

Minutes of a Meeting of the Planning Committee held in the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH on Thursday, 11th January, 2024 at 10.30 am.

PRESENT

Councillor Stephen Eyre (Chairman)
Councillor Alex Hall (Vice-Chairman)

Councillors Richard Cunnington, Dick Edginton, David Hall, Neil Jones, Sam Kemp, Steve McMillan, Daniel McNally, Kate Marnoch, Ruchira Yarsley and Stephen Lyons.

Councillors Terry Aldridge and Tom Ashton attended the Meeting as an Observer.

OFFICERS IN ATTENDANCE:

Andrew Booth	- Development Management Lead Officer
Michelle Walker	- Deputy Development Manager
Jane Baker	- Senior Planning Officer
Paul Mitchell	- Planning Officer
Martha Rees	- Legal Representative
Lynda Eastwood	- Democratic Services Officer
Laura Allen	- Democratic Services Officer

55. APOLOGIES FOR ABSENCE:

Apologies for absence were received from Councillor Terry Knowles.

It was noted that, in accordance with Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, notice had been given that Councillor Stephen Lyons had been appointed to the Committee in place of Councillor Sid Dennis for this Meeting only.

56. DISCLOSURE OF INTERESTS (IF ANY):

At this point in the Meeting, Members were invited to disclose any relevant interests. The following interests were disclosed:

- Councillor Alex Hall asked it be noted that, in relation to Item 7, he would be leaving the Meeting due to having an interest.
- The Chairman asked it be noted that all Members knew Councillor Alex Hall, however they remained of an open mind.
- The Chairman also asked it be noted that, in relation to Item 7, he knew the Parish Council representative, however he remained of an open mind.
- Councillor Neil Jones asked it be noted that he would be speaking as Ward Member on Item 7.

- Councillor David Hall asked it be noted that he would be speaking as Ward Member on Item 5.
- Councillors Dick Edginton, Stephen Eyre, Neil Jones, and Daniel McNally asked it be noted that they were Members of the Lindsey Marsh Drainage Board.

57. MINUTES:

The Minutes of the Meeting held on 7 December 2023 were confirmed and signed as a correct record.

58. UPDATE FROM PLANNING POLICY COMMITTEE

Councillor Tom Ashton, Chairman of the Planning Policy Committee, delivered a brief update to Members on the agenda items covered at the last two meetings, including issues relating to affordable housing, the Council's 5-year housing supply and the Authority Monitoring Report.

Members were advised that the update provided at the Meeting highlighted that there were severe challenges with delivering affordable housing.

59. N/105/01925/23:

N.B. Councillor David Hall left the Meeting at 10:38am.

Application Type:	Full Planning Permission
Proposal:	Planning Permission - Extensions to existing dwelling to include a first floor to provide additional living accommodation.
Location:	SPIRE VIEW, 18 ST MARYS LANE, LOUTH, LN11 0DT
Applicant:	Mr S & Mrs B Blakey

Members received an application for full Planning Permission – Extensions to existing dwelling to include a first floor to provide additional living accommodation at Spire View, 18 St Marys Lane, Louth, LN11 0DT.

The application was subject to a committee call-in request by Councillor David Hall on the basis of concerns about impact of the proposed development upon the amenity of neighbouring residential properties and issues of design generally.

The main planning issues were considered to be:

- The design of the proposal and its impact upon the character of the area, heritage assets and trees.
- Impact upon the amenity of neighbouring properties.

Members were referred to the additional information contained on page 1 of the Supplementary Agenda with regards to an update in the National Planning Policy Framework (NPPF).

Andrew Booth, Development Management Lead Officer, detailed site and surroundings information to Members at Paragraph 2, together with the description of the proposal at Paragraph 3, pages 7 to 8 of the report refer.

Mr Andrew Clover spoke in support of the application.

Councillor David Hall spoke as Ward Member.

Members were invited to put their questions to the speakers.

- A Member queried whether there would be any detrimental effect to the trees, following which Mr Clover responded that there would not.
- A Member requested clarity on the situation with the windows as a concern had been raised that there were windows overlooking the neighbouring property.

Mr Clover advised Members that there was a distance of 21.5m to the neighbour's window immediately behind the property and commented that drawings had been provided and discussed in detail with Planning Officers. It was further clarified that the extension had also been moved forward by 2m.

N.B. Councillor David Hall left the Meeting at 10:53am.

Following which, the application was opened for debate.

