

Planning Committee (Extraordinary)



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Thursday, 23 January 2025 at 1.00 pm
Council Chamber - South Kesteven House,
St. Peter's Hill, Grantham. NG31 6PZ

Committee Members: Councillor Charmaine Morgan (Chairman)
Councillor Penny Milnes (Vice-Chairman)
Councillor David Bellamy, Councillor Harrish Bisnauthsing, Councillor Pam Byrd,
Councillor Helen Crawford, Councillor Patsy Ellis, Councillor Paul Fellows,
Councillor Tim Harrison, Councillor Gloria Johnson, Councillor Vanessa Smith,
Councillor Sarah Trotter and Councillor Paul Wood

Additional Information Reports

4. **Application S24/0568** (Pages 3 - 14)
- Proposal:** Erection of an anaerobic digestion (AD) facility and carbon capture, improvement of existing and part creation of new access track, landscaping and other associated infrastructure.
- Location:** Development East of Sewstern Industrial Estate, South of Sewstern Road, Gunby, Lincolnshire NG33 5RD
- Recommendation:** To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to conditions.
6. **Application S24/1707** (Pages 15 - 18)
- Proposal:** Change of use from dwelling (C3) to children's home (C2) for up to 2 young people
- Location:** The Lodge, Main Street, Hougham
- Recommendation:** To authorise the Assistant Director Planning & Growth to GRANT planning permission subject to conditions



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Additional Information Report

This report sets out additional information in relation to planning applications for consideration at the Planning Committee on 9 January 2025 that was received after the Agenda was published.

Agenda Item 6

S24/0568

Proposal: Erection of an anaerobic digestion (AD) facility and carbon capture, improvement of existing and part creation of new access track, landscaping and other associated infrastructure.

Site Address: Development East of Sewstern Industrial Estate South of Sewstern Road, Gunby, Lincolnshire NG33 5RD

Summary of Information Received:

- Representation email dated 5 January 2025 proposing changes to the recommended conditions and suggesting planning obligations to be secured by S106 agreement
- Representation email dated 7 January 2025 requesting that adjoining Parish Council comments are reported

Representations

Email dated 5 January 2025

Summary:

The email confirmed the member of the public's ongoing objection to the proposed development and provided a review of the Schedule of Conditions proposed in the agenda report. The member of the public suggested additional conditions and planning obligations as well as amendments to the proposed conditions.

Email dated 7 January 2025

Summary:

The email requested that any draft S106 agreement or planning agreement is made public.

Additionally, the email requested that the representations from Buckminster Parish Council, South Witham Parish Council and Corby Glen Parish Council are included in the late items paper.

Officer comment - The points raised by Buckminster Parish Council, South Witham Parish Council and Corby Glen Parish Council were considered in full by the planning officer as part of the main report, but are included below in full for completeness.

Neighbouring Parish Council comments

Buckminster Parish Council

Objection.

'The following comments have been authorised by Buckminster Parish Council. They set out the concerns of the Council should the proposed plan to establish a BioGas plant within open countryside near Sewstern be endorsed and summarise the potential impact on the villages in Leicestershire.

Buckminster parish council is seriously concerned about the impact of the plant, should it be approved, on the villages of Sewstern and Buckminster and the impact on the surrounding roads and farming land.

Buckminster Parish Council objects to Planning Application no.: S24/0568

The main reasons for the Council's objection to the AD plant near Gunby, Sewstern and Stainby, are summarised below:

- The application appears to be incomplete. Inaccuracies include statements that the development is neither an industrial or commercial development. However, it is producing gas to sell to industry and surely that means it is industrial and has commercial objectives.

- The description of the site, depending on which document you read, varies between 6 and 9.1 hectares. Such a disparate description suggests that the proposed site has not been properly assessed. Information on the source of the biomass crops and the location of secondary storage areas is vague.

- There is no mention of ground excavation that may be needed or proper assessment of the ground levels required. Consequently, the volume of construction traffic cannot be assessed and the size of the plant structures remains unknown. Knowledge of these details is essential for the application to be properly considered.

- The volume of HGV traffic on the roads in the areas concerned is already an issue. It proposes a significant risk to those using the lanes for walking, cycling and horse-riding, as well as driving. The increase in HGV traffic means that the safety of road users is at risk - particularly from the significant increase in HGV traffic crossing the Gunby, Sewstern Road from the new access and its impact on the existing traffic using the B676 at Stainby. The impact on the wider road network, particularly the B676 which is narrow in parts when it passes through local villages (e.g. Stainby and Colsterworth) and it is likely that there will be an increase of 12.5% of HGV traffic in nonharvest period, increasing to over 30% for 6-8 weeks during the harvest period. The full impact of the HGV traffic on the local road network cannot be fully assessed, particularly without knowing the location of the satellite storage clamps and other farms supplying the input crops.

