

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in The Council Chamber - The Guildhall on 14 November 2018 commencing at 6.30 pm.

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

Councillor Matthew Boles  
Councillor Michael Devine  
Councillor Hugo Marfleet  
Councillor Giles McNeill  
Councillor Mrs Jessie Milne  
Councillor Roger Patterson  
Councillor Mrs Judy Rainsforth  
Councillor Thomas Smith  
Councillor Paul Howitt-Cowan

**In Attendance:**  
Mark Sturgess Executive Director of Operations and Head of Paid Service  
Martha Rees Legal Advisor  
Russell Clarkson Development Management Team Leader  
Ian Elliott Senior Development Management Officer  
Rachel Woollass Principal Planning Officer (Major Projects)  
Carol Slingsby Area Development Officer  
Ele Durrant Democratic and Civic Officer

**Apologies:** Councillor David Cotton  
Councillor Robert Waller

**Membership:** Councillor Paul Howitt-Cowan was present as substitute for  
Councillor Robert Waller

There was one member of the press present

There were five members of the public present

### 47 CHAIRMAN'S WELCOME

The Chairman opened the meeting by welcoming all those present and any who may be watching the live webcast. He explained the procedure for the meeting and informed all present of the relevant housekeeping details. He added that, owing to recent technical difficulties with the audio-visual equipment, there would be a short adjournment scheduled at the conclusion of agenda item 6a to allow the Democratic and Civic Officer time to reset the equipment.

#### **48 PUBLIC PARTICIPATION PERIOD**

The Chairman invited Councillor T. Smith to speak during the period of Public Participation. It was explained that Councillor Smith had requested to speak about agenda item 6c, the report for a Tree Preservation Order (TPO) in Market Rasen, and he had three minutes in which to do so. It was confirmed that Councillor Smith was speaking as a Ward Member, would not sit as a Member of Committee for the item and would withdraw from the room for the duration of the discussions. He would therefore have no vote in the decision.

Councillor Smith thanked the Chairman and explained he was speaking on behalf of the objector to the TPO. He explained that she was of the opinion that the TPO was being granted in order to agree planning permission. She accepted that a previous planning application was rejected because of the trees in question but felt that the TPO was planned in order to support any future planning application. Councillor Smith explained he had visited the home of the objector and felt there were also concerns regarding the impact of tree roots on her property. He added that there appeared to be other trees that were of equal importance for the overall street scene and explained concerns about the impact of protecting the two specified trees over and above any others. He concluded by thanking the Committee again for their time and confirmed he would withdraw for the full discussion of the item further along in the meeting.

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

Meeting of the Planning Committee held on 17 October 2018.

**RESOLVED** that the Minutes of the meeting of the Planning Committee held on 17 October 2018 be confirmed and signed as a correct record.

#### **50 DECLARATIONS OF INTEREST**

Councillor I. Fleetwood spoke for all Committee Members in declaring that the applicant for agenda item 6b (application number 138377) was a fellow Councillor and as such, was known to all present.

Councillor I. Fleetwood also declared that, in relation to agenda item 6a (application number 136826), he was County Councillor for Cherry Willingham and he was Vice Chairman for the Parish Council. He confirmed that in no way had he been involved in discussions or responses to the planned development. He added that he was also a member of the Witham Third Internal Drainage Board.

Councillor G. McNeill declared that he was also a member of the Witham Third Internal Drainage Board and stated that, for full transparency, he had attended a social function with Mrs Coulson, the agent speaking in relation to agenda item 6b (application number 138377). He explained they had not discussed the application in any way but wished to make Committee aware.

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

The Development Management Team Leader advised the Committee that there was a new draft Neighbourhood Plan for Fiskerton which had been published and was open to consultation. There were no other updates or changes of which the Committee needed to be aware.

