

Minutes

Planning Committee

Thursday, 17 October 2024, 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 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 Sarah Trotter

Councillor Paul Wood

Councillor Max Sawyer

Cabinet Members present

Councillor Richard Cleaver (Cabinet Member for Property and Public Engagement)

Councillor Phil Dilks (Cabinet Member for Planning)

Officers

James Welbourn (Democratic Services Manager, Deputy Monitoring Officer)

Phil Jordan (Development Management & Enforcement Manager)

Adam Murray (Principal Development Management Planner)

Amy Pryde (Democratic Services Officer)

Martha Rees (Legal Advisor)

60. Register of attendance and apologies for absence

Apologies were received from Councillor Vanessa Smith.

Councillor Max Sawyer substituted for Councillor Vanessa Smith.

61. Disclosure of interests

Councillor Paul Fellows declared a personal interest on item 4 of the Agenda, He declared he would not take part in the debate or vote for this item.

The Chairman made the following declaration in regard to item 7 of the Agenda:

'I make a declaration on behalf of all members that whilst it is acknowledged that the applicant is the Council, this will not affect how members of the planning committee determine the application. All members have been trained and will determine the application in accordance with their planning training and with an open mind. Any member who does not feel they are open minded to determine the application today should make a declaration to that effect and not vote on the application.'

62. Minutes of the meeting held on 3 October 2024

The minutes of the meeting held on 3 October 2024 were proposed, seconded and **AGREED** as a correct record.

(The Chairman gave the Committee 5 minutes to read additional information reports).

63. Application S24/1200

Proposal:	Change of use from dwellinghouses (C3) to educational use (F1) in connection with Kirkstone House School
Location:	22 And 24 School Lane, Baston, PE6 9PD
Recommendation:	To authorise the Assistant Director Planning & Growth to GRANT planning permission subject to conditions

Noting comments in the public speaking session by:

Baston Parish Council	Cllr Clarke
Against	Jill Groutage

Together with:

- Provisions within SKDC Local Plan 2011-2036 (Policy SP6 - Community Services and Facilities and Policy DE1 - Promoting Good Quality Design).
- National Planning Policy Framework (Section 12 - Achieving well-designed places and Section 9 - Promoting sustainable transport).
- No comments received from Lincolnshire Police.
- No comments received from Education and Cultural Services (LCC).
- No comments received from Lincolnshire Fieldpaths Association.
- No comments received from South Kesteven District Council Footpaths Officer.
- No comments received from The Ramblers Association.
- Comments received from LCC Highways and SuDS Support.
- Comments received from Parish Council.

(Councillor Paul Fellows left the Chamber for this item).

During questions to Public Speakers, Members commented on:

- Further clarification over main safeguarding issues were requested.

Concerns were raised regarding the proposal having low fencing and little security measures.

The safeguarding of children, teachers and adults was a concern due to 1-1 teaching. The proposal was designed in a way where an adult could be left in a room with a student inside a closed door, which was a serious safeguarding concern. The Applicant's did not intend on making any adaptations.

There was also a requirement for adults and children to have separate toilet facilities in such settings, this could not be seen on the submitted plans.

- Confirmation of whether there were empty buildings surrounding the proposal area that could be put to potential use.

It was confirmed that there were empty buildings surrounding the proposal area that could be put to potential use.

The school had 350 places, however, the school only had 108 pupils at present. It was highlighted that there may be current capacity in the existing building for more students as other rooms and buildings within the current grounds were vacant.

- It was queried as to how long the bungalows had been vacant for.

A Public Speaker estimated that the bungalows had been vacant for 10 years.

- Other education provisions In Baston were questioned.

It was noted that Baston had a primary school that was nearly up to capacity.

During questions to Officers, Members commented on:

- What weight should be given to the fact the proposal may take up residential properties, in line with the Council's policies on new builds. Bungalows were a primary need for housing in the District.

