

Present:

Chairman: Councillor David Middleton

Vice-Chairman: Councillor Barrie Pierpoint

Councillors: Arayambath, Alison Austin, Peter Bedford, Broughton, David Brown, Claire Rylott, Savickiene, Staples and Welberry

Officers: Assistant Director - Planning, Legal Services Lincolnshire, Deputy Development Manager, Planning Officers and Democratic Services Officer

152 APOLOGIES

Apologies were tabled by Councillor David Scoot, Councillor Anne Dorrian substituting for Councillor Scoot.

It is recorded that Councillor Barrie Pierpoint supported the Chairman in the role of Vice Chairman in the absence of Councillor Scoot

153 MINUTES

With no quorum of members from the previous meeting, the Chairman signed the minutes as seen.

154 DECLARATION OF INTERESTS

Standing declarations of interest are tabled for members of the Planning Committee who are also a:

Member of Lincolnshire County Council:

Councillor Alison Austin

Member of the South East Lincolnshire Joint Strategic Planning Committee:

Councillors: Peter Bedford, Anne Dorrian and David Middleton.

Representatives of the Drainage Boards:

Councillors Peter Bedford, David Middleton, Chris Mountain, Claire Rylott, David Scoot, Helen Staples and Suzanne Welberry.

Councillor Dale Broughton declared that he had received communications from the applicant of planning application B 23 0052 but would determine the application with an open mind on the evidence presented at the meeting.

Councillor Peter Bedford declared the Mr Giles Crust was known to him but he confirmed he would determine the respective applications B 23 0005 and B 22 0491 with an open mind.

Councillor Helen Staples declared that Mr David Smith the applicant for planning application B 23 0052 was known to her as a resident of Fishtoft she felt able to consider the application with an open mind on the information presented.

Councillor Anne Dorrian declared that she felt she may have met the applicant for planning application B 22 0491 when potentially purchasing a festive tree from his facility and further that she may have met Mr Giles Crust during the term of Councillor Brian Rush's mayoralty, but she was able to determine each application on which he was speaking with a clear mind.

155 PUBLIC QUESTIONS

None tabled.

156 PLANNING APPLICATION B/23/0005

**Proposed siting of 4no. static holiday caravans
The Chestnuts, Green Lane, Algarkirk, Boston PE20 2AD
Mr Tim Woodcock, Barn Dried Logs**

The Deputy Development Manager presented the report confirming that the item had been called in for consideration by the Planning Committee by Councillor Aaron Spencer on the basis that the proposal would promote rural tourism and therefore should not be refused.

The application site measured approximately 0.38 hectares, and was located between Red Barn Lane and the A16. It contained a mixed-species copse of semi-mature trees, the external boundaries of which were defined by earth-bunds of between approximately 1.2m and 3m-height and topped (in places) with newly-planted hedgerow plants. At the time of the site visit, the copse also contained pallets of firewood, piles of sawdust, and piles of sheet and other materials.

The site was located within the open countryside, and was accessed by narrow, rural roads. The majority of surrounding land is in agricultural use, but the site's immediate surroundings also contain dwellings, farm buildings and a business processing and selling firewood.

Full planning permission was sought for the siting within the copse of four static caravans to be used as holiday accommodation. The caravans will measure approximately 12m x 4.25m in plan, and the Supporting Statement which accompanies the application includes a photograph showing an "*example of the type of caravan proposed*". The caravans will be placed on stone or gravel bases, and will be located at least 10m apart. Vehicular access to the site will be provided from the unclassified track which follows the site's northern boundary. The access will lead to a gravel or stone-surfaced parking area within the site (providing at least 4 spaces) from which pedestrian accesses to the caravans will be provided. A 3m-high acoustic timber fence will be provided within the bund on the site's eastern boundary (onto the A16).

Mr. Crust addressed the meeting as the agent for applicant, and in the first instance clarified that whilst he had submitted additional information in respect of comparable sites, the information had not been circulated. Members were advised he was asking for parity of decision making using the same Council policies.

The application site had had two successful applications both for industrial purposes with no conditions attached for transport assessment, however the application site had to have a traffic assessment but there are been no objections. The site could be used for parking HGVs' or could be cleared felled and the current application was betterment of the site. Four similar applications had all been recently approved in the same area. The site was close to Frampton Marsh and accessible by cycling without using any major roads. Local businesses nearby including the Farm Shop and Thatched Cottage at Sutterton both within easy reach of the site. Noting the concerns of the Parish Council, Mr. Crust stated that competition should not be a consideration in planning determination.

With concern noted by a member at the supplementary information not being provided, the Chairman the invited Mr. Crust to address the committee further to elaborate on the information submitted.

Mr. Crust referenced the four applications which were noted within the supplementary information, citing one at Kirton, an application at Timberholme, North Forty Foot, one at Wyberton House and the application for Lewis Farm, all of which had been approved under delegated powers and all similar to the application under consideration and he repeated that it was the consistency of decision making that he was seeking.

Committee deliberation followed which included the following:

Members in support of the application noted the urgent need for tourism accommodation and the benefits it would bring to local businesses within a rural area. Reference was made to the network of footpaths adjoining the site leading to visitor attraction including Dennis Woodland Farm, Kirton Marsh and Fosdyke and the amenities at Kirton Garden Centre and Fosdyke. Noting a similar application at Freiston, which had been granted at the second submission of the application a member confirmed it had proved successful.

Members objecting to the application voiced concern at the lack of compliance with Policies 1 and 9 of the Adopted Plan along with the lack of substantial information relating to flood risk. Furthermore, they noted their support of the objections raised by the Parish Council in respect of the lack of street lighting and the poor condition of some of the pavements, and the potential levels of noise and pollution from the A16.

Addressing some of the comments during debate the Assistant Director – Planning and Strategic Infrastructure advised that whilst recognising that the agent's supplementary documentation had not been tabled, the content of it with comparative applications had been addressed in part within the report at 7.10 on page 19 and as such it should not preclude the committee from making a decision. He further drew members' attention to the two reasons for refusal – the fundamental one being the application was contrary to both Policies 1 and 9 and secondly, the issue of flood risk and the lack of information presented to pass the sequential test. Noting the reference to the application granted at its second submission at Freiston early in the deliberations, members were advised that should a re-submission of the application with a comprehensive and robust flood risk plan be submitted, a different recommendation may be reached.

It was moved by Councillor Peter Bedford and seconded by Councillor Claire Rylott that the application be granted contrary to officer recommendation due to the benefit of the application on the tourism market and the close proximity of facilities to support rural businesses. A further condition to be added to include that a register of occupants to be held at the site for inspection by Algarkirk Parish Council and Boston Borough Council and that a delegation be agreed to officers to enable them to compile the final suite of conditions.

In Favour: 5
The motion fell

Against: 7

Abstentions: 0

It was moved by Councillor Anne Dorrian and seconded by Councillor Barrie Pierpoint that the application be refused in line with officer recommendation for the reasons specified.

in Favour: 7

Against: 5

Abstentions: 0

RESOLVED:

That the application be refused for the following reasons:

- 1 The proposal will not constitute a 'sustainable' rural tourism development, given that:
 - it has failed to demonstrate a functional link with any existing rural attraction or an existing farm enterprise; and
 - the application site is remote from any settlement, and the majority of linking roads have no footways or streetlights, and future occupiers of this proposed dwelling would therefore be highly reliant on the use of a motor vehicle to access even basic services or facilities.

As a result, the proposal is contrary to the provisions of Policy 9 of the South East Lincolnshire Local Plan 2019 and the aims of sustainable development in the National Planning Policy Framework 2021.

- 2 The application site is located within Flood Zone 3 of the Environment Agency Maps and the proposal is within the 'more vulnerable' flood risk vulnerability category. The application is not accompanied by a successfully completed Sequential Test, and therefore fails to demonstrate that sites at lower risk of flooding are unavailable or that the development is necessary to its location. As such the proposal is contrary to Policy 4 of the South East Lincolnshire Local Plan 2019 and Section 14 of the National Planning Policy Framework 2021.

157 PLANNING APPLICATION B/23/0052

**Change of use from B2 to Sui Generis (Auction House)
Warth Park, Unit 4, Sea Lane, Butterwick, Boston PE22 0EY
Mr David Smith, Pilgrim Auctions**

The Planning Office presented the report confirming it had been called to committee by the former Councillor Judith Welbourn for the following reasons:

- Policy 30 – impact of noise on the residents located to the west of the application site; and
- Policy 36 – Concerns regarding parking and highway safety.

The application site was unit No.4 of Warth Park, Sea Lane, Butterwick. It consisted of a small section of an existing building on the western boundary of the site and an area for car parking to the north of the site which would provide access onto Watery Lane. There were residential properties within the immediate proximity of the site along the surrounding highway network. Unit 3 formed part of the same building and was a vehicle repair and MOT test centre and a parcel of land to the north was currently used for the storage of caravans. The current use class of the site (unit 4) was B2 and it was proposed to change the use of unit 4 to Sui Generis to provide an Auction House.

This application was solely for a change of use and no internal or external building works were proposed.

The proposed hours of opening were 8:00 to 18:00 Monday to Saturday and closed on Sunday and Bank Holidays, which included for collections and deliveries.

Representation was received from Mr. Anthony Channing in objection to the application which included:

Confirming he had resided in Butterwick for seven years Mr. Channing advised his residency was directly opposite the application site. He noted that the initial business on the site had caused little noise disruption; the second business which was a Fiberglass Co had caused some issues which had been resolved quickly but the current business owned by Mr. Smith had increased in noise disturbance. There was a lot of parking all over Sea Lane and across the verges but Mr. Smith had put cones out to stop parking and to keep his driveway clear. On the day of the auction the noise from the outside part of the auction could be heard indoors by Mr. Channing who advised it was only one day a week and for about an hour and a half. Further concerns were voiced in respect of the number of people at the outside auction who spilled onto the road and Mr. Channing suggested moving the outdoor auction to a site inside the industrial estate. He voiced further concern as tractors and HGV's travelled along the road and the parking issues included parking on Upsall Road resulting in residents not getting their own parking spaces. Referencing existing planning rules Mr. Channing stated he understood that Mr. Smith had breached them by being on the site on a Sunday at 1130 when we was seen unloading a vehicle. The following day which had been a bank holiday Mr. Smith had been seen once more at the site with his own van and another van alongside, again unloading goods, raising concern that if he was breaching rules already what was there in place to stop him breaching more in the future and creating more auctions and traffic and noise disturbance.

At this point in the proceeding's members tabled questions in respect of the representation made by Mr. Channing who provided the following response:

On asking how long the outdoor auctions lasted Mr. Channing advised approximately an hour maybe more.

In response to a question seeking the duration of the applicant's attendance at the site on the Sunday and Monday Mr. Channing confirmed that he had noted him on site on the Sunday at 1130 and had noted his departure on the Monday at 1.30. He stressed he did not keep an account of the times Mr. Smith was in attendance.

Representation was received from Mr. David Smith the applicant which included:

Confirming he would address some of the comments made Mr. Smith confirmed that the auctions were held on a Wednesday. The car park was only opened on a Wednesday from 08.00 am as they opened for viewing from 08.30 and started at 1000 with the outdoor auction where all the goods were laid out on land he owned.

Mr. Smith advised he only used his own voice when conducting the outside auction, he did not use any public address system which he had considered but rejected as he knew it would impact on the neighbours. He stated he was surprised the objector could hear whilst in his own home as the house was across a main road, around fifteen yards further on over land and with double glazing. Once the outdoor auction had ceased then the remainder was carried out indoors until around 2.30 / 3.30 dependent on the number of goods.

Referencing the comment in respect of parking on Upsell road members were asked to note that there were no parking restrictions or double yellow lines along that road and that he could not be held responsible for where customers parked.

Mr. Smith confirmed had been in attendance on the Sunday as that was when he undertook repairs and paperwork and the additional van had been unloading on the bank holiday as the driver had been doing him a favour in just dropping off some tables. Normal delivery times were Monday and Tuesday with collection days being Thursday and Friday. Addressing the suggestion to move the business into the inside of the site Mr. Smith stated if he did so he would then lose the car parking facility which would then result in increased issues of parking and it was his opinion it was best to accommodate the cars within the site for all concerned.

At this point in the proceeding's members tabled questions in respect of the representation made by Mr. Smith who provided the following response:

Referencing the number of customers at the auctions Mr. Smith confirmed that there could be up to 50 people and the number decreased throughout the day. The car park had accommodated up to 30 cars and in respect of noise, the neighbours next door to Mr. Channing had stated they could hear no noise from the outdoor auction.

Clarifying the current position, the Assistant Director – Planning and Strategic Infrastructure confirmed that the applicant currently operated without conditions which was why the reporting officer had included the various conditions within the report to ensure that guidance and rules were in place.

The applicant had raised no objection to the conditions. Members were also advised that in line with the concerns raised, committee may wish to impose two further conditions, one in respect of any public address system and a second to condition in respect of the opening hours of the car park.

Brief committee comment followed which included the following:

A member commended Mr. Channing in being so respectful in how he conducted himself during his representation. Whilst appreciating that it may be possible to hear someone across the road with windows open, members note that the objector had purchased a house opposite an industrial site and industry needed to be supported.

It was moved by Councillor Alison Austin and seconded by Councillor Anne Dorrian that the application be granted in line with officer recommendation subject to the conditions and reasons therein and agree a delegation to officer to produce the two additional conditions relating to restrictions on the use of any public address system during the outdoor auction and the opening of the car park area throughout the time the business is open.

In Favour: 12 Against: 0 Abstentions: 0

RESOLVED:

That the committee grant the application in line with officer recommendation subject to the conditions, reasons and informatives below and the additional two conditions in respect of public address systems and car parking opening hours.

1. The development hereby permitted shall only be undertaken in accordance with the following approved plans;

- Drawing No. RFW/050123/01 Location Plan
- Drawing No. RFW/050123/01 Butterwick Block Plan

Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2, 3, 7 and 30 of the South East Lincolnshire Local Plan, 2019.

2. The use hereby permitted shall not be open to customers or for collections or deliveries, except between the hours of 8:00 to 18:00 Monday to Saturday and at no times on a Sunday or bank holidays.

Reason: In the interests of the amenity of local resident in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

3. Within 3 months of the date of this permission, details of improvements to the existing vehicle access crossing to Watery Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be implemented within 3 months of the details being approved and retained in perpetuity.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019.

Informatives

1. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on our website, accessible via the following link:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.
2. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following link: Traffic Management -
<https://www.lincolnshire.gov.uk/traffic-management>

158 PLANNING APPLICATION B/22/0491

**Proposed two storey dwelling for an essential worker
Lincolnshire Firewood & Coal, The Plantation, Rowdyke Road,
Wyberton, Boston PE21 7AQ**

The Planning Officer presented the report and confirmed it had been called to committee by Councillor Austin on the grounds of environmental sustainability and in support of the expansion of a local business.

The proposal was for a two-storey dwelling for an essential worker for Lincolnshire Firewood and Coal on Rowdyke Road in Wyberton. The application site consisted of a section of land located on the northern side of Rowdyke Road in Wyberton which was within the countryside. The site was located within the ownership of Lincolnshire Firewood and Coal which consisted of various industrial buildings and biomass boilers. The site was located to the west of Holly Lodge. Access would be taken from Rowdyke Road via an existing access which runs down the side of Holly Lodge. The site was located within Flood Zone 3

The relevant history of the site was noted as follows:

B/16/0440 - Application under s.73(a) to vary Condition 1 on planning approval B/14/0038 to enable Holly Lodge to be occupied by any employee of Lincolnshire Firewood and Coal. Approved 24th February 2017.

B/15/0252 - Application under Section 73 for the removal of condition 4 of B/08/0491 (i.e. agricultural habitation condition). Refused 8th September 2015.

B/14/0038 - Application for the variation of Condition 4 attached to permission B/08/0491 (Four-bedroom house with detached garage) to allow for additional occupants of the dwelling. Approved 1st April 2014.

B/08/0491 - Four-bedroom house with detached garage. Approved 17th October 2008.

Representation was received by the agent and the applicant which included:

Mr Giles Crust addressed the meeting and pointed out that there were two omissions from the report tabled. The first being a new residential property as pointed out by the planning officer which was Holly Lodge. Since approval of that application the business had quadrupled and the company had implemented a strict no lone working policy. The second application missing was for the shed at Rowdyke road. The house within the application would not be seen in open country side as it would be between the hedge and next to the shed which was the same size as the house 30m x 18m w x 9m. No objections had been received from Parish Council. Mr Evan Jenkins addressed the meeting and said it was essential they had people to maintain the site at night, the staff come to the yard and it was a ten minute job to regulate the kilns and that is why housing was provided on site. Mr Jenkins advised he lived on the site and took his turn in regulating the kilns but he needed to have other staff on site to ensure that somebody was always in attendance. .

Councillor Richard Austin the Ward Member made representation to the committee which included:

Lincolnshire Firewood was a sustainable, thriving and expanding business and the decision by committee today would have an effect on that. There had been no objections on grounds of environmental sustainability and expansion of local business. The company had an important role to play in the reduction of Boston's carbon footprint. Members were asked to note there were three material considerations for approval. Health and safety, viability and economic consideration. Lone working had been implemented following the death of a lone worker at another site. During busy periods the manager needed to be on site all the time with a 2.5 hour cycle out of normal working hours. A three man team was required to ensure two were always available and both must be near the job. The business was home grown and what Boston was striving to encourage.

At this point in the proceedings members tabled questions in respect of the representation made by Mr. Crust and Mr. Jenkins who provided the following response: There were currently two other residential dwellings on the site and when one of the operators was on holiday it left only one person on the site. Whilst a canteen was on site, shift patterns were not in place as the checks only took ten minutes and it would not be practical to introduce a night shift.

The Government had introduced a new scheme last year which meant the product went in the kilns for longer resulting in the kilns needing to run hotter which burnt less fuel and the kilns required more regular monitoring.

The kilns could not be automated.

The shed once constructed would accommodate tractors and straw.

The source of the fire which arose on the site previously had not been identified due to the severity of burn making no identification possible.

Committee deliberation followed which included:

Concern was noted by a number of members at the lack of information within the application which was being identified during the discussions with the applicant and agent and which members deemed to be of a material consideration.

Members noted that they were not comfortable in determining the application with so much key information missing including sight of a business plan, sight of a flood risk assessment, reference to the fire and there was a need for more justification for the dwelling in respect of the operation of the business. Furthermore members sought clarification on the siting of the shed on the site and also identification of any optional sites within the grounds for the dwelling.

It was moved by Councillor Barrie Pierpoint and seconded by Councillor Alison Austin that the application be deferred to enable the applicant to submit an amended application which addressed all the issues raised to allow an informed decision to be made.

In Favour: 10. Against: 0 Abstention: 1

It is recorded that Councillor Claire Rylott left the meeting prior to the vote being taken.

The Meeting ended at 12.15 pm