- Members made comments relating to the window overlooking the neighbour's property, stating that this was no longer a concern as any issues had been addressed.

The application was proposed and seconded for approval in line with officer recommendation.

Upon being put to the vote for approval, the vote was carried.

Vote: 9 In favour 0 Against 0 Abstentions

RESOLVED:

That Full Planning Permission be approved with the following conditions:

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N.B. Councillor David Hall returned to the Meeting at 10:55am.

60. N/016/02026/23:

Application Type: Full Planning Permission

Proposal: Planning Permission - Change of use of land for the siting of 5no. holiday lodges and construction of internal access roads.

Location: LAND SOUTH AND EAST OF BILSBY HALL,
THURLBY ROAD, BILSBY

Applicant: Mr R Hall

Members received an application for full Planning Permission – Change of use of land for the siting of 5no. holiday lodges and construction of internal construction of internal access roads at land South and East of Bilsby Hall, Thurlby Road, Bilsby.

The application was referred to Committee due to the significant public interest arising from the neighbour objections and Parish Council objection.

The main planning issues were considered to be:

- Principle of the proposed development
- Impact on the character of the area
- Impact on heritage assets
- Impact on nearby amenity
- Drainage
- Highway safety
- Impact on protected trees (Tree preservation orders)

Michelle Walker, Deputy Development Manager, detailed site and surroundings information to Members at Paragraph 2, together with the description of the proposal at Paragraph 3, page 19 of the report refers.

Mr Ricky Newton spoke in support of the application.

Mr Brian Scarisbrick spoke in objection to the application.

Councillor Dot Morley, Bilsby & Farlesthorpe Parish Council, spoke in objection to the application.

Members were invited to put their questions to the speakers.

- A Member queried whether there was any provision for camping on the proposed site, to which Mr Newton confirmed that there was no camping, the proposal was for use of land for the siting of five holiday lodges.
- A Member queried whether the Parish Council had no objections to the application if the lodges were moved to a different part of the park.

Councillor Morley stated that the Parish Council would prefer the lodges not to be there at all and questioned why the proposal was for the lodges to be so close to the residential properties.

- A Member queried whether any consideration had been given to relocating the three units at the bottom of the site to the top left-hand corner of the site and also queried where visitors would do their shopping.

Mr Newton advised that the whole front northwards across the parkland was a non-designated heritage asset and there was also less screening on that side and more landscaping along the bottom side. He further advised that the tracks for the access roads were already in place.

Mr Newton advised that shopping amenities were available at the garage and Spar shop in Bilsby, and the town of Alford was also close by.

- A Member questioned whether it was possible to increase the amount of landscaping to the gardens. Mr Newton advised that a hedge and lots of planting was already on the site, however, more landscaping work could be undertaken but would take time to mature.
- A Member queried whether the proposed lodges were connected to the main drainage for sewage.

Mr Newton advised that the lodges would connect to a drain on Thurlby Road and that there was already a pipe in place that could be connected in to.

- In response to a Member querying the character of the lodges, Mr Newton confirmed that they were lodges in a high quality park with timber clad units.

Following which, the application was opened for debate.

- A Member referred to Paragraph 7.27 'The development would involve quite minimal excavation works, with no more than 100mm of earth removed to create the bases' and queried whether the 100mm for excavation of the site would cover everything.

The Deputy Development Manager advised Members that the internal roads and lodge bases would be constructed in accordance with the sections shown on the plan, Condition No. 6 refers.

- A Member queried whether any information had been received relating to the flooding on Back Lane. The Deputy Development Manager advised that she was not aware of any, however would check the file.
- A Member further commented that the conditions would address any problems that had been noted, therefore would be happy to move the application for approval.

Following which, the application was proposed for approval in line with officer recommendation.

- A Member queried whether it was possible to have a condition to make sure there was no top water or water spilling down into neighbours' gardens. The Deputy Development Manager advised that a condition could be added to cover surface water.

Following which, the application was seconded for approval to include the addition of a condition relating to surface water.

Upon being put to the vote for approval, the vote was carried.

Vote: 10 In favour 0 Against 0 Abstentions

RESOLVED:

That Full Planning Permission be approved with the following conditions:

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61. S/183/01958/23:

N.B. Councillors Alex Hall and Neil Jones left the Meeting at 11:30am.

Application Type: Full Planning Permission

Proposal: Planning Permission – Erection of 2 no. dwellings.