The DM & Enforcement Manager clarified that weight given to a material consideration was at the discretion of the Committee.

The report acknowledged the loss of housing as a relevant material consideration, but consideration should be given to the quantity of houses (two bungalows) in line with the overall housing need of the District.

The Committee were reminded to consider the planning merits on the current use of the buildings by the school, as a community facility or an extension to the existing school. Granting permission would not guarantee the use being implemented.

- Who the current owners of the two properties were. However, the ownership was unknown and was not relevant to the decision made.
- The weight of education needs was discussed against housing needs. The Applicant had not demonstrated what type of education the buildings would be used for.
- Whether more evidence could be requested from the Applicant.
- The Committee discussed the future need for residential bungalows.

The Council could not compel the current landowner of the buildings to bring the bungalows back into use for residential purposes. This would mean that if the proposal was refused the properties may still stand vacant for a prolonged period of time.

- That the Applicant (Kirkstone House School) did not have a sixth form facility and only had pupils up to GCSE levels. Members felt this reduced the level of educational need.

(The Committee adjourned for 5 minutes, as a Member wished to receive legal advice).

During debate, Members commented on:

- Although not a material consideration, it was queried whether any Council Tax would be paid on the properties whilst they were being transferred to educational use.
- Assessing the application against the Local Plan and housing need.
- Weight given to the need of the school, due to spare capacity on existing site.
- Giving less weight to the need of the school due to additional capacity being within the school and therefore, not necessary to lose the bungalows.

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning & Growth to **REFUSE** planning permission for the following reason:

Whilst the proposed change of use would result in the provision of additional educational facilities, the loss of housing would, on balance, conflict with Policy SD1 of the adopted Local Plan and therefore conflict with the development plan when taken as a whole. The balance of material considerations in this case, including the public benefits associated with the education provision would not outweigh the conflict identified with the development plan.

64. Application S23/2199

Proposal:	Construction and operation of a solar photovoltaic farm with battery storage and associated infrastructure
Location:	Land At High Dike Road, Londonthorpe

Recommendation: To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to conditions.

Noting comments in the public speaking session by:

District Ward Councillor
Londonthorpe & Harrowby Without
Parish Council
Against

Cllr Phil Gadd (Statement)
Cllr Alan Bowling

Ken Steer-Jones
Lisa Morton
Carol Markwell (Statement)
Ed Perrin, Low Carbon

On behalf of the Applicant

Together with:

- Provisions within South Kesteven Local Plan 2011-2036, Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies DPD, Design guidelines for Rutland and South Kesteven Supplementary Planning Document, National Planning Policy Framework (NPPF), National Policy Statement for Energy (EN1) and National Policy Statement for Renewable Energy (EN3).
- Comments received from The Gardens Trust.
- No comments received from Civil Aviation Authority.
- Comments received from Ministry of Defence.
- Comments received from Environment Agency.
- Comments received from Heritage Lincolnshire.
- Comments received from Historic England.
- Comments received from Lincolnshire County Council (Highways & SuDS).
- Comments received from Lincolnshire Fire and Rescue.
- Comments received from Lincolnshire Wildlife Trust.
- Comments received from National Trust.
- Comments received from Natural England.
- Comments received from Lincolnshire County Council (Policy).
- Comments received from Black Sluice Drainage IDB.
- Comments received from SKDC Conservation Officer.
- Comments received from SKDC Environmental Protection Officer.
- Comments received from Londonthorpe and Harrowby Without Parish Council.
- Comments received from Barkston & Syston Parish Council.

During questions to Public Speakers, Members commented on:

One Member sought legal advice on whether the cumulative impact could be considered through 3 other schemes that may be considered in the future.

The Committee were reminded to note that of the 3 schemes that had been presented to the Committee:

- Church Lane had been refused by the Committee and was currently pending consideration by the Planning Inspectorate. This scheme did not consist of a consented site.
- The application being considered currently (Londonthorpe) was pending consideration.
- The third scheme was a current application; however, it had not yet been considered by the Committee.

At present, there was no cumulative impact because none of the three schemes had been consented. If Committee were minded to approve this application, once the third of the three schemes was heard, it would then be appropriate for Committee to consider potential cumulative impact.

The Chairman queried whether an application in any planning stage from when submitted to a final decision being made could be used when weighing up cumulative impact.

The Legal Advisor provided further clarity that there were currently no consented schemes in the area, and this application was being considered. The Committee were reminded to give cautious minimal weight to cumulative effects at present.

The Principal Development Management Planner noted the criteria that public speakers had referred to was criteria three of the renewable energy appendix.

The criteria referred the Council requiring a cumulative impact assessment to be undertaken, this shall consider solar developments that were under construction, consented or subject of a valid planning application or formally notified at scoping stage.

The study area of the cumulative assessment should be proportionate to the size of the development and enable the assessment to focus on the significant cumulative impacts as required by environmental impact assessment. The study area would need to be agreed with the Planning Authority.

The interpretation of the criteria related to cumulative impacts as part of environmental impact assessments, which should be considered at scoping stage in terms of applications and consented schemes.

It would be incorrect for the Committee to refuse the application on the basis of a cumulative impact, due to the previously refused scheme.

- A query was raised on what the Applicant would do to protect the surrounding arable land on site.

The Applicant confirmed they would perform regular soil, biodiversity and natural environment testing. It was noted that there was no evidence that the operation of solar farms caused any impact on the environment over a 40-year period.

- Concern was raised on what may happen with the cabling if the plan was approved, the cabling had been removed from the plan. It was queried whether alternative cable routes had been explored.

The Applicant clarified the plans were still being worked on for cabling. At present, the site had a grid connection to the substation. Alternative routes were in discussion with alternative landowners over the routes. They were also exploring the potential of connecting into existing power lines that cross the site that would negate the need for a grid connection entirely.

Once the solution was resolved, the Applicant would come back to the Committee with a planning application for an alternative cable route.

- Clarification was sought around the control measures for run-off in the event of a fire, as this could contaminate the land irreparably.

The Applicant stated that battery technology was advancing in terms of fire safety. The units within the compound would have automatic containment measures in place to ensure any water falling on the battery units was contained within a bund to prevent the possibility of a fire.

- Whether the Applicant had built and controlled other solar farms that had been successful.

The oldest solar farm controlled by the Applicant was built in 2010/11 and were 13-14 years old.

- How many solar panels were proposed for the site over the 40 years. Concern was raised over the amount of pollution that would come off panels and damage arable land.

The Applicant was aware of how to maintain other sites over the last 13-14 years. Following analysis of the soils and surrounding soils, there was no contamination to land or an expected change of condition to land over the 40-year period.

It was confirmed that the final design had not been determined. Based on the capacity put forward, it was estimated at just over 50,000 panels.

- How many respondents to the consultation were in favour of the application.
- What area the 20ft battery storage containers would cover.

The battery compounds were half a hectare each. A protective membrane would be put onto the land beneath the units. Each battery unit would be on a concrete plinth.

- Concern was raised that land beneath the concrete and membrane would not remain viable land after 40 years.

The Applicant was certain that land restoration would be successful for a number of developments, as the footprint for each battery unit was small. Other sites had successfully grown crops after a temporary period of materials being on the land.

- Further concern as raised on the fire hazard and that the two battery storages would be in an exposed open field and bordering agricultural land.

The location of the two battery storages were required to be on the edge of site for vehicles and emergency services to access them, however, they were within the solar arrays.

- One Member requested further information of the decommissioning of the site after 40-years, in specific, the recycling of the photovoltaic and battery cells and overall disposal of materials.

The decommissioning of the site would require taking apart framework and extracting piles out of the ground. A test had been undertaken on extracting a pile out of the ground, where the impact had a very low soil disturbance.

The panels were typically recycled 90-95%, as they were essentially metal, glass and silica. All of the materials could be reused for new solar panels.

- Whether the Applicant would consider reducing the size of the solar farm in 3-years if the site was producing enough efficient energy.

It was highlighted that less space used on a project would be beneficial for the Applicant, however the maximum amount of renewable energy would be generated.

During questions to Officers and debate, Members commented on:

*(It was proposed, seconded and **AGREED** to complete the application, before closing the meeting).*

The Principal Development Management Planner reiterated criteria three of the renewable energy appendix.

The Applicant had submitted a cumulative impact assessment and had fulfilled the requirements of the criteria. The criteria was only relevant to consented schemes. At this stage, no schemes had been consented, therefore, it was deemed unreasonable for Members to give significant weight to potential cumulative impact at this stage.

- Members discussed the possibility of deferring the application until a decision was known on the application under review at appeal.

The Committee were advised that they had a legal obligation to determine applications in a timely manner. If the Committee decided to defer the application

until a decision was known on the application under review at appeal. The Applicant of this application may submit their own appeal against non-determination.

- Whether a deferral could be proposed until a suitable cabling plan was submitted.

It was further clarified that there were different options for cable routing. One option was that the cable was undertaken by a statutory undertaker, which was benefited from permitted development rights and would not require planning permission.

An alternative option would be connection to a grid point, which would be undertaken on behalf of the Applicant themselves, or a third party. This option would require planning permission and subject to a separate planning application.

- Whether a condition could be implemented that the Applicant would require planning permission for a cable plan.

Members discussed the problems identified with the application:

- Lack of public consent and support identified
- Vehicle construction noise, battery storage which would detract away from the character and beauty of the area
- Potential risk to environmental impact pollution
- Potential loss of agricultural land
- Visual impact
- Impact on the settlement of Belton House, Bellmount Tower and Londonthorpe Conservation Area

Public objection was relevant, but only where matters raised were material planning considerations. This was relevant to the application because the Council's renewable energy policy within the Local Plan set out a requirement for proposals to demonstrate community support. Community support was not consistent with National Policy to require solar development to have community support.

Members outlined further issues with the application:

- Policy EN1 landscape and change in area of character
- Sites within local plan for future development, all takes into consideration especially when within close proximity to Belton House. The views would change
- Loss of food production
- Impact on neighbours from noise
- Potential light pollution
- Too many unknowns of the application,
- Could not determine the whole impact, as the full layout, building details, infrastructure, of the application had not been provided.
- Impact of perimeter fencing and CCTV cameras

The Chairman highlighted;

‘The Rochdale judgement stated that if an unnecessary degree of flexibility and hence uncertainty as to the likely significance of the environmental effects has been incorporated into the description, then it’s required that more detail could be needed.’

The principle of the Rochdale envelope was a tried and tested practice within planning decisions, it was quite frequently used for solar development where it was national significant infrastructure projects. The Rochdale case was on the basis of an outline planning application.

The Committee were reminded to assess each material consideration on it’s worst potential impacts and to make a judgement on that basis.

Members discussed the importance of the grade 1 listed building impacts to the character of the area compared to the public benefits of a solar farm on the site.

- A query was raised on the electrical noise management plan and how noise would affect the wildlife.

The electrical noise management plan was a specific requested from the Ministry of Defence and effects on Barkston Heath.

There was a detailed noise management plan completed for the application which assessed impacts on residential amenity, all impacts were below acceptable levels at possible higher levels of noise. This assessment did not cover impacts on wildlife.

The site was 27-25 decibels operational in the day and 17 at nighttime, which was similar to background noise levels.

- Clarification was sought on whether site was proposed to be lit up at night.

Condition 17 prevented any lighting at all on the proposed site, unless approved. The suggestion was for the site to not typically be lit in any event, however, details would need to be submitted for a requirement for the site to be lit.

