

Minutes

Planning Committee

Thursday, 9 January 2025, 1.00 pm

Council Chamber – South
Kesteven House, St. Peter's Hill,
Grantham, NG31 6PZ



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Charmaine Morgan (Chairman)

Councillor David Bellamy

Councillor Harrish Bisnauthsing

Councillor Pam Byrd

Councillor Patsy Ellis

Councillor Tim Harrison

Councillor Gloria Johnson

Councillor Vanessa Smith

Councillor Sarah Trotter

Councillor Paul Wood

Cabinet Members present

Councillor Phil Dilks (Cabinet Member for Planning)

Other Members present

Councillor Paul Martin

Officers

Emma Whittaker (Assistant Director of Planning & Growth)

Adam Murray (Principal Development Management Planner)

Amy Pryde (Democratic Services Officer)

Paul Weeks (Legal Advisor)

Deferral of Applications

The Chairman of Planning Committee made the following statement:

'I am minded to defer the following Applications due to recent adverse weather conditions meaning scheduled site visits were unable to take place. Site Visits for the Applications to be considered would be rescheduled for Tuesday 21 January 2025 or the nearest alternative date.'

- Agenda Item 6 - S24/0568
- Agenda Item 7 - S24/1418
- Agenda Item 8 - S24/1707

An Extraordinary Planning Committee would be arranged for Thursday 23 January 2025 at 13:00.

Speakers registered to speak would be invited back to attend the Extraordinary meeting.'

It was proposed, seconded and **AGREED** to defer S24/0568, S24/1418 and S24/1707 to an Extraordinary Planning Committee meeting on 23 January 2025 at 13:00.

90. Register of attendance and apologies for absence

Apologies for absence were received from Councillors Paul Fellows, Penny Milnes, Helen Crawford and Gloria Johnson.

91. Disclosure of interests

Councillor Charmaine Morgan declared that she was familiar with a few of the public speakers for application S24/1414. She declared that there was no pecuniary interest and would remain impartial when debating and voting on the application.

92. Minutes of the meeting held on 5 December 2024

The minutes of the meeting held on 5 December 2024 were proposed, seconded and **AGREED** as a correct record.

93. Application S24/1414

Proposal:	Retrospective application for single storey rear extension
Location:	30 Arnold Avenue, Grantham, Lincolnshire, NG31 8HN
Recommendation:	To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

Noting comments in the public speaking session by:

District Ward Councillor	Cllr Paul Martin
Against	Simone Sheffield
	Helen Goodwin
On behalf of the Applicant	Michael Ellison (Chartered Architect)

Together with:

- Provisions within South Kesteven Local Plan 2011-2036, Design Guidelines Supplementary Planning Document and National Planning Policy Framework.
- Comments received from Grantham Town Council.
- Comments received from Lincolnshire County Council (Highways and SuDS).

During questions to Public Speakers, Members commented on:

- Clarification was sought around the standing platform of the catio.

The Ward Member highlighted that the standing platform on one side was of similar height to a decking, however, the level of the platform increased at the end side of the catio.

- A query was made whether without the catio, neighbours would still be overlooking the garden.

It was stated that the standing platform had made the difference. Prior to the catio being built, there was no overlooking over the fence to neighbours gardens.

- The distance was requested between where a neighbour could be overlooked from the catio.
- A query was raised on how the privacy of neighbours had been affected and how often they were overlooked.

There were two speakers against the application.

One speaker objecting to the application was a neighbour to the rear of the site. They stated that since the catio had been installed, the Applicant could see straight into their kitchen from the back end of the catio, where the standing platform was higher, due to the close proximity of the catio and their property being a lower elevation.

The neighbour objecting adjacent to the catio had a raised decking area in their garden, in the summer months they would sit outside. The length and height of the catio resulted in them being completely overlooked when trying to enjoy their outdoor space. They had stated their privacy was badly affected. It was possible for the Applicant to view straight through their neighbours house from the catio as well due to its length and elevation.

