

# Minutes

## Planning Committee

Thursday, 14 March 2024, 1.00 pm

**Council Chamber – South  
Kesteven House, St.Peter’s Hill,  
NG31 6PZ**



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

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### **Committee Members present**

Councillor Charmaine Morgan (Vice-Chairman)

Councillor Harrish Bisnauthsing

Councillor Pam Byrd

Councillor Helen Crawford

Councillor Paul Fellows

Councillor Phil Gadd

Councillor Tim Harrison

Councillor Penny Milnes

Councillor Vanessa Smith

Councillor Sarah Trotter

Councillor Paul Wood

Councillor Nick Robins

### **Cabinet Members present**

Councillor Phil Dilks (Cabinet Member for Planning and Housing)

### **Officers**

Emma Whittaker (Assistant Director of Planning)

Phil Jordan (Development Management & Enforcement Manager)

Adam Murray (Principal Development Management Planner)

Venezia Ross – Gilmore (Senior Planning Officer)

Martha Rees (Legal Advisor)

Amy Pryde (Democratic Services Officer)

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### **105. Register of attendance and apologies for absence**

Apologies for absence had been received from Councillor David Bellamy and Councillor Ian Stokes.

Councillor Nick Robins substituted for Councillor David Bellamy.

### **106. Disclosure of interests**

Councillor Paul Wood declared that he had called in application S23/2004, however, he came to the meeting with an open mind.

## 107. Minutes of the meeting held on 8 February 2024

The minutes of the meeting held on 8 February 2024 were proposed, seconded and **AGREED** as a correct record.

## 108. Application S23/2004

<b>Proposal:</b>	Change of use from agricultural land to use as a residential caravan site for 1 gypsy / traveller family group on 7 pitches, comprising of 10 touring caravans and 10 static caravans, erection of 10 utility buildings and 7 stable blocks with ancillary paddock land, formation of new access, hardstanding for parking and the installation of a package sewage treatment plant (Resubmission of S22/1022).
<b>Location:</b>	Meadow View, Marshall Way, Foston.
<b>Recommendation:</b>	To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions and the completion of a Section 106 Agreement.

Noting comments in the public speaking session by:

Foston Parish Council: Councillor Tracey Gardner  
Against: Christina Lees

Together with:

- Provisions within South Kesteven Local Plan 2011-2036, Foston Neighborhood Development Plan 2016-2026, Design Guidelines for Rutland and South Kesteven Supplementary Planning Document.
- Provisions within National Planning Policy Framework (NPPF), Planning Policy for Traveler Sites (PPTS) AND South Kesteven Local Plan Review 2021-2041 (Regulation 18 Draft).
- No comments received from Anglian Water.
- No comments received from Cadent Gas.
- Comments received from Foston Parish Council.
- Comments received from Lincolnshire County Council (Education).
- Comments received from Lincolnshire County Council (Highways & SuDS)
- No comments received from Lincolnshire Fire and Rescue.
- No comments received from Lincolnshire Crime Prevention Officer.
- Comments received from Long Bennington Parish Council.
- No comments received from Ministry of Defence.
- No comments received from National Highways.
- Comments received from NHS Lincolnshire ICB.
- Comments received from SKDC Environmental protection Officer.

- No comments received from Witham and Humber Internal Drainage Board.

During questions to Public Speakers, Members commented on:

- Whether the air pollution statistics were accurate and reliable.
- It was queried as to whether any horses had been seen on the site.

The Public Speaker stated that 2 horses had been seen on the site.

- It was confirmed that there was not a public footpath from the site to Foston.
- Whether the site was sufficient in terms of drainage and grazing for horses.

Concern was raised on the suitability of the site for the horses in relation to flooding and wet land.

*(Councillor Tim Harrison joined the meeting at 13:30, he did not participate in the debate or vote.)*

During questions to Officers, Members commented on:

- Further clarification was sought around the air pollution readings. Concern was raised on the levels of Nitrogen Dioxide provided in the evidence.

The Planning Officer confirmed that the study was desk-based and looked into pollutant concentrations recorded elsewhere in Grantham. The Environmental Protection Team were satisfied with the evidence provided.

Members were reminded that Grantham was included within the Air Quality Management Area, which extended to the site.

- One Member queried the weight given to the Council not having a 5-year gypsy/traveller provision, the current occupation of the site and the assumption that the occupants of the site may have to live road-side.