Condition 6 was similar to a reserved matters condition, whereby the Constitution required reserved matters applications, where the outline permission was considered by Committee, to come back to Committee. It would be reasonable for Members to specify which details were subject to a Committee decision.

- Members noted the possibility that the cabling may run down Londonthorpe High Street, depending on the supplier.
- Concern was raised around surrounding fencing restricting the movement of deer stock.

Fencing details submitted showed deer stock fencing which would also allow small mammals to move through the gaps in the fences. The recommended conditions 11 and 12 covered wildlife concerns.

The cabling was outside the limit of the application. An informative note could be included that specified that the Committee would prefer cables that avoid Londonthorpe as part of the cable route connection.

- Whether the cable route could be considered as an engineering development, which would require planning permission.

It was confirmed that if the cable routing was carried out by a statutory undertaker, it would benefit from permitted development rights and would not require planning application. Therefore, control or conditions could not be imposed on the cable routing.

It was suggested whether the power could connect to overhead powerlines.

- If the application was approved, would condition 6 require other reports being considered to come back to the Committee in terms of detailed design, noise management plan, ecological plan and construction plan.

Members were entitled to consider all the reports at a future Committee meeting, they were entitled to call-in under the Constitution.

Any submission that was worded to require further submission of details could be reported back to the Planning Committee for a decision.

- Members discussed the weight between the harm of heritage assets against public benefit. Members felt the application was proposed in the wrong location due to being within close proximity to Belton House, Bellmount Tower.

The Legal Advisor confirmed that a refusal on heritage asset grounds was suitable for Members to explore.

- Concern was raised that a refusal on heritage assets grounds may be overturned by an Inspectorate, due to the distances to heritage assets set out within the report being minor.
- Concern was raised that landscaping of trees would change during different seasons, making the solar farm more visible.

Condition 8 of the report specified the requirement for details of planting plans, written specifications and a schedule of plants including species, plant sizes and proposed numbers and densities where appropriate.

- Further concern was raised in relation to Ash Dieback in Ash Trees within the gardens of Belton House, as this may cause the thinning of trees and therefore increased visibility of the site from the heritage assets.

As part of the assessment of the application, site visits had taken place with National Trust and Historic England and the ash trees within the plantation were part of a robust planting scheme. There was no intervisibility between Bellmount Tower and the application site.

It was proposed, seconded to authorise the Assistant Director – Planning & Growth to **GRANT** planning permission:

- **Subject to conditions**
- **Subject to any submission that was worded to require further submission of details to be reported back to the Planning Committee for a decision.**
- **The inclusion of an informative on the cabling route.**
- **Inclusion of a bird strike management plan**
- **Condition 16 – the requirement for the battery safety management plan to include surface water run-off arrangements and mitigations in place in the event of a fire.**

This proposal fell.

It was clarified that less than substantial harm identified within the Officer report that referred to the registered Belton House and Garden only. The Committee were requested to focus on providing evidence of harm to the asset they felt was most affected.

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning & Growth to **REFUSE** planning permission for the following reason:

The proposed development by virtue of its scale and nature would result in a harmful impact to the landscape character of the area and consequently the setting of Belton House Registered Park and Garden and Bellmount Tower. The harm to the setting of those designated heritage assets would result in less than substantial harm to their significance. The benefits of the proposal, including its contributions towards mitigating the impacts of climate change, do not outweigh these identified harms. The proposal is therefore contrary to Local Plan Policies EN1, DE1 and EN6 and Solar Energy Criterion 4 of the Renewable Energy Appendix and there are no material considerations of sufficient weight that outweigh these identified conflicts with the development plan.

65. Application S24/0986

It was proposed, seconded and **AGREED** to **DEFER** this application to be fully considered at the next meeting of Planning Committee on 7 November 2024.

66. Application S24/1180

It was proposed, seconded and **AGREED** to **DEFER** this application to be fully considered at the next meeting of Planning Committee on 7 November 2024.

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

There were none.

68. Close of meeting

The Chairman closed the meeting at 17:12.