The neighbour expressed how the situation had upset them and said the lack of privacy had impacted on their mental health.

A further concern was raised regarding the overshadowing of the neighbours garden by the catio. Photographs were shown to illustrate the amount of shadow created before the catio was built and afterwards with a noticeable difference in the photographs said to be afterwards. Shadow ran the entire length of the neighbours garden.

The Assistant Director of Planning and Growth pointed out that the photographs could not be verified with regards to when they were taken.

- An indication was requested at how often people were in the catio per day.

It was stated that residents of the property would be in the catio daily, for hours at a time. It was pointed out that because the Applicant had placed a high shelf on the catio on the side of their neighbours they would come to the fence and frequently spend hours with the cats and looking into the neighbours garden.

- Whether the neighbour would be satisfied if the area overlooking was to be screened off.

A concern was raised from the public speaker that this would produce a further loss of sunlight into their garden.

- It was queried that before the catio was built, was there a previous loss of privacy between the two gardens.

A Public Speaker stated that there was a slight loss of privacy before the catio was built, but not to the extent now the catio had been built.

- How many cats were in the catio at a time and whether they were in the catio all day or a few hours at a time.

It was stated there were 4-5 cats in the catio for an estimate of 6-7 hours a day.

- Whether the catio posed any issues around noise.

The noise was to a minimum and was not excessive.

- Whether there was permanent access to the catio from an existing extension.

The Applicant's agent clarified the catio was joint onto the existing building. The existing connection was a cat flap fitted onto a fixed window that existed prior to the catio being built.

The Applicant's agent stated that the photographs submitted for objection to the application were photoshopped.

The Assistant Director of Planning & Growth informed the Committee that it was common procedure for photos to be sent in from an applicant or an objector. Members were urged with a degree of caution that the photos could not be verified, however, Members who attended the site visit would have seen the site in real time.

- That the permitted development rights allowed 300mm above ground for a decking area, however, the far end of the catio was 400mm over floor level.

During question to Officers and debate, Members commented on:

- Whether Policy DE1 was taken into consideration with the Officer recommendation in terms of promoting health and wellbeing of the neighbour.

The recommendation was the Case Officer's professional assessment and plans, policies and Local Plan would have been considered in full. They had come to the conclusion that the application was compliant with Policy DE1.

- It was queried if an extension was built rather than a patio, would overlooking be taken into account.

The Principal Planning Officer clarified that amenities were considered as a whole for any proposal, which included overlooking. This proposal specifically recognised the impact on the boundary and a judgement had been made based on whether the proposal would increase the likelihood of overlooking and whether that was deemed to be unacceptable.

- It was queried whether a compromise could be made whereby the patio be reduced in size, in line with the height of the existing fence.

The purpose of the report was to consider the application as it stood. If the Committee were minded to refuse the application, at that point, the Applicant may submit a further application to address the issues raised. The Committee would need to consider why the application is harmful and unacceptable in the current form if they wished to impose conditions.

- Concern was raised on permitted development rights and the possibility of the proposal to increase in size.
- The loss of sunlight and privacy and the impact on the neighbour was discussed.
- A query was raised on whether sunlight was a material consideration to safeguard neighbours.

When amenities were assessed, the overbearing, overshadowing etc. The Principal Planning Officer confirmed there was an extent of an impact that occurs from the proposal. Most forms of developments had a degree of impact, it was the Committee's prerogative to decide the acceptability of the impact or not.

The Committee were reminded to consider the proposal as it was provided in the report and to take into account what the Applicants may do using their permitted development rights and the associated impacts that came with that. There was the potential under permitted development rights for Applicants to build a larger extension up to 6 metres to the rear of the property. That extension would not require express planning permission, it would only require prior approval.

The Assistant Director of Planning and Growth drew the Committee's attention to the layout plan with a 'North' arrow, which meant the sunlight tracked East to West. The direction of sunlight would mean there would be an impact. There would also be existing shadow casts by other features around the site.