## **52 PLANNING APPLICATIONS FOR DETERMINATION**

**RESOLVED** that the applications detailed in agenda item 6 be dealt with as follows:-

### **53 136826 - LAND AT EASTFIELD RISE FARM, FISKERTON ROAD, CHERRY WILLINGHAM**

The Chairman introduced application number 136826 highlighting that it was a hybrid planning application seeking full planning permission for the construction of a new 220 berth marina with reinstated flood defences, chandlery, workshop, cafe/bistro, showers and toilets; access road, footpaths and cycleways; erection of a new cycle/footbridge connecting the site to the Water Rail Way south of the River Witham; erection of footbridge across the proposed access channel; construction of a new surface water pump house; change of use of land to public open space/meadow area with heritage interpretation information on display; and outline planning permission for up to 155no. dwellings and business units totalling 663sqm with access to be considered. The Principal Planning Officer corrected a couple of typographical errors regarding the number references in the conditions and had nothing further to add.

The Chairman explained that Councillor Palmer had intended to speak as Ward Member however was unable to attend. He explained there were two registered speakers and invited the first speaker, Councillor Paul Moore, Parish Councillor for Cherry Willingham, to address the Committee.

Councillor Moore thanked the Chairman and stated that, in consideration of all aspects of the proposed development, the Parish Council did give tentative support to the application. He continued that there had been drop in sessions held in order to gauge the community opinions and they had also received written comments. The general consensus was that the plans were supported however there were concerns about the proposed housing. It was accepted that the proposed conditions could alleviate the concerns of the parish. Councillor Moore explained that the location of the proposed housing was a departure from the local plan and sought reassurance that it would not set a precedence for other developments to also work outside of the local plan. With regards to the number of proposed dwellings, Councillor Moore asked Officers to clarify that it was the minimum required to make the marina viable. He explained that the community accepted there was a need for the housing to enable to marina development however stated that they did not want the focus of the development to be the housing element. He also wanted to clarify that the support was for the concept of the marina development and not just the specific planning application. Finally, Councillor Moore highlighted that the planned cycle bridge was the main component of the proposed development which ensured the support of the community. He sought reassurance that the development would be conditioned to ensure the bridge remained a key element

and that the proposals would be designed in such a way as to ensure an integrated and cohesive development. He concluded by confirming that, subject to these assurances, the Parish Council was in support of the application.

The Committee was then addressed by Mr Phil Scrafton, agent for the applicant, who thanked Members for their time. He explained that significant time had passed since the initial planning permission had been granted however the original plans had been deemed unviable and had led to close review of the venture. This had identified the need for housing to be built alongside the marina development although it was recognised that the entire plan needed to match with the surrounding areas as to avoid creating a separated and detached neighbourhood. He explained that there had been constant communication with local people and recognised that the support for the proposition was based on the understanding that the benefits be provided as detailed in the plan. He explained that there had been three scenarios presented to the community regarding housing options, numbers of dwellings and whether affordable housing should also be considered and the clear feedback had been that the number of dwellings should be kept to the minimum required in order for the marina to be viable. This had also been discussed with Officers and led to the planning application before Committee on this date. It was also confirmed that the strict caveat of providing the amenities would be honoured and there was already strong interest from local businesses wanting to be located in the area once completed. Mr Scrafton concluded by thanking the Committee again and stating that they were committed to providing the development as promised to the community.

The Chairman thanked both speakers and asked the Principal Planning Officer to clarify the details of the S106 agreement. She confirmed that the S106 agreement had already been signed which was unusual for an application not yet granted permission. She explained that it was very clear that the benefits of the development must be in place before any houses were occupied and that the conditions were stringent to ensure the amenities were delivered. The Chairman added that affordable housing options had not been viable because of contributions to the bridge and access for local people and that the developer had listened to the thoughts of the community. He clarified that although he had been speaking on local media about the application, he had not voiced an opinion either way and it was for the Committee to determine. He stated that the overall development would be a positive for the area and that details of the proposal, such as the access bridge and the increased amenities for local people would be beneficial to all in the area. From the Chair, he proposed to accept the Officer recommendation for the application and opened the discussion to Members.