- The AD plant will be in breach of national planning policy as the proposed site is a green field site, currently part of the wider 'open countryside'. The planning application appears not to have considered the use of brownfield land which surely would be more suitable. It is surprising that the application has been allowed to proceed to this stage.

- The AD plant is stated as being within a farm supplying less than 40% of the biomass crop (50,000/130,000 tonnes) the impact on the remaining 60% on the traffic and landscape/ecology etc has not been fully considered. The AD plant should be sited in a more suitable location nearer to the place where the gas is being used. The impact of UK food security - all the land used for bio-mass crops (130,000 tonnes every year) is a serious concern.

- The AD plant will result in significant impacts on the tranquillity of the local countryside. A visit to an existing plant and discussion with local residents has made it clear that the plant will be very noisy. That and the increased numbers of HGVs will ensure that local villages and the surrounding countryside which will be subjected to a significant increase in noise levels.

- The visual impact of such a huge development where rural views are highly valued (as set out in our Neighbourhood Plan) and such a large development with structures up to 19m high will never be screened and therefore the impact never properly mitigated.

- The impacts on the biodiversity have been played down - ongoing impact on local wildlife will extend beyond just the construction stages which will see the loss of established hedgerows and land which provides habitat for a range of birds and other wildlife - this harm will be ongoing as a result of the many HGVs passing through the countryside on a daily basis supporting the operation of the AD plant.

- The AD plant will be served by a new private road that will pass through the countryside from the B676 to the north - it will be made of both asphalt and crushed stone which will need replacing and topping up adding further traffic and noise. This does not appear to have been assessed in the planning application.
- Evidence from other AD Plants suggests that the smell from the storage and movement of tens of thousands of tonnes of silage will be a significant increase to normal farm silage. There will also be increased light pollution, especially in winter months, from the Plant equipment and large vehicles passing across fields along the new track for most of the day'.

South Witham Parish Council

Objection.

'South Witham Parish Council has taken into consideration the views and concerns raised by residents via written submissions made to SKDC and comments gathered from residents when raising awareness of the planning application in the South Witham area. South Witham Parish Council therefore objects to the application S24/0568 as currently presented to the planning authority in the points highlighted below:

- It is unclear whether an impact assessment exercise has been undertaken on the road network and transport infrastructure leading to and from the proposed site. The impact on surrounding villages including South Witham has not been considered with the increased levels of HGV movements. Many of the local roads are single track and increased congestion from HGV's will impact negatively on local residents, 80% of the crop will be moved within a 10 to 15 mile radius of the site and not on the internal access road on Buckminster land.
- The majority of the traffic will access the site via the A1 with its known problems; frequent accidents and closures impacting on local villages including South Witham. This will be further exacerbated with an increase in HGV movements generated from the site. There is a diversion route through South Witham and the roads are narrow with tight bends. There are currently existing problems with damage caused by HGV's using this route and this will only be added to further if the planning application is approved for the site.
- Increased traffic movements resulting from accessing the site particularly when diversions are in place will cause increased vibrations, noise and pollution to neighbouring properties. There will also be additional risks to pedestrians where there are very narrow or non-existent foot paths. Many of these roads and footpaths are unlit and during winter months this risk will increase further during the hours of darkness.
- There is more information required regarding the true extent of daily traffic movements and an analysis of current traffic flows considered and balanced with projected increases from the proposed development. This is currently absent.
- South Witham along with neighbouring villages has weight limit restrictions in place but these are often ignored. Access is permitted but HGV's then find themselves unable to negotiate narrow roads on sharp bends. An increase in traffic from the site over a 365 day period will add to these issues and are a great concern to residents of South Witham.
- This proposal needs to be considered in conjunction with the AD's at Gonerby Moor and Easton as part of the SKDC development plan and the LCC plan.
- The Parish Council feels very strongly that given the size and impact on the local communities of the proposal it should be considered by the full planning committee and not delegated to planning officers.
- Residents within South Witham have raised concerns and objections on the visual impact of such a large development which will be seen by residents of Moor Lane and surrounding roads. Rural views are highly valued by the villagers and contribute to a positive quality of life in South Witham. This is placed at risk by the planning application in its current location. Planned screening by planting trees will not mitigate this visual impact of the site given the period of time these take to grow and mature.
- The Parish Council also wishes to raise objections on noise pollution; this is untested and would arise from HGV's /transport, machinery and the plant itself.
- No local businesses or households will benefit from the site and the Parish Council believes the current location is wrong for the development. The site proposed is huge and for the objections highlighted above will have a substantial negative impact on the local area and South Witham.
- SWPC wishes to stress that it fully endorses the comprehensive comments and objections to the Biogas Plant raised by Colsterworth PC'.