The Planning Officer highlighted that there were no alternative allocated sites for gypsy/traveller communities within the District. The Planning Policy Statement outlined the significant weight that should be given to an authority, where a 5-year supply could not be demonstrated.

The Assistant Director noted that although the site bordered the A1 Road, other Lincolnshire authorities lacked the provision for gypsy and traveller sites. The new Local Plan evidence outlined the need for 40 gypsy and traveller sites between 2021 and 2041.

- What weight had been given to Foston Neighbourhood Plans.

Full weight had been given to Foston Neighbourhood Plan in the consideration phase of the application alongside relevant policies.

The Assistant Director of Planning clarified that Regulation 18 of the consultation plan carried no weight and was in early draft form. Members were requested to give regard to the evidence that would underpin the policy.

The plan adopted in 2020, included a policy requiring an early review of the Local Plan, due to the Council not having adequate supply for gypsy/traveller site provision and the Council's evidence was not up to date.

- It was queried as to whether the local community were in support of the application.
- One Member discussed the need to promote sustainable transport links.

The Planning Officer informed the Committee that section 6 of the report detailed representations from publicity. Generally, representations from members of the public were overwhelmingly objecting to the scheme.

Sustainable transport links was a matter relating to the different policy factors in place; part of this was directing development to the correct locations. The Council's Planning Policy Statement required traveller site to not dominate the settled community.

- It was queried whether the Strategic Housing Marketing Settlement covered gypsy and traveller pitches. It was confirmed that gypsy and traveller sites were not covered.
- Whether the removal of domestic waste came into planning considerations.

It was confirmed that domestic waste was not a primary planning consideration and arrangements would need to be made separately with the Council.

- Whether potential residents for the site would make any contribution to South Kesteven District Council funds, if the application be granted.

The potential residents of the site would be required to pay Council Tax.

- Whether a biodiversity report had been carried out before the hardstanding was installed as this may have affected the net gain.

An ecological appraisal was not carried out and the site proposed was not covered by the Environmental Act and therefore did not need to provide a 10% biodiversity net gain. A policy within the Local Plan requested biodiversity net gain, where possible.

- One Member noted that the current occupants of the site utilised facilities in Newark.

Members requested the Gypsy Liaison Officer's comments.

- It was queried whether the applicant's of the site were included within the people that were assessed for the needs assessment.

Welfare assessments were undertaken during enforcement checks on the sites. Planning also complete work on traveller counts in all gypsy and traveller sites on a biannual basis. The Council were not required to check any family connections.

- Clarification was sought around the additional 7 pitches and 10 utility blocks proposed.

The Planning Officer confirmed that the proposal was suited to multiple facets to the family group that were occupying those pitches.

- Concern was raised that the proposal did not comply with SD1 and SP5. It was queried whether the proposed development was within open countryside and should be considered.

It was clarified that the proposal was within open countryside and was assessed against policy SP5 within the Local Plan, a conflict with an element of the policy had been identified.

- A query was raised on who had the ownership of the ditch surrounding the site.

The intention for surface water drainage was through infiltration within the site. Exceedances of flood water would be through the adjacent ditch, which was within the ownership of Highways.

- Whether the proposed site would be a suitable gypsy and traveller site, if it hadn't already been occupied. It was further questioned if the current occupants would have a short-term alternative arrangement if the site had to go through an assessment.

The Assistant Director of Planning clarified that the Written Ministerial Statement stated that retrospective applications were not required to be approved, simply because it was occupied.

A site assessment was deemed unnecessary by Officers, due to the suitability of the site being assessed against the policies within the current Local Plan.

Policy H5 was written in a permissive manner to allow sites to come forward, provided they were suitable and met the criteria in the policy.

- Whether any standards were in place on minimum requirement for the space in which a horse is kept.

There were no standards in place for animals and the number of animals on site was not within planning control.

- What weight planning should give in response to the noise and health and wellbeing of occupants and children in terms of living conditions.

The Planning Officer confirmed that the external noise level slightly exceeded guidance, which should be considered.

- One Member further queried whether the application should comply with all 5 sections of policy H5.
- Clarification was sought around the number of static caravans and touring caravans in conjunction with the conditions in the recommendation.
- Why a S106 agreement had not been reached and why enforcement had been ignored.

The Planning Officer clarified that the condition covered the amount of caravans being requested by the applicant. The Council had not issued a stop notice on the application site, however a temporary stop notice had initially been issued which stopped development for 28 days. The applicant's were in no breach of enforcement notice.