It was highlighted that all permitted development applications would result in an impact, including impact on neighbours, but Government had deemed the impacts as acceptable.

The General Permitted Development Order allowed planning permission for certain proposals, provided the criteria set out in the Order was met. The Order was extensive and the most commonly part used was the householder sections which covered extensions, outbuildings, fences, driveways etc. Within the Order, an Applicant was entitled to erect decking patio areas within a rear garden, put fences up to 2 metres in height and outbuildings/extensions. These were fallback positions taken into account by Officers, once they were assessed as a realistic fallback position, and the Officer's undertook an assessment of the current proposals against the fallback position.

- One Member took the view that the impact on the neighbour and amenities did not comply with Policy DE1. A compromise of opaque features was discussed further.
- Whether the Officer recommendation would be for approval, if the patio had not already been built prior to being retrospective.

The Chairman clarified that the patio had already been built, however, this should not impact the Committee's decision making. The Committee should treat the application as new and without prejudice to the fact it was built without prior permission. The application was retrospective, however, this was not a valid reason for refusal.

A structure that was 20cm lower than the proposal and a structure that was an inch separated from the current property would not require planning permission. The fence within the proposal was a 1.7/1.8m high fence and therefore could be increased in height without requiring planning permission. Decking could also be installed up to 300mm above ground level at the lowest point.

- Further concern was raised on the fallback position in the permitted development. It was noted that if the application had been brought to Committee prior to being built, would the Officers be encouraging the Applicant to complete the structure through permitted development.

The Principal Planning Officer confirmed that if Applicant's had entered into a pre-application enquiry they would have been directed to their permitted development rights. However, an Applicant was entitled to submit any application they wish to.

- Concern was raised that the fallback position was the permitted development rights by Applicant's submitting applications which meant a constant erosion of that.

The Assistant Director of Planning & Growth outlined the Council received a high number of householder applications per year and would be considered as an

application that needed permission and a significant proportion of those would be because they were just outside the permitted development regime. Officers had assessed this application properly, meaning if the application was prospective as opposed to retrospective, the recommendation would remain the same.

- That the site visit supported the structure being significantly overbearing to the neighbours environment and space within the back garden.
- That the proposed catio was large given the size of the garden and smaller options of catios were available that would not impact on the neighbours amenity. It was commented that the design of the catio meant it seemed to have been built with people as much as the cats in mind.
- A member who had visited the site confirmed they had determined it was possible to view through the ground floor adjacent neighbours home from the catio.
- If it were an ordinary fence, patio/decking arrangement or extension, it would not have the same impact on neighbouring amenity as the current proposal. The issue with the application was the size and position of the catio and the applicants decision to place high shelving in the catio facing the neighbours. This resulted in the applicants being drawn to the boundary fence and spending an extended period of time there which was affecting the privacy of the neighbours.
- Members considered retaining the catio as it stands with additional screening to protect privacy of the neighbour. Different screening options were debated to cover the wire mesh between the fence and the roof but there was a concern this would not address the overbearing nature of the catio and note was taken of the neighbours view that it could worsen the situation.
- A reduction in height of the catio (level to the fence height) was considered an acceptable option that would give outdoor space to the cats without impacting on the privacy of both neighbours.
- Concern was raised that the reasons for possibly refusing the development were not greatly different to the problems that would arise through a permitted development. It was queried whether the suggested reasons for refusal were strong enough.
- It was the view of all Members who had visited the neighbours garden that the structure was overbearing and that privacy was negatively impacted with the design and presence of the cats drawing the Applicant to the boundary fence for periods beyond that one may expect with a permitted decking area or fence height.
- One member pointed out that whilst an opaque roof had been used in effect it created the impression of being solid. This was combined with a wide white plinth running virtually the entire length of the garden which added visually to the overbearing impact of the structure.
- It was considered unacceptable that the raised height of the catio enabled views into the rear neighbours' kitchen being a living space.