Corby Glen Parish Council

Objection.

‘Corby Glen Parish Council wishes to object to this planning application because of its grave concerns regarding the predicted substantially increased flow of heavy traffic on the A151 which passes through our village.

Residents already complain about the traffic volume & noise, especially heavy vehicles, and building this facility can be expected to make that significantly worse as HGVs carrying materials from the East approaches the facility’.

Evaluation

Schedule of Planning Conditions

The email representation dated 5 January 2025 contained a review of the proposed Schedule of Conditions contained within the main officer report, including proposed amendments to the recommended planning conditions.

The planning case officer has considered the proposed amendments and proposes the following updated schedule of conditions, should the planning application be granted planning permission on the 9 January 2025.

Planning 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).

Temporary Permission Limits

- 2) Written confirmation of the first export date shall be provided to the Local Planning Authority no later than 20 days following the event. The development hereby permitted shall cease on or before the expiry of a 30-year period from the date of the first export of biomethane from the anaerobic digester to the national grid network; excluding any biomethane exported during initial testing and commissioning.

The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work (“Decommissioning Scheme”) which shall make provision for the removal of the structures, hard standing, fencing and all other associated equipment, and the subsequent restoration of the site. The scheme shall include details of:

- (a) The extent of equipment and foundation removal, and the site restoration to be carried out;
- (b) The management and timing of any works;
- (c) A Traffic Management Plan to address the likely traffic impacts arising during the decommissioning period.
- (d) An Environmental Management Plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitat features and trees on the site.
- (e) The location of any temporary compound and parking areas.
- (f) Full details of the removal of the AD plant and associated buildings, and all associated ground restoration.
- (g) Full details of all other works to the land to allow for renewed agricultural production following the removal of structures from the site.
- (h) A programme of implementation of the Decommissioning Scheme.

The Decommissioning Scheme shall be submitted to and approved in writing by the Local Planning Authority, no later than 29 years from the date of the first export of biomethane and shall be subsequently implemented as approved.

Reason: The proposed development has a 30-year operational period, and to ensure that the site is fully restored to allow for agricultural use, and to maintain the rural landscape character of the area.

Approved Plans

3) The development hereby permitted shall be carried out in accordance with the following list of approved plans:

- Site Location Plan, drawing ref. 27729-150 Rev B (received 28/03/24)
- Proposed Site Layout Plan, drawing ref. 27729-SK10 Rev H (received 03/04/24)
- Proposed Plant Elevation 1, drawing ref. 27729-050 Rev E (received 02/05/24)
- Proposed Plant Elevation 2, drawing ref. 27729-051 Rev D (received 02/05/24)
- Proposed Plant Elevation 3, drawing ref. 27729-052 Rev A (received 02/05/24)
- Proposed Floor Plans, drawing ref. 27729-600 Rev 0 (received 02/05/24)
- Proposed Site Sections, drawing ref. 27729-120 Rev G (received 03/04/24)
- Site Access Road Location, drawing ref. 27729-600 Rev D (received 18/06/24)
- Site Access Road 1, drawing ref. 27729-601 Rev C (received 18/06/24)
- Site Access Road 2, drawing ref. 27729-602 Rev C (received 18/06/24)
- Site Access Road 3, drawing ref. 27729-603 Rev C (received 18/06/24)
- Site Access Road 4, drawing ref. 27729-604 Rev C (received 18/06/24)
- Site Access Road 5, drawing ref. 27729-605 Rev C (received 18/06/24)
- Site Access Road 6, drawing ref. 27729-606 Rev D (received 18/06/24)
- Site Access Road 7, drawing ref. 27729-607 Rev C (received 28/03/24)
- Site Access Road 8, drawing ref. 27729-608 Rev C (received 28/03/24)
- Site Location Plan Northern Boundary, drawing ref. 27729-152 Rev 0 (received 02/05/24)
- Site Location Plan Southern Boundary, drawing ref. 27729-152 Rev 0 (received 02/05/24)
- Gas Pipeline Indicative Location Plan, drawing ref. 27729-154 Rev 0 (received 02/05/24)
- Site Access Visibility Clearance, drawing ref. 27729-613 Rev C (received 03/04/24)
- Site Access Road Clearance 1, drawing ref. 27729-614 Rev A (received 03/04/24)
- Site Access Road Clearance 2, drawing ref. 27729-615 Rev A (received 03/04/24)
- Site Access Road Clearance 3, drawing ref. 27729-616 Rev A (received 03/04/24)
- Site Access Road Clearance 4, drawing ref. 27729-617 Rev A (received 03/04/24)
- Site Access Road Clearance 5, drawing ref. 27729-618 Rev A (received 03/04/24)
- Site Access Road Clearance 6, drawing ref. 27729-619 Rev A (received 03/04/24)
- Proposed Highway Access Boundary, drawing ref. 27729-SK15 Rev A (received 03/04/24)
- Junction Line and Sign Works, drawing ref. 27729-620 Rev B (received 18/06/24)
- Proposed Site Plan showing SW Drainage, drawing ref. 27729-805 Rev D (received 13/06/24)
- Fire Hydrant Connection, drawing ref. CT-831.idw (received 12/08/24)

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

Detailed Design

- 4) Notwithstanding the submitted details, prior to any development above damp-proof course, a detailed specification of materials (including the colour of any render, colourwash or paint) to be used in the external materials of all buildings, plant, CCTV cameras and fencing shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development must be constructed fully in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development, any necessary mitigation measures required by condition references here can be taken into account, and in accordance with Policy DE1 and EN6 of the adopted South Kesteven Local Plan. Lighting

- 5) Prior to the commencement of the development, full details of the proposed lighting scheme including a detailed Lighting Assessment and Strategy must be submitted to and approved in writing by the local planning authority.

The Assessment and Strategy shall set out the lighting strategy and specification for the site, including all access roads and shall include a light layout plan with beam orientation, a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and measures to prevent light spillage), and shall be accompanied by an assessment of the impact of the proposed lighting strategy upon the landscape character of the area, including submission of a light spillage plan and assessment of lighting on species and habitats that use the area for foraging, roosting, nesting or travelling through the landscape on or adjacent to the site.

The assessment must be carried out in accordance with current best practice and guidance.

The scheme shall be installed and be operational prior to operation of the development. The scheme shall be retained for the life of the development.

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

Archaeology

- 6) Before the development hereby permitted is commenced, a Written Scheme of Archaeological Investigation and an Archaeological Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The details must include:

- a. Details of a programme of trial trenching, which must be first completed and used to inform the mitigation strategy;
- b. A plan illustrating the location of any archaeological remains on the site;
- c. Areas which are designated for archaeological monitoring and recording;
- d. Proposals to ensure that significant archaeological remains are protected or, if appropriate, set out a programme of further archaeological works to ensure that they are recorded in advance of works on site;
- e. A programme for the implementation of the archaeological mitigation strategy.

Thereafter, all works on site shall be carried out in accordance with the approved Archaeological Mitigation Strategy.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN6 of the adopted South Kesteven Local Plan.

Odour Management Plan

- 7) Before any part of the development is commenced, an Odour Management Plan is required to be submitted and approved by the Local Planning Authority. The Odour Management Plan will include

mitigation as set out in the Odour Report to ensure that odour emissions arising from the development are no greater than the levels cited in the Environmental Impact Assessment.

The Odour Management Plan should include specific measures for managing and monitoring odour associated with all activities from the development.

Reason: To protect the residential amenity of local residents in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Traffic Management Plan

- 8) Before any part of the development is commenced, a Traffic Management Plan is required setting out the times of deliveries, and that all vehicles are routed an appropriate route to/from the AD plant using the approved access route off the B565.

Reason: To protect the residential amenity of local residents in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Flood Emergency Plan

- 9) Before any part of the development is commenced, a Flood Emergency Plan covering place of refuge, flood evacuation and safe/escape routes, shall be submitted to and approved in writing by the local planning authority.

The Flood Emergency Plan shall be complied with throughout the lifetime of the development.

Reason: To ensure the safety of the users of the development against the risk of flooding in accordance with Policy EN5 of the South Kesteven Local Plan.

Construction Ecological Management Plan

- 10) Before the development hereby permitted is commenced, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be carried out in accordance with the approved details throughout the construction period.

Reason: In the interests of safety and free passage of those using the adjacent public highways.

Operational Environmental Management Plan

- 11) Before the development hereby permitted is commenced, an Operational Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include all details of the proposed development's operation, including delivery vehicles, routing of delivery vehicles, as well as the specifics of the coverings to feedstock and digestate lagoon to control odour emissions.

Reason: To ensure that the traffic movements and odour emissions arising from the development are in line with the levels in the application and to protect the residential amenity of local residents in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Site Levels

- 12) Notwithstanding the submitted plans details, the existing and proposed land levels of the site (including spot heights, contours and finished floor levels of all buildings/structures) with reference to an off-site datum point, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved details, and the site levels completed as approved, prior to the site being brought into use.