Location: MILL FARM, LEAGATE ROAD, GIPSEY BRIDGE, BOSTON, PE22 7DA

Applicant: Mr M Hall

The application was referred to Planning Committee for reasons of

transparency because the applicant was a close relative of a District Councillor, Councillor Alex Hall.

The main planning issues were considered to be:

- Principle of development when considering local and national policy;
- Fallback position;
- Impact on character of area;
- Impact on neighbours;
- Flood risk and the Planning Balance;
- Legal matters.

Members were referred to the additional information contained on pages 1 and 2 of the Supplementary Agenda.

The Legal Representative substantiated the addendum to Members and explained that there was a prior approval in place for three dwellings and that Committee was now considering a planning application for two dwellings. The legal test was whether there was a betterment in planning terms in approving the planning application for two dwellings, and effectively replacing the prior approval permission that existed for three dwellings.

Further to a query from a Member, the Legal Representative provided an explanation on the term 'unilateral undertaking', following which the Senior Planning Officer confirmed that this had been received and was being checked as part of the process for the application.

Jane Baker, Senior Planning Officer detailed site and surroundings information to Members at Paragraph 2, together with the description of the proposal at Paragraph 3, page 33 of the report refers.

Mr Giles Crust spoke in support of the application.

Councillor Neil Jones spoke as Ward Member.

Members were invited to put their questions to the speakers.

- A Member queried what was going to happen to the third remaining barn that was now not part of the planning application. Mr Crust advised that the intention was for it to be used as garages or a workshop for the house and this would be re-cladded so that its' presence was less prominent.
- A Member queried the consequences should the unilateral undertaking be breached.

The Legal Representative advised that the unilateral undertaking existed in respect of the land as part of the application and if breached, it would be a planning enforcement matter.

- A Member queried how the third building would be accessed if it was to be used as a garage. Mr Crust advised that access would be built into the building.
- A Member referred to Paragraph 7.13, whereby the applicant had suggested that the current proposal would represent a betterment and queried what this covered. Mr Crust advised that it included the drainage, flood risk, 2 solar panels instead of 1 and a house built to greater thermal conditions. He further commented that you could not achieve that with a conversion, only in a new house.

N.B. Councillor Neil Jones left the Meeting at 11:49am.

Following which, the application was opened for debate.

- A Member stated that the supplementary information that accompanied the report was 7 years old and contained no facts to say why it had been approved at appeal.

Following which, the application was proposed for refusal on the grounds of harm to the character of the area, flood risk and being in the open countryside, outside of a recognised settlement with no footpath or public transport links.

The Legal Representative explained to Members that the precedent caselaw being cited was not a Planning Inspectorate appeal decision but was a court decision which maintained good law and in relation to whether there was a betterment for approving the new development proposal - the legal test was the betterment.

- A Member stated that building two houses higher up and with the reduction in the number of houses was a betterment.

Following which, the application was proposed and seconded for approval in line with officer recommendation.

- A Member agreed with the betterment reasons put forward, however was concerned with the flood risk and queried whether there was sufficient mitigation within the plans to take account of the risk of flooding.

The Development Management Lead Officer referred Members to Condition 7, page 44 of the report refers, relating to the submitted flood risk assessment and advised Members that this was acceptable by the relevant bodies consulted.

- A Member queried whether the additional hardstanding that would be built around the barn had been mitigated with regards to flooding.

The Development Management Lead Officer advised that it would be possible to remove permitted development rights on the barn to safeguard against this, either by condition or through incorporating this in the unilateral undertaking that was being prepared.

- A Member commented that the owner of the house would most likely use the barn for a car, therefore to include it as ancillary use to the house would make sense.
- A Member observed that further to the addendum and the planning application for two dwellings, the development of the two new houses appeared to be bigger than the original three houses and queried whether this was actually a betterment.

The Development Management Lead Officer confirmed that the footprint for the two new buildings was bigger, however the betterment was related to the reduction of households.

Upon being put to the vote for approval, the vote was carried with a condition added that the third building (barn) could only be used for ancillary use to the house and not for business use.

Vote: 7 In favour 1 Against 0 Abstentions

RESOLVED:

That Full Planning Permission be approved with the following conditions:

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N.B. Councillors Alex Hall and Neil Jones returned to the Meeting at 12:08pm.

62. APPEALS DECIDED:

The Appeals Decided were noted.

63. DELEGATED DECISIONS:

The Delegated Decisions were noted.

64. DATE OF NEXT MEETING:

The date of the next meeting was noted as Thursday 8 February 2024.

The Meeting closed at 12.09 pm.