

**SCHEDULE OF PLANNING APPLICATIONS TO BE DETERMINED AT THE
PLANNING COMMITTEE**

MEETING DATE – 11th JANUARY 2024

SUPPLEMENTARY INFORMATION

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SUPPLEMENTARY INFORMATION

Members may be aware that the National Planning policy Framework (NPPF) has been recently updated (as of 19th November 2023).

The updated version consequently resulted in changed paragraph references for certain topic areas.

The reports at items 05, 06 and 07 include some of the paragraph numbers as noted for the previous version of the NPPF.

Although the policy context remains unchanged, for accuracy, there is need to update some of the paragraph references in the body of the report and relevant recommended conditions.

Those updates are:

- For paragraph 130, read paragraph 135
- For paragraph 80, read paragraph 84
- For paragraph 127, read paragraph 135
- For paragraph 183, read paragraph 189

Item No. 05.	
N/105/01925/23	
Pg. No's. 5-16	Spire View, 18 St Marys Lane, Louth, LN11 0DT
	<p>Further to an informal third-party query it has been confirmed that the access is within the sole ownership of the applicant. As a consequence, it is confirmed that the ownership certificate served is correct.</p> <p>As noted above, the suggested planning condition reasons to be re-drafted to reflect the updated NPPF paragraph reference.</p>
Item No. 07.	
S/183/01958/23	
Pg. No's. 31-46	Mill Farm, Leagate Road, Gipsey Bridge, Boston, PE22 7DA
	<p>Additional officer commentary to aid consideration:</p> <p>As noted in the Officer Report at 7.8, the Court of Appeal in <i>Mansell v Tonbridge And Malling Borough Council</i> [2017] EWCA Civ 1314 has recently clarified when a 'fallback' development may be a material planning consideration for an alternative development scheme.</p>

	<p>More specifically, a Class Q permission is capable of being considered as a material consideration.</p> <p>It was also confirmed that a 'fallback' position can be a material planning consideration provided it is 'a realistic possibility'.</p> <p>For this application, it is considered that a 'fallback' position relating to the provision of 3 dwellings on the site exists.</p> <p>Although the Councils' adopted planning policies would not support development in this location, the caselaw 'fallback' position carries significant weight and effectively establishes a principle for the formation of 3 residential units, notwithstanding the flood risk and locational shortcomings of the site.</p> <p>In comparing the merits of the 'fallback' scheme against the current proposal, notwithstanding the loss of the existing buildings, it is considered that there are substantive benefits arising from the current proposal which can be considered a 'betterment'.</p> <p>These are confirmed in the officer report as primarily relating to a reduced level of flood risk, as fewer households would be placed at risk.</p> <p>Caselaw dictates that weight is to be given to that betterment, such that, notwithstanding the policy position, in recognition of the 'fallback' planning permission is recommended to be granted.</p> <p>That recommendation is dependent upon the acceptability of a Unilateral Undertaking (UU) that will ensure the Class Q permissions cannot be taken advantage of, should planning permission be granted. That UU is currently being progressed and considered by the Councils legal advisors.</p> <p>The Officer recommendation is therefore that 'subject to the acceptability of the proposed UU, the Assistant Director (Planning & Strategic Infrastructure) to use delegated authority to grant planning permission subject to the conditions as identified in the Officer Report.</p> <p>For completeness, and as noted above, the suggested planning condition reasons to be re-drafted to reflect the updated NPPF paragraph reference.</p>
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