Reason: To ensure that the development mitigates the visual and landscape impacts in accordance with Policy EN1 and EN3 of the South Kesteven Local Plan.

During the Building Works

Noise during Construction

- 13) To minimise noise impacts on the existing residential dwellings, 'construction work' shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work'

shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

To minimise the impact of potential noise on the surrounding area, deliveries of construction materials shall only take place between 8:00 am and 5:00 pm, Monday to Friday and between 9:00 am and 1:00 pm on a Saturday. No deliveries shall take place on a Sunday or Public Holiday.

Reason: To prevent disturbance to the amenities of residents living in the locality and in accordance with Policies EN4 and DE1 of the adopted South Kesteven Local Plan.

Ecology

14) All works on site during the construction period shall be carried out in accordance with the recommendations contained within the Ecological Appraisal, including reasonable avoidance measures for protected species.

Reason: In the interests of best ecological practice and in accordance with Policy EN2 of the adopted South Kesteven Local Plan.

Soft Landscape Scheme

15) Before the development hereby permitted is constructed above foundation level, details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- Planting plans identifying the location of all existing and proposed plants
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- Details of protection of plants.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, and EN3 of the adopted South Kesteven Local Plan.

Before the Development is Operational

Noise Management Plan

16) Before any part of the development is brought into use, a Noise Management Plan, based on the recommendations contained within the Noise Impact Assessment submitted with the application, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the residential amenity of local residents in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Boundary Treatment Details

17) Before the works to provide the boundary treatments hereby permitted are commenced, a plan indicating the heights, positions, design, materials and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory appearance to any boundary treatments in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Surface and Foul Water Drainage

18) Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface and foul water drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

Landscape Management Plan

19) Before any part of the development hereby permitted is occupied/brought into use, a landscape management plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. long term design objectives,
- ii. management responsibilities and maintenance schedules for all landscape areas.

Reason: Hard and soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

Landscaping Implementation

20) Before the end of the first planting / seeding season following the date when biomethane is first exported ("first export date"), all landscaping works shown on the approved Landscape Mitigation Plan required by condition 15 shall have been carried out in full.

Reason: To mitigate the harm to the rural character caused by the proposal and to secure a biodiversity net gain and in accordance with Policy EN1 (Landscape Character) and Policy EN2 (Protecting Biodiversity and Geodiversity) of the adopted South Kesteven Local Plan.

Ongoing Conditions

Noise Mitigation

21) The development should operate in accordance with the approved Noise Management Plan required by Condition 13 above.

Reason: To ensure there is appropriate mitigation from the impact of noise from the proposed development in the interests of the residential amenities of futures occupiers of the site.

Replacement Planting

22) Within a period of five years from the first occupation of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved in condition above unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

Flood Emergency Plan

23) The Flood Emergency Plan covering place of refuge, flood evacuation and safe/escape routes, shall be complied with throughout the lifetime of the development.

Reason: To ensure the safety of the occupiers and users of the development against the risk of flooding in accordance with Policy EN5 of the South Kesteven Local Plan.

Feedstock

24) The granting of planning permission for the Anaerobic Digester is made on the explicit use of feedstock to produce biomethane and prohibits any use of waste or conversion of the plant to facilitate the use of waste in the production of biogas. All feedstock required in connection with the approved Anaerobic Digester (AD) plant shall be derived from plant-based materials. No other feedstocks or waste products shall be processed at the plant.

Reason: To protect the residential amenity of local residents in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Boundary Treatments

25) The works to provide the boundary treatments shall have been completed in accordance with the approved boundary treatment scheme.

Reason: To provide a satisfactory appearance to any boundary treatments in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Sustainable Building

- 26) Details shall be provided demonstrating how the proposed development would comply with the requirements of Local Plan Policy SB1 to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how carbon dioxide emissions would be minimised through the design and construction of the development; details of water efficiency; and provision of electric car charging infrastructure.

The approved sustainable building measures shall be completed in full in accordance with the agreed scheme, prior to the development becoming operational.

Reason: To ensure that the development mitigates against and adapts to climate change in accordance with Policy SB1 of the South Kesteven Local Plan.

Early Decommissioning

- 27) In the event that the site ceases to generate biomethane for a period of 12 months prior to the cessation of the 30-year period, a scheme of Decommissioning Works (“Early Decommissioning Scheme”) shall be submitted no later than 6 months from the end of the 12-month non-biomethane generating period to the Local Planning Authority for approval in writing. The early decommissioning scheme shall include the same details required under the Decommissioning Scheme set out in Condition 2 of this permission.

Thereafter, the early decommissioning scheme shall be carried out in accordance with the approved details.

Reason: To ensure that the AD plant continues to generate biogas or is otherwise removed to the benefit of the character and appearance, and agricultural productivity of the District; in accordance with Policy EN1 and RE1 of the adopted South Kesteven Local Plan.

Remediation Works

- 28) All buildings, structures and hardstanding associated with the development, excluding the access track between Buckminster Road and Sewstern Road, shall have been decommissioned and removed from site by 31.06.2055 or within 12 months of the anaerobic digestion facility ceasing operation, whichever is the sooner. The site shall then be regraded to former levels and appropriately restored to agricultural land within 3 months of the removal of the buildings, structures and hardstanding associated with the development with works being undertaken in accordance with the approved Decommissioning Plan.

This would exclude the proposed northern access track as this serves the timber yard as well.

Reason: To ensure that the AD plant is removed once it ceases to generate biogas, and is removed to the benefit of the character and appearance of the local area, in accordance with Policy EN1 and RE1 of the adopted South Kesteven Local Plan.

There are planning conditions that were suggested which have not been included in the amended conditions schedule and these have been considered by the planning officer. The following were not included:

- Prohibition of use of waste – development of this nature would constitute a material change of use and be subject to a planning application for a waste operation.
- Limits on feedstock – this would unreasonably constrain operations should technology alter over the 30-year period.
- Satellite hubs – the satellite hubs are not part of this planning application and will be subject to a further planning application/s.
- Details of surface water drainage scheme – this will be determined by Building Control outside of the planning system. The surface water drainage strategy has been agreed and is secured by condition 18.
- Hours of operation – the operation is proposed to operate 24-hours

S106 Contributions/commitments

A request from Colsterworth Parish Council has also been received (within the representations in October 2024) for a s106 financial contribution which could include the cost of:

- Additional vehicle activated signs/speed cameras x3 (B676, Stamford Road Colsterworth, Woolsthorpe Road)
- Review and upgrading of all the road signs; particularly the 7.5t restrictions
- Review of the road safety issues on the High Street Colsterworth and reported to LCC

The Parish Council notes the £40,000 per annum community fund and would like further information. The case officer would like to clarify that the community fund is separate to the planning process and not a material consideration. This financial contribution would therefore be separate to any s106 financial contribution through the planning system.

The above requests from Colsterworth Parish Council is referred to within the member of the public's representation on 5 January. The response also includes reference to a list of requirements for s106 financial contributions and commitments. These have been considered by the planning officer. The following were not included:

- Provision and details of off-site landscaping to assist in mitigating the impacts of the development on landscape and visual amenity – as a minimum to create a shelterbelt to the east to be planted in advance of the works being completed and thereafter maintained for the duration of the operation and decommissioning of the AD Plant (noting that the officers report refers to offsite mitigation)
Officer comment – the development proposes onsite landscaping to mitigate the scheme which is considered to be sufficient and it is not clear whether the applicant owns additional land for the provision of off-site mitigation.
- Provisions for the ongoing management and maintenance of offsite landscape works (noting that this may be on land leased by Buckminster to a tenant farmer)
Officer comment – as above.
- Acoustic fencing to protect residential amenity to the east particularly in respect of the ongoing noise created by the vehicles moving feedstock (e.g. reversing sirens etc)
Officer comment – the proposal includes mitigation measures within the Noise Survey, and this will be covered by condition.
- The implementation of traffic restriction measures to prevent vehicles passing through Sewstern and Gunby
Officer comment – this is covered by condition with vehicles routed using the new access road.
- Safety measures for pedestrians, cyclists and horse riders using Sewstern Road (particularly during term time for those travelling to/from Buckminster School)
Officer comment – the local highways authority has not identified concerns with road safety as a result of the proposed development.
- Restrictions on lighting onsite to protect dark night skies and to avoid high level security lighting impacting on the countryside
Officer comment – these details are secured by condition.
- Arrangements for the community fund to be managed for 30 years with any unspent funds in any one year accruing into the fund
Officer comment – the community fund is separate to the planning process.
- Arrangements for the amount available annually to be index link
Officer comment – as above.
- Provisions for any unspent monies at the end of the 30 years to be transferred to Colsterworth Parish Council
Officer comment – as above.

Planning obligations assist in mitigating the impact of unacceptable development; however, they need to meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- Necessary to make the development acceptable in planning terms;

- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The Parish Council has requested financial contributions in relation to the public highway in the vicinity of the development site. Lincolnshire County Council as local highway authority is responsible for the local highway network and has been consulted during the planning process. The local highway authority has not requested any such obligations and therefore we do not believe the requested s106 financial contributions and commitments meets the tests above.

Recommendation

As such, the recommendation to Committee is to **authorise the Assistant Director – Planning & Growth to GRANT planning permission subject to the amended conditions set out above.**

Agenda Item 8

S24/1707

Proposal: Change of use from dwelling (C3) to children's home (C2) for up to 2 young people

Site Address: The Lodge, Main Street, Hougham

Summary of Information Received:

- 3 no additional public representations all of which have raised further objections.
- An enquiry for the Local MP in relation to the application following receipt of objections from local residents.

The points raised within the representations, including those sent to the Local MP, can be summarised as follows:

1. The applicant's have not consulted with local residents in advance of submitting the application.
2. The application contains inaccurate information relating to the site layout, including available parking provision; the number of proposed residents; the existing use of the property and whether there will be any commercial activities.
3. The application will have an unacceptable impact on highways safety due to insufficient parking on site to support the proposed development contrary to Policy ID2 of the Local Plan.
4. The site is not in a sustainable location to allow services to be accessed via public transport.
5. The proposed development would have an unacceptable impact on neighbouring amenity due to noise, light and air pollution as well as impacting on privacy and safety of residents.
6. The proposed development would alter the character and appearance of the village due to the parking requirements to serve the development.
7. The Lawful Development Certificate was refused, and this scheme is the same as the previous application.
8. Concerns about the Applicant's suitability as an operator.
9. The proposed development would not provide any local public benefits because it is not required to meet local needs.
10. SKDC have not taken into account the concerns raised by local residents or Parish Councils.
11. The proposed development would be contrary to Article 8 (Right to Private Family Life and Home) of the Human Rights Act

Officer Evaluation

1. The Applicant's have not consulted with local residents
 - 1.1. This matter has been addressed at Paragraph 7.10.3 of the main report. Whilst the National Planning Policy Framework encourages applicants to engage directly with the local community, it would be unreasonable for the Local Planning Authority to refuse an application due to the absence of any consultation. The LPA would need to demonstrate that there are unacceptable impacts of the development which could be reasonably addressed had there been appropriate pre-application engagement.
2. Accuracy of the submission
 - 2.1. This matter has been addressed at Paragraph 7.10.5 of the main report. Officers are satisfied that there is sufficient information on which to make an informed decision about the proposed development. It should be clarified that decisions made on planning applications are not wholly based on the technical information submitted by the Applicant, but also take into account matters of professional assessment made by the Case Officer together with the advice of the consultees.

- 2.2. The concerns relating to the potential increase in occupants from 2 young persons to 4 young persons are addressed through the imposition of planning conditions. The current lawful use of the property is as a private dwellinghouse (Use Class C2) and any works to the interior of that dwelling are not defined as development and therefore are not subject to planning control.
- 2.3. The concerns raised about the suitability of parking provision to serve the development are discussed below.
3. The application will have an unacceptable impact on highways safety due to insufficient parking on site to support the proposed development contrary to Policy ID2 of the Local Plan.
 - 3.1. The impact of the proposed development on highways capacity and safety are set out at Paragraph 7.9 of the main report.
 - 3.2. To summarise, Lincolnshire County Council (as Local Highways Authority) have been consulted on the application and has confirmed that they have no objections. As part of the initial comments, they confirmed that there was sufficient parking space to support the development and that they had no concerns in relation to highways safety.
 - 3.3. A subsequent consultation response from LCC Highways included a request for a parking plan.
 - 3.4. It is the Case Officer's assessment that there has been no material change in circumstances, or the details of the development proposal, to justify any revision to the initial assessment made by LCC as the Local Highways Authority.
 - 3.5. Notwithstanding this, a Car Parking Appraisal has been submitted by the Applicant and has been subject to further consultation with Lincolnshire County Council, who have not provided any comments.
 - 3.6. It is appreciated that public representations have raised concerns about the accuracy of the submitted Appraisal, and whether the site could accommodate 5 vehicles in the manner proposed.
 - 3.7. As set out within the main report, it is the Case Officer's assessment that the site is sufficiently large to accommodate the necessary parking areas that would be required to accommodate 5 vehicles on site.
 - 3.8. Nonetheless, the National Planning Policy Framework is clear that development should only be refused on highways grounds where there is an unacceptable impact on highway safety or where the residual cumulative impact on the highway network would be severe, taking into account all reasonable future scenarios.
 - 3.9. Whilst it is possible that there may be some circumstances where vehicles may be required to park on-street during staff changeover periods or during visits from additional staff members, it is the Case Officer's assessment that this would amount to a modest level of on-road parking from time to time and therefore, it would not be materially different from the potential for short-term on-street parking that could arise from the occupation of the property as a private family dwelling.
 - 3.10. Therefore, it is the Case Officer's assessment that the proposed development would not result in any unacceptable impacts on highways safety or a severe impact on the highway network.
4. The site is in an unsustainable location
 - 4.1. Hougham is identified as a "Smaller Village" in Policy SP2 of the adopted Local Plan, where development will be supported in accordance with Policy SP3, SP4 and all other relevant policies, where the development will not compromise the village's nature and character.

- 4.2. The current lawful use of the site is as a private dwellinghouse (Class C2). Whilst the proposed development would result in a change of use, it would remain within the residential use class. It is Officer's assessment that whilst there is a material change in the nature of occupancy of the property; the overall quantum of occupancy would not be materially greater than that possible as a private family home. As such, it is Officer's assessment that the proposed use would not be less sustainable than the current lawful use.
5. The proposed development would have an unacceptable impact on neighbouring amenity.
 - 5.1. This matter is discussed at Paragraph 7.7 of the main report, and the representations do not raise any new matters to justify reaching an alternative conclusion.
6. The proposed development would alter the character of the village due to potential frontage parking or on-street parking.
 - 6.1. This matter is discussed at Paragraph 7.6 of the main report, and the representations do not raise any new matters to justify reaching an alternative conclusion.
7. The previous Lawful Development Certificate for the same development was refused
 - 7.1. As identified within the main report, an application for a Lawful Development Certificate for the proposed use of the dwelling as a children's care home (Ref: S24/1185) was refused by the Local Planning Authority in September 2024 and is currently subject to a planning appeal.
 - 7.2. It is important to note that the application for a lawful development certificate for the proposed use of the dwelling as a children's care home sought to establish whether the proposals would result in a material change of use of the property, such that planning permission is required. In this case, it was the LPA's assessment that there would be a material difference in the nature of occupation compared to a private dwellinghouse, such that a material change of use would occur. As such, the lawful development certificate was refused and deemed to be unlawful, and planning permission is required.
 - 7.3. The assessment of the application by the Local Planning Authority is a matter of fact and degree and does not consider the planning merits of the proposed development; these matters are subject to consideration as part of the current application.
 - 7.4. Thus, whilst the proposed development is the same as the previous application, the matter of consideration for the Local Planning Authority is fundamentally different, such that the refusal of the lawful development certificate carries very limited weight in the determination of the application for planning permission.
8. Concerns about the Applicant's suitability as an operator
 - 8.1. This matter has been discussed at Paragraph 7.10.7 of the main report.
 - 8.2. As detailed within that paragraph, the suitability of the operator of the site is subject to control through separate regulatory regimes and is not a matter for consideration as part of the determination of the planning application.
9. The proposed development would not provide any local public benefits because it is not required to meet local needs.
 - 9.1. The revised National Planning Policy Framework requires Local Planning Authorities to assess the need for looked after children using the evidence provided by the local authority's Children's Social Care Sufficiency Strategy. A copy of this report is included at Appendix A of the main report.

- 9.2. This report identifies that 53% of independent residential care placements (private care homes) were not within Lincolnshire or adjacent counties. Therefore, increasing capacity within Lincolnshire is an area of focus for market development.
- 9.3. In view of the above, it is the Case Officer's assessment that there is a growing demand for accommodation to support children in care within Lincolnshire, and the proposed development would provide 1 property which can support up to 2 young people, which would assist in meeting this need. In this light, it is Officer's assessment that this is a significant public benefit which should be attributed significant weight in the planning balance.
10. The Officer Report does not take into account the concerns raised by local residents or Parish Councils
- 10.1. The concerns raised by local residents and the Parish Council are clearly documents at Section 6 and Paragraph 5.1 of the main report, respectively. The concerns raised are summarised and discussed within the evaluation sections of the report.
- 10.2. The Officer Report has had clear regard for the material planning considerations raised, albeit it reaches a different planning judgement to the concerns raised by local residents and the Parish Council.
11. The proposed development would be contrary to Article 8 (Right to Private Family Life and Home) of the Human Rights Act
- 11.1. This has been assessed at Section 9 of the main report, and it is the Case Officer's assessment that this article of the Human Rights Act will not be breached.

Conclusion

Taking all of the above into account, Officers remain of the view that the proposal would be in compliance with the adopted Development Plan, when taken as a whole, and there are no material considerations to indicate that planning permission should be withheld.

Therefore, the recommendation remains as set out within the main Committee Report.