One Member urged members of the public to utilise the service of Planning Officer's in order to receive advice on applications before going ahead with development.

It was proposed, seconded and **AGREED** to **REFUSE** the application for the following reasons:

1. By virtue of the scale and layout of the proposed development, the application proposals would result in an unacceptable adverse impact on the neighbouring amenity of No 2 and 4 Lynden Avenue as a result of loss of privacy and overdominance. The application proposals are therefore contrary to Policy DE1 of the adopted Local Plan and Section 12 of the National Planning Policy Framework. In this case, the material considerations including the fallback position provided by permitted development rights, do not outweigh the harm identified.

(Councillor Tim Harrison left the meeting at 14:30)

94. Application S24/1524

Proposal:	Provide dropped kerb access and replace gravel with concrete hard standing
Location:	13 West Street Gardens, Stamford, PE9 2QB
Recommendation:	To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

Together with:

- Provisions within South Kesteven Local Plan 2011-2036, Design Guidelines Supplementary Planning Document, Stamford Neighbourhood Plan and National Planning Policy Framework.
- Comments received from Stamford Town Council.
- Comments received from Lincolnshire County Council (Highways & SuDS).
- Comments received from Cadent Gas.

During question to Officers and debate, Members commented on:

- Whether the curb had already been dropped following a site visit.

The Principal Planning Officer confirmed that the site had an element of a dropped curb, however, there were other curbstones that were not completely dropped. The proposal was to completely drop the curb and tarmac the gravel part of the driveway.

- Whether recent adverse weather conditions would impact the replacement of gravel with tarmac and whether drainage issues had been considered.

The replacement of gravel with tarmac would be minor development and drainage had been taken into consideration, however, it would also be covered by building regulations. It was plausible for an Applicant to put hardstanding at the front of their property provided it was a permeable surface or that the Applicant dealt with drainage on site.

- Concern was raised on vehicles driving over a footpath to reach the driveway.

Highways had been consulted and were comfortable with vehicle movements.

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning to **GRANT** planning permission, subject to conditions:

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - a. Location Plan – received 03/09/24
 - b. Proposed Layout Plan – dwg no. DFG/13WestStreet/02– received 03/09/24

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

Before the Development is Occupied

- 3) Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed using only the materials stated in the planning application forms and approved drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

95. Application S24/0568

This application was deferred to an Extraordinary Planning Committee on 23 January 2025.

96. Application S24/1418

This application was deferred to an Extraordinary Planning Committee on 23 January 2025.

97. Application S24/1707

This application was deferred to an Extraordinary Planning Committee on 23 January 2025.

98. Any other business, which the Chairman, by reason of special circumstances, decides is urgent

Councillor David Bellamy requested a brief update on the Local Plan Review following a letter received from the Secretary of State.

The Assistant Director of Planning & Growth clarified that a new version of the National Planning Policy Framework (NPPF) was published just before Christmas 2024. The new version of the NPPF had implications for the Council's Local Plan Review which was currently being undertaken, in particular the amount of housing that will need to be found as the housing requirements had gone up.

The Council were working hard over a short timeframe to take stock of this outcome and what the implications may be. An updated Local Plan timetable as part of the Local Development Scheme (LDS) to Cabinet on 11 February 2025.

A query was raised on the annual housing figure provided by the letter from the Secretary of State.

The figure provided was 912 in the consultation version and was 895 per annum. The Council were currently working off 685.

In relation to the Regulation 19, the next stage was a pre-submission stage. This required transitional requirements which needed regard to take into account the higher figure provided.

The Chairman sought clarification on whether a margin was built into the 895 figure or would need to be factored in separately.

The figure was 895 with the additional of a buffer. In the existing Local Plan, there was an 18% buffer. The Officers were considering how high the buffer be considering some applications came forward unplanned. It was likely that the buffer be around 10%.

99. Close of meeting

The Chairman closed the meeting at 14:40.