- Whether the internal noise assessment from a similar site was considered in relation to the opening of windows bringing noise into the caravan.

The proposal on the application had a scheme of mitigation that did not involve changes to the caravan itself. There was external mitigation in terms of a 1.5m acoustic fence on a 1.5m acoustic bunding adjacent to the A1, which would make noise levels within the caravan satisfactory.

- Concern was raised on the proposed fencing around the site and that this may exclude the occupants from integrating into the local community.
- Whether there may be the opportunity to include additional soft landscaping within the site.

During debate, the following concerns were raised:

- Unsuitability of the site in relation to the location being within a close proximity to the A1 road, which would impact noise levels (internal and external) and air pollution.
- The appropriateness of living conditions for occupants.
- Conflicts of policy H5.
- Issues around flooding and drainage.
- Sustainability of transport links.
- Poor grazing for horses.
- Objections from local residents.

- Details of the acoustic fencing and bund.
- Previous refusal of an application on the site.
- Similar sites that had been refused or been to appeal.
- Footpath connections to the local village.
- That the application went against the advice given in the Written Ministerial Statement 2015.

One Member suggested a temporary approval, until a more suitable site be allocated. Moreover, this was not within the Committee's gift to do.

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

Unsuitable site location for a proposed development in terms of noise, air pollution, access to services and facilities and therefore contrary to policies H5, SP5 and Foston Neighbourhood Plan.

Unsuitable living conditions outweighed the need for the site.

Informative – unreasonable grazing space for horses

*(Councillor Charmaine Morgan and Councillor Vanessa Smith voted against the proposal).*

It was proposed, seconded and **AGREED** to elect Councillor Helen Crawford to act as Chairman, for the remainder of the meeting.

*(The meeting adjourned for 10 minutes)*

*(Councillor Phil Gadd left the meeting at 15:25)*

#### **109. Application S23/1182**

This application was withdrawn and was not considered by the Committee.

#### **110. Application S23/2158**

<b>Proposal:</b>	Planning application for a proposed change of use of a residential dwellinghouse (Use Class C3) to a children's care home (Use Class C2).
<b>Location:</b>	Barakat, 52 Saltersford Road, Grantham, Lincolnshire NG31 7HG.
<b>Recommendation:</b>	To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

Noting comments in the public speaking session by:

District Ward Councillor: Councillor Charmaine Morgan

Against: Gillian Baker  
Applicant Curtis Hambly/Allan Robertson (timeshare)

Together with:

- Provisions within South Kesteven Local Plan 2011-2036 and National Planning Policy Framework (NPPF).
- No comments received from Lincolnshire County Council Highways.
- Comments received from Londonthorpe and Harrowby Without Parish Council.
- No comments received from Lincolnshire Police.

Key objections raised by Public Speakers included:

- Contrary to policies.
- That children residing in the home may require therapeutic care, which could relate to children with significant ongoing behavioural issues, which could occur day and/or night.
- Concern was raised on impacts of the community in regard to noise and disturbance due to the close proximity of the immediate neighbouring properties.
- The lack of privacy for the children was raised, alongside neighbours being able to hear conversations from the adjacent property.
- That children in therapeutic care required a high ratio of staff.
- Objectors questioned the overall nature and objectives of the Applicant's.

During questions to Public Speakers, Members commented on:

- Whether any development or building work had commenced on the site.

The Public Speaker highlighted that building work had commenced as soon as the keys were obtained. The garden had been landscaped, a new kitchen refitted, and the property had been plastered. The building work stated was not within breach of planning control.

- Clarification was sought on which authority would govern the proposed children's home and whether the children would have a connection to Lincolnshire.

The applicant clarified that it would depend on the authority that the children came from originally. If the child resided within Lincolnshire, it would be Lincolnshire County Council and Ofsted that would be responsible for the care of the child. The children's home would require a license of approval from Ofsted to be withheld, if the application was approved.

- One Member queried the age range of the children that would reside in the home and whether the staff turn around would be a one-to-one basis per child.

The Public Speaker clarified that a large majority of children placed into care were 0-4 years old.

- Whether the proposal would require any alterations internally, for example, disabled adaptations.
- Whether the applicant had any specific criteria when purchasing a property for the use of a children's home.

It was confirmed that Ofsted had minimum guidelines to follow, whereby a children's home should allow children to be inclusive and to feel part of a community.

One Member noted that the government guide to Children's Homes Regulations including quality standards stated that residential childcare should provide a safe and stimulating environment in high quality buildings, with spaces that support nurture and allow privacy.

- Whether the applicant felt the site would ensure privacy of the children living in the home.

The applicant confirmed that Ofsted had agreed to install privacy tints on the windows and a security gate. It was felt that there was sufficient space in the garden for the children.

- Whether there was sufficient parking on the site.
- The differences between a C2 use and a normal residential dwelling.

As part of an Ofsted check, the applicant would be required to provide smoke alarms in every room, fire doors, fire risk assessment, fire extinguishers and window restrictors.

- It was queried whether there would be any security on the front and back door of the home for high dependency children that may reside there.

The applicant confirmed that provisions around security would ensure that the gates would be lockable. The front and back door would not be locked due to fire risk and to ensure children would not feel secluded in the home.

- It was queried as to whether the children would be transported to specialist schools and whether this may affect the car parking on the site.

It was clarified that most of the children residing in the home would not go to mainstream schools due to their age or their ability to cope with the curriculum set in mainstream schools. Children of school age may be home schooled by the carers or alternative provision forms of learning. Carers would transport children in their own cars, therefore, this would not affect the car parking on the site.

- One Member queried where the children would eat in the property.

It was proposed that the applicant would utilise living room space to include a dining room table.

During questions to Officers, Members commented on:

- Whether the children's home would be serving local needs close to the children's family in order to comply with policy H4, the Ministerial Statement and the MPPF.

It was proposed, seconded and **AGREED** to extend the meeting until the application had been considered and voted on.

The Planning Officer confirmed that there was a local need. Lincolnshire County Council were seeking homes to accommodate children going into care. The Government was committed to supporting development of accommodation for looking after children and reducing barriers to the provision of this, in the right locations.

- Whether comments from Lincolnshire County Council had been received on the local need of the home.

The Planning Officer had confirmed that enquiries had already been sent to the applicant, and therefore evidenced the local need.

- Whether the Committee should be considering the change of use and amount of staff attending the property in terms of traffic and parking.
- What weight should be given on the privacy factor of neighbouring houses of the site.

The Assistant Director of Planning confirmed that the application was for a change of use, meaning the existing dwelling would overlook neighbours with any occupier in the house.

In terms of the occupants of the house, it would be conditioned and limited by number to 3 children maximum and care staff.

*(Councillor Vanessa Smith left the meeting at 15:25)*

- One Member queried the number of cars (4) that would comfortably park on the site.

It was confirmed that 3 spaces would park parallel outside of the dwelling and 1 parking space would be behind the gate. The parking would be conditioned.

- Whether the internal alterations would impact the change of use being considered.

Lincolnshire County Council and Ofsted would deem whether the property was appropriate for internal alterations in terms of disabled access and disabled adaptations, if needed.

- Concern was raised on staff change over times and the manoeuvrability of the car park when staff leave or arrive at the site.

Lincolnshire County Council had been consulted and had not raised any objections. They had stated that the parking proposed on the site was sufficient, alongside off-street parking during times of high demand.

During debate, Members commented on:

It was proposed and seconded to GRANT planning permission, subject to conditions and the addition of parking arrangements to be provided and a requirement of that to be implemented prior to first use of the property. A further variation of condition 3 to confirm that only 3 bedrooms would be used for children.

- Concerns of fulfilling the local need, as part of the Local Plan, planning policies and aspects within the Ministerial Statement.
- Whether a condition could be included on parking arrangements and that the 3 bedrooms maximum are used only, if the application be approved.

This proposal fell.

- Members discussed policy DE1 and ensuring no adverse impact on the amenity or neighbouring users in regard to noise, lighting, loss of privacy.
- Significant disruption of arriving and departing vehicles at one time, increase of off-street parking impacting other road users was considered.
- Insufficient parking and manoeuvring of space on site, to meet the needs of the care home which may impact the highway and other highway users.
- It was queried whether a condition could be implemented on lighting to restrict lighting to certain hours.

*(The Committee adjourned for a 5 minute break)*

Members raised further concerns over impact on residents surrounding the site.

The Assistant Director of Planning suggested that the application be deferred to allow the applicant to provide parking plan details and a parking management plan.

- Concern was raised regarding comments provided by Lincolnshire County Council.

It was noted that the Council could request further comments from Lincolnshire County Council around the community need of the application.

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning to **DEFER** planning permission, to receive further information on parking plan details and a parking management plan.

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

There were none.

**112. Close of meeting**

The Chairman closed the meeting at 17:10.