There was widespread support from Members although the request that the amenities be prioritised over the housing element of the development was reiterated. The application was praised for being adventurous and bringing something to the district that was different and beneficial all round. A Member of Committee enquired about the objection from the drainage board and the Principal Planning Officer clarified that the objection had been withdrawn and apologised for not updating the report. It was also queried why the site had not been allocated as a marina site in the Central Lincolnshire Local Plan. The Development Management Team Leader explained that the application at the time had simply been for a marina which, as a specialist infrastructure, would not have fit in with the CLLP categories looking at housing options and suchlike.

There were further concerns as to whether the construction of the bridge in particular could

still be enforced if the site development passed to another party and it was confirmed that the conditions of the application went with the permission not the owner, meaning therefore that it would stand regardless of who was running the development. There was another query regarding the difference between residential and non-residential moorings in the marina and how this would be enforced. It was explained that residential moorings required planning applications in their own right and therefore would be possible to monitor details of the moorings.

With no further comments it was seconded and voted upon unanimously that permission be **GRANTED** subject to conditions as set out in the report and S106 agreement for open space and NHS contribution.

**Note:** The meeting was adjourned at 7:02pm.

#### **54 138377 - LAND OFF LINCOLN ROAD, FENTON**

**Note:** The meeting reconvened at 7:05pm

The Chairman introduced application number 138377 applying for the change of use from paddock land to residential amenity land, surface water drainage swale and landscaping strip. The Senior Development Management Officer explained that, in relation to the second condition, an additional plan and swale section drawing had been provided and these were shown to the Committee. He also highlighted that, had the application not been made by a Councillor, it would have been decided under delegated powers. The Chairman invited the registered speaker, Mrs Tracey Coulson, to address the Committee.

Mrs Coulson explained she was speaking as the representative for the applicant and thanked the Committee for allowing her time to speak. She explained the change of use for the land in more detail, highlighting that under the proposed changes plots three and four would enjoy an increased amount of residential amenity land whilst also giving clear ownership and responsibility for previously communal land to the owner of plot four.

The Chairman thanked Mrs Coulson and invited comments from Members. It was noted that the move to increase garden size for the two plots was considered to be a positive one and as such it was moved, seconded and voted upon unanimously that permission be **GRANTED** in accordance with the conditions as set out in the report.

#### **55 OBJECTION TO TREE PRESERVATION ORDER MARKET RASEN NO2 2018**

**Note:** Councillor T. Smith left the room for the duration of the discussion.

The Chairman asked the Area Development Officer to explain the purpose of the report for consideration. She advised the Committee that the need for a Tree Preservation Order (TPO) on two trees at the address in Market Rasen had arisen following an outline planning application for a new dwelling which had subsequently been declined. Members heard that the report was brought before them as there had been an objection to the TPO and as such, fell to the Committee to make a final decision.

The Chairman invited comments and questions from Members and it was requested of the Area Development Officer to clarify what options were available for the Committee as it was not an issue that was commonly dealt with. It was explained that the purpose was for the Committee to decide whether the TPO should be confirmed or left to lapse, whether the trees were worthy of protection or whether the reasons given in the objection were strong enough to decide not to protect the trees. The Area Development Officer showed the Committee photos of the area and highlighted which trees were subject to the TPO.

There was discussion amongst Members regarding the impact of the trees on the street scene and potential impact on the property of the objector. It was felt that the reasons for the objection were not sufficient and that the impact of losing the trees would be detrimental to the area. Therefore, having been moved, seconded and voted upon, with one abstention it was

**RESOLVED** that the confirmation of the Tree Preservation Order Market Rasen No2 2018 be approved.

**Note:** Councillor Smith returned to the room at 7:16pm.

## **56 DETERMINATION OF APPEALS**

A Member of Committee noted the outcome of the Kingsmead Park appeal and thanked Officers for their work. There were no other comments or questions from the Committee.

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

The meeting concluded at 7.17 pm.

Chairman