

Meeting of the Planning Committee

Thursday, 30 May 2024, 1.00 pm



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Charmaine Morgan
(Chairman)
Councillor Penny Milnes (Vice-Chairman)
Councillor Harrish Bisnauthsing
Councillor Pam Byrd
Councillor Paul Fellows
Councillor Tim Harrison
Councillor Nick Robins
Councillor Max Sawyer
Councillor Sarah Trotter
Councillor Paul Wood

Other Members present

Councillor Anna Kelly
Councillor Sue Woolley
Councillor Helen Crawford (not as a
Committee member, only as a speaker)

Cabinet Members

Councillor Phil Dilks

Officers

Emma Whittaker, Assistant Director of
Planning
James Welbourn, Democratic Services
Manager (Deputy Monitoring Officer)
Phil Jordan, Development Management
& Enforcement Manager
Adam Murray, Principal Planning Officer
Martha Rees, Senior Lawyer - Planning,
Legal Services Lincolnshire
Venezia Ross-Gilmore, Senior Planning
Officer

1. Register of attendance and apologies for absence

Councillor David Bellamy
Councillor Helen Crawford (whilst Councillor Crawford took part as a public
speaker in item S23/1177 she took no part as a Committee Member in any
items)
Councillor Patsy Ellis
Councillor Gloria Johnson

Councillor Vanessa Smith

Councillor Nick Robins was present as a substitute for Councillor David Bellamy, and Councillor Max Sawyer was present as a substitute for Councillor Vanessa Smith.

2. Disclosure of interests

Councillor Harrish Bisnauthsing disclosed a prejudicial interest in application S24/0439 due to comments he had made on the application when it had been 'called-in'. He would address the Planning Committee as Ward Member for this item, and would not take part in the debate or vote on the item.

Councillor Charmaine Morgan disclosed that she was a member of the Woodland Trust and Lincolnshire Wildlife Trust, but this did not preclude her from taking part in or voting on item S23/1177.

Councillor Paul Fellows declared that although he was a Bourne Town Councillor, he had not taken part in any discussions on item S23/1177 whilst on that body. He was approaching the planning application with an open mind.

Councillor Charmaine Morgan stated on behalf of the Planning Committee that for application S23/1177 that Helen Powell, a speaker objecting to this application was known to some members as she had previously sat on the Planning Committee in 2005. Additionally, members had been lobbied on the application by both the applicant and objectors.

All members had been trained and were open minded to determine this application.

Members did not need to make additional statements in regards to lobbying or knowing Ms Powell as this had been done on their behalf.

Councillor Morgan also put on record that she knew Ms Powell in a personal capacity. She had discussed procedural matters relating to determining planning applications with her but had not discussed the merits of S23/1177 and remained open minded to determine the application.

3. Application S24/0315

Proposal: Outline application for the erection of up to 6 dwellings with associated access and infrastructure

Location: 30 East Street, Rippingale, PE10 0SS

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

There was no public speaking for this application as it had been part-heard at the previous Planning Committee held on 16 May 2024.

The Committee noted the following policy considerations:

- South Kesteven Local Plan 2011-2036 Policies (adopted January 2020)
- Rippingale Neighbourhood Development Plan 2023-2036 Policies (Made May 2023)
- Design guidelines for Rutland and South Kesteven Supplementary Planning Document (adopted November 2021)
- National Planning Policy Framework (NPPF) (Published December 2023)
- South Kesteven Local Plan Review 2021-2041 (Regulation 18 Draft)

The following was noted:

- No comments from Anglian Water
- Comments from Black Sluice Internal Drainage Board
- Comments from Heritage Lincolnshire
- Comments from Lincolnshire County Council Highways and SuDS
- Objections from Rippingale Parish Council
- Comments from South Kesteven District Council (SKDC) Environmental Protection
- Representations as a result of publicity

Questions were asked of officers and debate between Members ensued. The following information was highlighted:

- The local housing needs assessment looked at a wider view of the area, and took into account issues such as planning permissions amongst other matters. A trend for the local assessment is developed over a longer period of time.
- This was an outline application for up to 6 dwellings, with the detail coming at the reserved matters stage. If the detail of the six dwellings was too large, then a reduction could be sought at that stage of the application.

- In response to a question around encouraging younger families to move into settlements, the Planning Officer advised that there were a number of ways in which a younger population could establish themselves within a village. The current application sought to facilitate releasing existing properties for younger people by providing more options for elderly residents to downsize within the village.

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

Time Limit for Commencement

1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission, or two years from the approval of the last reserved matters, whichever is the latter.

Reason: In order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended)

Time Limit for Reserved Matters

2) Details of the reserved matters set out below shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission:

- i. Access
- ii. Appearance
- iii. Landscaping
- iv. Layout
- v. Scale

Approval of all reserved matters shall have been obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

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

- a. Site Location Plan (Ref: 22-2581-LP/Rev A)

Unless otherwise required by another condition of this permission.

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

Before Development is Commenced

Written Scheme of Investigation

4) Before the development hereby permitted is commenced, a written scheme of archaeological evaluation shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works on site shall be carried out in accordance with the approved Written Scheme of Investigation.

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.

Biodiversity Management Plan

5) Before the development hereby permitted is commenced, a Biodiversity Management Plan setting out a scheme of measures to manage and mitigate the impacts of the development on ecological features, and deliver a biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The submitted Management Plan shall be in broad accordance with the measures set out within the Ecological Appraisal (Rachel Hacking Ecology) (February 2024).

Thereafter, the measures contained within the approved Biodiversity Management Plan shall be completed prior to first occupation of the development.

Reason: In order to deliver an ecological enhancement as required by Policy EN2 of the adopted South Kesteven Local Plan and Section 15 of the National Planning Policy Framework.

Construction Management Plan

6) Before the development hereby permitted is commenced, a Construction Management Plan and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impact of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include:

- a. The phasing of the development to include access construction;
- b. The on-site parking of all vehicles of site operatives and visitors;
- c. The onsite loading and unloading of all plant and materials;
- d. The onsite storage of all plant and materials to be used in constructing the development;
- e. Wheel washing facilities;
- f. The routes of construction traffic to and from the site including and off-site routes for the disposal of excavated material; and
- g. A strategy stating how surface water runoff on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or

downstream of, the permitted development during construction, and to ensure that suitable traffic routes are agreed.

Sustainable Building

7) As part of any reserved matters application(s) for the site, details demonstrating how the proposed dwellings would comply with the requirements of the Local Plan Policy SB1 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in broad accordance with the details contained within the Design, Access and Planning Statement (Clive Wicks Associates) (received 26 February 2024), and shall demonstrate how carbon dioxide emissions would be minimised through the design and construction of the development, details of water efficiency, and the provision of electric car charging points for each dwelling.

The approved sustainable building measures shall be completed in full for each dwelling in accordance with the agreed scheme, prior to first occupation of each dwelling hereby permitted.

Reason: To ensure that development mitigates and adapts to climate change.

Phase I Ground Investigation

8) No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing :

a. A desk top study documenting all the previous and existing land uses of the site and adjacent land (Phase 1);

Should the Phase 1 study identify potentially contaminative uses, the Applicant shall proceed to a Phase 2 site investigation detailed below:

b. A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and if required.

c. A detailed scheme for remedial works (should such works be required) and measures to be undertaken to avoid risk from contaminants and / or gases when the site is developed and proposals for future maintenance and monitoring.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of future occupants of the site; and in accordance with Policy EN4 of the adopted Local Plan and guidance contained in the NPPF.

Materials details

9) As part of any reserved matters application(s) relating to appearance, details of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority.

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

During Building Works

Ecological Appraisal Compliance

10) All works on site shall be carried out in accordance with the recommendations of the Ecological Impact Assessment (Rachel Hacking Ecology) (Dated February 2024).

Reason: To provide ecological enhancement and to comply with Policy EN2 of the adopted South Kesteven Local Plan and Section 15 of the NPPF.

Contamination Verification

11) The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall include unless otherwise agreed in writing:

- a. A complete record of remediation activities and data collected, as required in the remediation scheme to support compliance with the agreed remediation objectives
- b. As built drawings of the implemented scheme
- c. Photographs of the remediation works in progress; and
- d. Certificates demonstrating that imported and / or material left in situ is free from contamination. Thereafter, the scheme shall be monitored and maintained in accordance with the approved scheme.

Reason: Previous activities associated with this site may have caused or had the potential to cause land contamination, and to ensure that the proposed remediation will not cause pollution in the interests of the amenities of future occupants of the site; and in accordance with Policy EN4 of the adopted South Kesteven Local Plan and national guidance contained in the National Planning Policy Framework.

Construction Hours

12) Construction work on site shall only be carried out between the hours of 0730 and 1800 Monday to Friday, and 0900 to 1300 on Saturdays.

Construction work shall not be carried out on Sundays or Public Holidays; unless otherwise agreed in writing by the Local Planning Authority.

The term "construction work" shall include all mobile and fixed plant and machinery, roads and the delivery of materials.

Reason: To minimise noise impacts on adjacent residential dwellings.

Ongoing Number of Dwellings

13) The total number of dwellings to be constructed on the application site shall not exceed 6 in total.

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

Local Housing Need

14) All dwellings on site shall be strictly single storey only and shall be designed to comply with the requirements of Part M4(2) of the Building Regulations.

Reason: To ensure that the proposed development meets the identified local housing need as required by Policy HD2 of the made Rippingale Neighbourhood Plan.

4. Application S24/0092

Proposal: Section 73 application to vary condition 4 (Noise Management Plan/No of dogs) of S20/0479 (use of land for doggy day care centre, erection of building, driveway and hardstanding) variation is to increase number of dogs allowed on site at any one time from 20 to 40

Location: Poplars Farm, High Street, Carlby, PE9 4LX

Recommendation: To authorise the Assistant Director – Planning to GRANT planning permission, subject to the following proposed schedule of updated conditions.

Noting comments in the public speaking session by:

Carlby Parish Council	-	Councillor Chris Barnes
Against	-	John Bavister
Supporter	-	Anna Welch
On behalf of the applicant	-	Rachel Woolley

The Committee noted the following policy considerations:

- South Kesteven Local Plan 2011-2036 (Adopted January 2020)
- National Planning Policy Framework (NPPF) (Published December 2023)

Together with:

- Comments received from Carlby Parish Council
- Comments received from Lincolnshire County Council (Highways and SuDS)
- Comments received from SKDC Environmental Protection Officer
- Representations as a result of Publicity

During questions to public speakers, further information was highlighted:

- Currently the planning permission allowed for 20 dogs on site. The operator had applied for a licence for 40 dogs on site but had not realised that this would be a breach of the planning condition, which was why Planning Enforcement officers had previously been involved. Once the conflict had been identified, the applicant returned to a 20 dog

limit on the site, and submitted a planning application to vary the condition.

- Dog day care could operate under limited hours. Dog walking was a separate business, and dog field hire had also been previously approved. The dog field hire did not include indoor facilities, whereas the dog care element of the business did. The dog walking and day care businesses were separate.
- The distance to the entrance of the site from the nearest residential curtilage was 230 metres.
- The current opening hours for the day care centre were 730am- 6pm Monday to Friday, and 9am – 2:30pm on Saturdays, Sundays and Bank Holidays.
- There was one member of staff to supervise every ten dogs. There were also reserves members of staff on site, as per DEFRA guidelines.
- It was impossible for dogs from the walking field to be on the same site as day care dogs, as the walking field was located in a different area with different access. Dogs would go inside for downtime at different parts of the day.
- In the summer the dog beds were sometimes placed outside to allow dogs to sleep and sunbathe. There would not be 60 dogs on site.
- The existing noise management plan covered operations on site. This plan would be updated if the planning application were to be granted.
- There was never more than one or two dogs to be supervised at the weekend.
- Rounds in the field were rotated throughout the day, and dogs were supervised by the site owners at all times.

During questions to officers and debate, the following information was highlighted:

- Only the doggy day care centre facility was being considered as part of this application. However, Environmental Protection had been mindful of the dog walking field to the rear as well.
- Operating hours were a reflection of the variation in noise limits throughout the day; i.e. nighttime hours would have a much lower threshold for noise than daytime hours.
- It was confirmed that members needed to be comfortable that there was evidence to support imposing any weekend conditions on the site's usage.

It was proposed, seconded and **AGREED** to authorise the Assistant Director for Planning to **GRANT** planning permission, subject to the following proposed schedule of updated conditions:

Time Limit for Commencement

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

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

Approved Plans

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

- Site Location Plan drawing no. H20A44-STO_ZZ_XX_DR_A_0001
- Proposed site plan drawing no. H20A44-STO_ZZ_XX_DR_A_0003 Rev P01
- Proposed Elevations drawing no. H20A44-STO_ZZ_XX_DR_A_0005 Rev P01
- Proposed Boundary Treatments drawing no. H20A44
STO_ZZ_XX_DR_A_0007 Rev P01
- Proposed Floor plan drawing no. H20A44-STO_ZZ_XX_DR_A_0004
- Proposed Roof plan drawing no. H20A44-STO_ZZ_XX_DR_A_0006

Reason: To provide clarity as to what drawings have been approved.

Before the Development is Commenced

3. Before the development hereby permitted is commenced, the archaeological investigations in the approved written scheme of archaeological investigation (WSI) (ULAS Job Nos: 24-704) must be carried out and a report submitted to the Local Planning Authority for approval.

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 and the NPPF (section 16).

4. Prior to the commencement of the development hereby approved, a Biodiversity Compensation Scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include a habitat creation method statement to demonstrate how a minimum of 2.92 habitat units will be delivered off-site. The habitat creation shall be implemented in accordance with the approved details and retained thereafter for a period of at least 30 years.

Reason: To ensure that the scheme compensates for the significant harm to ecological habits in accordance with the requirements of Policy EN2 of the Local Plan and Paragraph 186 of the NPPF.

5. The development hereby permitted shall be undertaken in accordance with a Construction and Environmental Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle and construction activity and the means to manage the drainage of the

site during the construction stage of the permitted development. It must include:

- the timetable of the construction phase to include access construction;
- details of noise, dust and lighting mitigation measures during construction as recommended by the Ecological Impact Assessment report ref: RT-MME-159662-04;
- waste management details during construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction. In accordance with Policies EN5 and ID2 of the Local Plan and Sections 9 and 14 of the NPPF.

6. Prior to the store being brought into use, a scheme for off-site highways works relating to a pedestrian crossing of West Road and access to the site (following the principles of General Arrangement Plan drawing no. AMA-40046-D-100) shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the use commencing on-site, and shall be retained thereafter. Reason: To ensure a suitable form of pedestrian access is delivered in the interests of highway safety in accordance with the requirements of Policy ID2 of the Local Plan and the NPPF.

7. No development shall commence on site (including preparatory works) until a tree and hedgerow protection plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be fully implemented in accordance with the approved details throughout the construction phase.

Reason: To ensure that the important, established landscape features are protected during the construction process and to comply with DE1 and EN2 of the South Kesteven Local Plan 20112036.

8. Prior to the commencement of the development hereby permitted above ground level, details of the materials to be used in the construction of the external facing facades of the building and entrance walls shall be submitted

to the Local Planning Authority in writing for approval. Sample panels of the proposed external surfacing materials (stonework and a timber) at a least a metre squared (showing where appropriate the proposed coursing, method of pointing of mortar) shall be erected on site for consideration and subsequent approval. The panels shall be retained on site until the completion of the works. The development shall be implemented in accordance with the approved details.

Reason: To protect the visual amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

9. Prior to the commencement of development hereby permitted details of the hard landscaping materials for the car park, walkways and areas surrounding the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA. Reason: To protect the visual amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

10. No development shall be carried out (other than site preparation works) until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the measures to be installed together with a timetable for implementation. The works shall thereafter be carried out fully in accordance with the approved strategy.

Reason: To prevent flooding and to comply with Policy EN5 of the South Kesteven Local Plan.

11. No development shall commence on site (other than preparatory works) until a soft landscaping scheme (following the principles of the Landscape Strategy Report No. 1059/R02) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of:

- location of planting together with details of species and size
 - timetable for the planting of shrubs and trees
 - strategy for maintaining and protecting the approved planting
- The development shall thereafter be carried out and maintained fully in accordance with the approved scheme.

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, EN3 and OS1 of the adopted South Kesteven Local Plan (2011-2036).

12. Before development is commenced, a biodiversity mitigation and enhancement scheme (for onsite hedgerow habitats) based on the recommendations contained within the Ecological Impact Assessment report ref: RT-MME-159662-04 must be submitted to and approved by the Local

Planning Authority. The scheme shall include a plan identifying the location of any mitigation and enhancement measures, along with a detailed schedule (and technical details as relevant) for each of the measures proposed. The required biodiversity mitigation and enhancement measures shall be completed in full, in accordance with the agreed scheme, prior to the first use of the store. Reason: in the interests of best ecological practice, and in accordance with Policy EN2 of the adopted South Kesteven Local Plan. Before the Development is Occupied

13. Before any part of the development hereby permitted is occupied/brought into use, all hard landscape works shall have been carried out in accordance with the approved hard landscaping details pursuant to condition 9. Reason: Hard landscaping makes an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

14. Prior to the first occupation of any part of the development hereby approved, a Travel Plan for employees of the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details. Reason: In the interests of promoting sustainable travel in accordance with SD1 of the adopted South Kesteven Local Plan 2011-2036.

15. Prior to the store being brought into use, details of external lighting, together with times of illumination shall be submitted to and approved in writing by the Local Planning Authority. Once approved the lighting shall be installed and managed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Reason: To protect the amenities of the locality and in the interests of protecting ecology and biodiversity in accordance with Policies DE1 and EN2 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

16. Prior to the installation of any sub-station, details of its location and appearance shall first be submitted to and approved in writing by the Local Planning Authority. Reason: To protect the visual amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

17. Prior to the store first being brought into use, the pavements and cycle way shall be fully formed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of promoting sustainable travel in accordance with SD1 of the adopted South Kesteven Local Plan 2011-2036.

Ongoing Conditions

18. The operational hours for the proposed food store hereby permitted shall only operate between the following hours and days; 08:00 - 22:30 hours Monday to Saturdays (including bank/public holidays) 10:00 - 20:00 hours on Sundays.

Reason: To protect the amenities of the locality and comply with Policy DE1 Adopted South Kesteven Local Plan 2011-2036 and comply with the aims and objectives of the NPPF.

19. Within a period of ten years from the first occupation of the development hereby permitted, any trees, hedging 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.

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

20. No more than 80% of the net retail sales area of the approved foodstore shall be used for convenience sales and no more than 20% for comparison sales.

Reason: To ensure the development operates as assessed and in accordance with Policy BRN2 of the South Kesteven Local Plan 2011-2036 (January 2020) and the NPPF.

Note: The Committee adjourned at 2:25pm, reconvening at 2:40pm.

5. Application S23/1177

Proposal: Construction of a retail foodstore, car parking, access, landscaping and associated engineering works

Location: Land North of West Road Bourne Lincolnshire PE10 9PS

Recommendation: To authorise the Assistant Director of Planning to APPROVE planning permission subject to the conditions set out in section 8 of this report.

Noting comments in the public speaking session by:

Local District Councillor	-	Councillor Sue Woolley
Local District Councillor	-	Councillor Helen Crawford
Local District Councillor	-	Councillor Anna Kelly
Local District Councillor	-	Councillor Rhys Baker
Bourne Town Councillor	-	Councillor Nigel Eveleigh
Against	-	Helen Powell

Against - Peter Sharpe
Agent for the applicant - Nick Hardy (Avison Young)

The Committee noted the following policy considerations:

- South Kesteven Local Plan 2011-2036 Policies (adopted January 2020)
- Design guidelines for Rutland and South Kesteven Supplementary Planning Document (adopted November 2021)
- National Planning Policy Framework (NPPF) (Published December 2023)

The following was noted:

- Comments received from Anglian Water
- Comments received from The Environment Agency
- Comments received from Heritage Lincolnshire
- Comments received from Black Sluice Drainage Board
- Comments received from SKDC Tree Officer
- Comments received from Lincolnshire County Council (as Local Highway Authority and Lead Local Flood Authority)
- Comments received from Lincolnshire Wildlife Trust
- Comments received from Bourne Town Council
- Comments received from Bourne Civic Society
- Comments received from Friends of Bourne Woods
- Comments received from Natural England
- Representations in support and objecting to the application as a result of publicity.

During questions to public speakers, further information was highlighted:

- Many people in Bourne did not have an issue with a new Aldi store in Bourne, but one of the main issues with this site was its proximity to Bourne Woods.
- The number of vehicles approaching Bourne from Stamford Hill would increase due to the number of shoppers and lorries accessing the new site.
- 'Edge of settlement' should be adjacent to other developments in the opinion of a public speaker. If this were to be approved, it would lead to potential infill for sites adjacent Fir Avenue.
- More water was being seen from escarpments in Bourne Woods. There had also been recent flooding seen on a street local to this site.
- Bats and nightingales were two of the rarer species that were present on the site.
- The site was appropriately located, and the applicant had undertaken a sequential test on national policy and the Local Plan. There were no appropriate centrally located sites in Bourne.

- The site was not allocated for development, however it did not have to be to be considered appropriate. There was a site closer to Bourne town centre (Jewsons) which was not suitable for this development because it was not large enough to accommodate the store and car park. This submission and opinion on the town centre site had been shared with the Council's independent retail advisor who agreed with this conclusion.
- The site was approximately 140 metres from property curtilages in Fir Avenue, and 70 metres from the closest property on Welland Drive; there was one property that sat to the east of the site that was closer.
- Ecological information submitted confirmed there would be no direct impact on Bourne Woods. There was a risk of indirect impacts as a result of dust and lighting during the construction phase, which would be mitigated by conditions as part of the officer recommendation. There had been extensive discussions with the Lincolnshire Wildlife Trust on these necessary mitigation measures.

The following points were raised during questions of officers and during debate:

- There were no defined settlement boundaries in the South Kesteven Local Plan, so a planning judgment is necessary regarding the most appropriate spatial policy.
- Lincolnshire Fire and Rescue did not raise any objections to the Application. Fire safety measures would be secured through building regulations and would be based on the site and layout. The access road into the site provided adequate access for fire vehicles to attend. Bourne Woods was 125 metres away from the site which was deemed an acceptable 'fire break'.

Note: The meeting was extended to 5:15pm as it was approaching three hours in length.

- The evidential requirement under the Local Plan at SP4a in terms of 'substantial support in the local community' was 'at the point of submission'; this was considered to be complied with. The scope of this pre-application consultation exercise was discussed with the applicants before submission, and it involved amongst other things a website being setup, a consultation event and the circulation of questionnaires.
- Substantial support would mean a considerable amount of support. Throughout the pre-application process there were 100s of people in support and 100s against.
- No built heritage assets would be affected. There was a requirement for the applicant to carry out an assessment of what archaeology was present. It had been agreed with expert advisors that they would carry out 'trial trenching' to record any instances of archaeology prior to the commencement of development.

- There had been a further wildlife survey in August 2023 to accompany the initial evidence. Mitigation measures had been recommended based on the relevant impacts, and area-based habitats. As well as supplementary planting there would be a new native species hedgerow.
- There was no policy requirement to look at other sites that were not sequentially preferable to the proposed site.
- The policy test for biodiversity impacts first required mitigation on the site if there would be detrimental impacts. If mitigation could not be put in place then compensation measures are required, and in this case it was proposed to be compensation off-site in respect of the loss of on-site area habitats.
- A lot of the impacts to biodiversity would be through the construction phase. A condition had been recommended to reflect this and to secure a Construction and Environmental Management Plan.
- The final mitigation measure recommended in the Ecological Impact Assessment was a lighting scheme to accompany the development. Recommended condition 15 required a submission and approval of a lighting scheme.
- The SKDC Tree Officer was content with the protection and supplementary planting of trees and hedgerow.
- There was a Co-op shop serving the Elsea Park area of Bourne; however a further store in the area would expand customers choice and it was not for the Committee to interfere with market choice.
- The Aldi store would have a visual impact on Bourne Woods, an ancient area of woodland which contributes positively to the area.

In summing up, the Assistant Director of Planning made the following points:

- The draft Bourne Neighbourhood Plan had no weight in the determination of the application. If it were to be in place in the future residents would be able to have a say in where they wanted to place housing. Any Neighbourhood Plan could support the Local Plan.
- This site had been one of several that had been considered as part of the ongoing Local Plan review.
- Mitigation measures, such as a buffer zone could be created for ecology issues.
- The Local Plan had to be written positively. In this case, Policy SP4 allowed 'edge of settlement' development, but also contained many other criteria.
- The Policy, and legislative test on ecology and biodiversity impacts were to first to avoid; failing that to mitigate and failing that to compensate where there was an impact. To accept compensation for an impact to ecology was acceptable in planning policy terms.
- Supermarkets were welcome in Bourne, but the position and visual impact, and landscaping of this store was questioned by Members.

A proposal to refuse planning permission on the basis of the visual impact of the proposal and resultant harm being contrary to policies SP4d and SP4b (development on the edge of settlements), DE1 (promoting good quality design), EN1 (Landscape Character) of the Local Plan was moved and seconded.

A request was made that a recorded vote for refusing planning permission be taken, as in accordance with Council Procedure Rule 15.5 20% of those Councillors present at the meeting could request this:

For Refusal: Councillors Harrish Bisnauthsing, Pam Byrd, Tim Harrison, Penny Milnes, Charmaine Morgan, Nick Robins, Max Sawyer, Sarah Trotter. (8)

Against Refusal: None.

Abstain: Councillor Paul Fellows. (1)

Therefore, planning permission was **REFUSED**.

Note: The meeting was further extended to 5:30pm. The meeting was adjourned and reconvened at 5:06pm.

6. Application S23/2367

Proposal: Planning application for the conversion of ground floor retail unit (Use Class E) and first/second floor nightclub (Sui generis) to 7no. residential apartments (Use Class C3).

Location: Willoughby's Bar, 42 Broad Street, Stamford, Lincolnshire PE9 2BT

Recommendation: To authorise the Assistant Director of Planning to GRANT planning permission.

Noting comments in the public speaking session by:

District Councillor - Councillor Harrish Bisnauthsing

The Committee noted the following policy considerations:

- South Kesteven Local Plan 2011-2036 Policies (adopted January 2020)
- Stamford Neighbourhood Plan
- National Planning Policy Framework (NPPF) (Published December 2023)

The following was noted:

- Comments from Lincolnshire County Council Highways

- Comments from Lincolnshire Police
- Comments from SKDC Conservation Officer
- Comments from Environmental Protection
- No comments from Historic England
- Comments from Stamford Civic Society
- Comments from Stamford Town Council
- Representations as a Result of Publicity

The following information was highlighted during questions of officers and during debate:

- The bin storage area for the nightclub and retail units contained additional space. The bins were stored and collected in that area and removed via Silver Street. There were no accesses proposed for residences from this alleyway. The bin storage should not worsen with the addition of residential dwellings.

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

Time Limit for Commencement

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

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

Approved Plans

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

- i. Site Location Plan and Site Plan, drawing ref. A100 (received 18/03/24)
- ii. Proposed Floor Plans, drawing ref. A112/A (received 18/03/24)
- iii. Proposed Floor Plans, drawing ref. A113/A (received 18/03/24)
- iv. Proposed Elevations, drawing ref. A302 (received 22/12/23)
- v. Proposed Elevations, drawing ref. A303/A (received 18/03/24)

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

3) No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicated measures to mitigate against

traffic generation and drainage of the site during the construction stage of the proposed development.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

During Building Works

4) To minimise noise impacts on the existing residential dwellings, it is recommended that '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 5:00 pm on a Saturday. No deliveries shall take place on a Sunday or Public Holiday.

Reason: To prevent disturbance to the surrounding area and in accordance with Policies

EN4 and DE1 of the adopted South Kesteven District Local Plan.

5) If asbestos is identified a scheme to address the management and/or safe disposal of asbestos and asbestos containing materials must be submitted to and approved in writing by the local planning authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route, unless the local planning authority dispenses with any such requirement specifically in writing.

Reason: To ensure there is no asbestos risk, and in accordance with Policy EN4 of the adopted Local Plan and guidance contained in National Planning Policy Framework.

Before the Development is Occupied

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

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

7) The proposed bicycle parking is to be installed before the development is brought into use and maintained in perpetuity for use by the occupiers of the residential development.

Note: Councillor Nick Robins left the meeting. The meeting was further extended to 5:35pm.

7. Application S24/0439

Proposal: Installation of a pair of metal gates 1.8m high with a gap between posts (opening) of about 3.1m. Additional side panels to be installed (same product and height) to complete the boundary fence. Access will allow storage of a caravan to the side of the property.

Location: 39 Lincoln Close, Grantham, Lincolnshire, NG31 8RQ

Recommendation: To authorise the Assistant Director of Planning to APPROVE planning permission subject to conditions.

The Committee noted the following policy considerations:

- South Kesteven Local Plan 2011-2036 Policies (adopted January 2020)
- National Planning Policy Framework (NPPF) (Published December 2023)

The following was noted:

- No objections from Lincolnshire County Council Highways.

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

Time Limit for Commencement

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

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

Approved Plans

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

- i. Location Plan – Date received: 08/03.2024.
- ii. Block Plan- Date received: 18/04/2024.
- iii. Elevation Plan- Date received: 08/03/2024.

Unless otherwise required by another condition of this permission.

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

Before the Development is Occupied

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

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

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

There was none.

The meeting closed at 5:28pm.