never previously been the case) is of concern.
- c) The application, as submitted, could result in all three of the units attached to the Co-operative store becoming hot food take-aways. This is contrary to policy RTC9 which states that permission would only be granted for such developments provided that they would not harm the vitality and viability of the village centre by way of encouraging a concentration of similar non-class A1 uses. There are already four hot food take aways and one cafeteria within the village and there is no local requirement for any further such outlets. There is also concern that such outlets would increase the levels of traffic, noise, odours and litter in this locale, particularly during the evening hours.
- d) The proposed opening hours of the Co-operative store are also of major concern, with an 11pm closing time requested under the license application. This would encourage traffic and noise late at night in an area that is predominantly residential, to the significant detriment of those householders.
- e) On the question of noise, the Council notes that the application contains no information on proposed levels of noise from the facility once completed. Considering the fact that the site is surrounded by residential properties, this is unacceptable.
- f) The residents of No. 72 High Street will suffer a significant loss of privacy and be overlooked, due to the proposal to erect a 900mm wall between the development’s car park and that property. A wall of this height invites people to sit upon it and, with ground floor windows facing the development, the amenity of the residents of No. 72 High Street will be significantly damaged.
- g) The access to the development is unsatisfactory as it is located close to the narrowest part of High Street (where traffic is effectively reduced to single flow) and directly opposite the junction with The Green, which is a blind junction for vehicles egressing The Green onto High Street. The current road layout is already sufficiently challenging from a road safety perspective without introducing a further access/egress point that will have a high degree of use. Furthermore, the proposal will result in the need for heavy goods vehicle movements to and from the site during the construction phase and in making deliveries to the retailers

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thereafter. There are significant road safety issues associated with such traffic leaving the site.

- h) Due to the road conditions in the locale, sight lines from the proposed access are restricted. This issue will be exacerbated if parking continues along this portion of High Street, as is currently the case. The applicant's transport assessment suggests that parking in the locale is limited. However, that assessment is based on a single day's survey, carried out on a Monday in mid-July. Had the survey been done on a Saturday (the busiest local shopping day), a very different parking picture would have emerged. To protect the sight lines from the access to this development would necessitate the imposition of parking restrictions on High Street.
- i) The applicant's own transport assessment (the thoroughness of which is questioned considering that the conclusions are drawn from data collected on a single day - Monday 19th July 2010) suggests that traffic movements along High Street will increase by over 17%. Policy ECON1 states that employment generating developments should not generate traffic of a type or amount that is inappropriate for the character of the access roads. This proposal is totally contrary to that policy.

The Chairman declared the meeting closed at 8.48pm.

Clerk:

Chairman:

Date: