

Minutes

Planning Committee

Thursday, 11 July 2024, 1.00 pm

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



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Charmaine Morgan (Chairman)
Councillor Penny Milnes (Vice-Chairman)

Councillor Harrish Bisnauthsing
Councillor Pam Byrd
Councillor Patsy Ellis
Councillor Paul Fellows
Councillor Tim Harrison
Councillor Gloria Johnson
Councillor Vanessa Smith
Councillor Sarah Trotter
Councillor Paul Wood

Officers

Emma Whittaker (Assistant Director of Planning)
Phil Jordan (Development Management and Enforcement Manager)
Hannah Noutch (Development Management Planner)
Martha Rees (Legal Advisor)
Amy Pryde (Democratic Services Officer)

18. Register of attendance and apologies for absence

Apologies for absence were received from Councillors David Bellamy and Helen Crawford.

19. Disclosure of interests

Councillor Sarah Trotter declared that she was registered to speak as Ward Councillor for application S24/0360, she would therefore not participate in the debate or vote for this item.

Councillor Paul Fellows declared that application S24/0674 was within his Ward, however, this did not affect his ability to participate in the debate and vote.

20. Minutes of the Additional meeting held on 30 May 2024

The minutes of the meeting held on 30 May 2024 were proposed, seconded and **AGREED** as a correct record.

21. Minutes of the meeting held on 13 June 2024

The minutes of the meeting held on 13 June 2024 were proposed, seconded and **AGREED** as a correct record, subject to a minor amendment to the attendance of the Legal Advisor, who attended the meeting virtually.

22. Application S24/0360

Proposal:	Installation of a solar farm comprising ground mounted solar photovoltaic panels, including mounting systems, inverters, underground cabling, stock proof fencing, CCTV, internal access tracks, electrical substation and associated infrastructure for a temporary period of 40 years.
Location:	Land west of Church Lane, Welby
Recommendation:	To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

Noting comments in the public speaking session by:

District Ward Councillor
Londonthorpe and Harrowby Without Parish Council
Against
Applicant

Cllr Sarah Trotter
Cllr Alan Bowling
John Ingle
Charlotte Peacock

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, National Planning Policy Framework, National Policy Statement for Energy (EN1) and National Policy Statement for Renewable Energy (EN3).
- No comments received from Association of Gardens Trust.
- No comments received from Civil Aviation Authority.
- No comments received from Defence Infrastructure Organisation.
- No comments received from Environment Agency.
- Comments received from Heritage Lincolnshire.
- No comments received from Historic England.
- Comments received from Lincolnshire County Council (Highways & SuDS).
- Comments received from Lincolnshire County Council (Planning Policy).
- Comments received from Lincolnshire County Council (Public Rights of Way & Access).
- No comments received from Lincolnshire Fire and Rescue.

- Comments received from Lincolnshire Wildlife Trust.
- No comments received from National Grid.
- No comments received from National Highways.
- Comments received from National Trust.
- No comments received from Natural England.
- Comments received from SKDC Conservation Officer.
- Comments received from SKDC Environmental Protection Officer.
- Comments received from Welby Parish Council.

During questions to Public Speakers, Members commented on:

- Whether the land proposed was used as farming land for crops.

The Ward Councillor noted that the land was used to grow good quality cereal crops.

- Further information was requested on the cumulative impact of solar farms.

The Ward Councillor had concerns regarding the number of applications coming forward for solar farms. It was noted that there were two other solar sites within the vicinity of Londonthorpe and Welby.

- The biodiversity of the area was queried.

The Applicant had completed a biodiversity survey, where birds of prey and other species were identified. There had been a herd of deer seen nearby the site.

- Why the farmer/owner of the proposed land was willing to change from farming land to a solar farm.

It was noted that the landowner may feel that there is a better guaranteed income with a solar farm rather than agricultural production. The importance of food production and food security was emphasised.

- Whether there was land within the vicinity that would be better suited for a solar farm.

The Public Speaker highlighted the risk of farming land becoming waterlogged during Autumn, whereby food production could not take place. The proposed land was high quality for farmers due to it being free-draining.

The Assistant Director of Planning clarified that the Environmental Statement within the report outlined the grading and quality of the agricultural land, which the Committee needed to assess.

- Whether the Applicant or a tenant farmer was currently farming the proposed land.

The Agent clarified there was an owner of the land, a tenant farmer and themselves as the Applicant. There were other pressures other than land quality on the success of farming, such as the increase in fuel prices, weed spraying fertiliser and pesticides. The income from the proposed site would support the ongoing business elsewhere.

- If the Applicant was successful, who decided and completed early decommissioning and the timeframe

The intention of the Applicant was to build sites, no sites had been decommissioned at present, however, the company had the skillset to complete decommissioning after 40 years. There would be no intention from the Applicant for an early decommissioning of the site.

- Concern was raised on the value of farming land. A campaign to protect Rural England had expressed severe concerns that valuable farmland was a location of choice for solar farms. It was queried whether the solar panels would have a higher benefit than agricultural food production land.

The DEFRA food security report was produced in 2021 which outlined different factors that affected UK food security in terms of global imports and exports. There was no risk factor from renewable energy, the report identified climate change alongside other factors in terms of land degradation from intensive farming.

- Clarification was sought around the lifespan of a solar panel. The solar panels had an expectancy of 20 years, meaning at least 60,000 panels would need to be changed at least once and disposed of.

It was clarified that solar panels were electrical equipment and would reduce in efficiency over time. Previously, solar panels would reduce in efficiency at 25 years and the panels would then be removed or an application be submitted to replace them. Nowadays, the solar panels would be expected to still be efficient at 40 years and no large-scale replacement should take place.

- It was queried whether other renewable energy provisions would take place, for example, wind turbines.

The Applicant was a company that predominantly provided solar energy in the UK. All renewable energy sources had their own constraints in terms of noise and visual impacts and the loss of land.

- The efficiency of PV cells being proposed was queried. It was further queried whether efficiency was between 17-19%, if they were sourced in Europe, they tended to be more efficient.

The Applicant clarified that the efficiency of panels would depend on temperature.

- Whereabouts the solar panels were manufactured.

As the application had not yet been approved, equipment had not been ordered, therefore, it was unknown if the panels were manufactured in our outside of Europe.

- Whether livestock would be retained on site for grazing purposes.

The site would be used to graze livestock, and therefore the solar panels were proposed to sit a distance above the ground for sheep to graze below them.

- Whether the grazing of sheep would determine the seed mix that would be laid on the ground, and whether the Applicant would be open to changing the seed mix in line with Lincolnshire Wildlife Trust's comments.

The Agent confirmed that the Applicant's were happy to negotiate the seed mix in line with Lincolnshire Wildlife Trust's comments.

During questions to Officers and debate, Members commented on:

- What grade of land was surrounding the proposed site.

The DM Manager confirmed that the land surrounding the proposed site was majority Grade 3, as provided by Natural England's land classification maps.

- What provisions would be put in place to stop runoff drainage from this land causing contamination on better quality surrounding land.

The majority of the land underneath the panels and around the site would be left as it was prior to the development taking place, rain would hit the panels and then runs onto the land and drains in the same way as the current land situation.

- Whether any safeguarding was included to protect the land being decommissioned after 40 years.

The decommissioning of the scheme was secured by planning condition which would be enforceable if breached.

- Concern was raised regarding solar power energy replacing farming land. It was felt that the retention of farming land had a higher importance.

The Assistant Director of Planning reminded the Committee that the Council had declared a climate change emergency, whereby the reduction of energy consumption and decarbonising the energy grid was a priority.

- Members discussed planning balance, benefits and harm in the event of an appeal decision, if the application was refused.

The DM Manager noted that key issues around drainage of the site were covered in the report (7.1.3), which referred to the flood risk assessment carried out. It was proposed to implement a sustainable drainage system by installing a series of swales along the field boundaries to intercept any additional runoff before discharging into existing watercourses.

It was noted that the Ministerial Statement underlined current rules regarding the best use of most versatile land. It was highlighted that less than 1% of the UK's agricultural land would be utilised.

- Clarification was received on comments received from Lincolnshire County Council on rights of way.
- Further clarification was sought on the height of boundary fencing in terms of protecting livestock.

The site would be fenced to an extent whereby deer would be unable to access the site, but it would allow movement of other small mammals.

- Further concern was raised regarding wild birds.
- Whether the panels would be mounted in a way to attract sunlight but avoid glint and glare.
- During pre-application, whether an alternative of wind power had been discussed.

The glint and glare of the panels had been assessed as part of the application with the relevant consultees.

- The structures of the proposed site were requested, in terms of the panels, cabins and customer sub-station having a visual impact.

Section 2 of the report outlined proposed heights and dimensions of the panels.

It was clarified that the solar panels would have a height of 3.5 metres and the remaining infrastructure around the site would not exceed 4.2 metres. The site was set back from public vantage points which provided mitigation.

- Whether any hedging or boundary treatment was proposed for the western side of the site.
- It was queried whether a condition could be included to include livestock to offset the arable land.

The Assistant Director of Planning informed the Committee that a condition could not be included to ensure livestock be grazed on the proposed land. Moreover, the solar farm would not prohibit grazing from taking place.

The western boundary of the site included dense vegetation to protect any visual impacts.

The Assistant Director of Planning clarified that the Council's policies were supportive of protecting agricultural land where possible and renewable energies. Inspectors would look at an application based on the energy consumption that the panels and solar farm were generating.

At a previous appeal on a solar panel scheme in Folkingham, the Inspector came to the following conclusions:

- 14 hectares of agricultural land being put out of arable use for 40 years, it would not be permanently lost and could still be used for grazing. Although issues would be that the site would be unlikely to be as productive as a site not primarily in solar use.
- Having regard to the amount of best and most versatile land under consideration, its continued for potential agricultural use and the period of the project. The inspector deemed the proposal to lead to a significant loss of agricultural land and found no conflict with National Policy in the Framework.
- On the balance that any harms and a temporary loss from arable production is minimal and limited weight to be given to it.
- The Inspector gave more weight to achieving a sustainable development through the generation of 27 megawatts of renewable source.

Condition 7 required submission of a landscape and ecological management plan which would include securing details of wildflower mix.

The DM Manager drew the Committee's attention to the NPPF (paragraph 163), where it stated that local planning authorities should not require Applicant's to demonstrate the overall need for renewable or low carbon energy, they should recognise that even small-scale projects provide a valuable contribution to the reduction of greenhouse gas emissions.

Lincolnshire County Council had made a request to make a restricted by-way, on the site, which did not exist at present, however, may exist in the future. It was not within the District Council's remit to consider the right of way, as part of the application.

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

- The importance of protecting best and most versatile was raised to protect food security in line with global impacts.
- Members discussed impacts in accordance with the Council's Local Plan and NPPF.
- The loss of good quality agricultural land was reiterated.
- Members raised concern of cumulative impact and other applications for solar farms within the vicinity.

This proposal fell.

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

1. The loss of best and most versatile agricultural land as a result of the development is harmful and contrary to Development Plan Policies, National Guidance and the Written Ministerial Statement.
2. The Applicant's had not demonstrated that the scheme could not be delivered in a more beneficial or less harmful location.
3. The benefits arising from the scheme do not outweigh the harm in terms of the loss of best and most versatile land.

(Councillors Paul Fellows, Patsy Ellis and Vanessa Smith voted against the proposal to refuse the application).

(Councillors Harrish Bisnauthsing, Tim Harrison, Pam Byrd, Paul Wood, Gloria Johnson, Charmaine Morgan and Penny Milnes voted in favour of the proposal to refuse the application).

(The Committee had a break from 15:35 – 15:45).

23. Application S20/1586

Proposal:	Section 73 application to vary condition 2 (approved plans) of permission S16/0112. Amendment to the access, associated layout changes, house type updates and changes to affordable plot numbers of Phase A only.
Location:	Land north of Towngate East and south of Northfield Road, Market Deeping
Recommendation:	To authorise the Assistant Director for Planning to GRANT planning permission subject to the completion of a Deed of Variation to the Section 106 Agreement related to S16/0112 and subject to conditions outlined in this report.

Noting comments in the public speaking session by:

Applicant Georgina McRae

Together with:

- Provisions within SKDC Local Plan 2011-2036, Deepings Neighbourhood Plan (June 2021) and National Planning Policy Framework.
- No comments received from Market Deeping Town Council.
- Comments received from Heritage Lincolnshire.

- Comments received from LCC Highways & SuDS.
- Comments received from Welland & Deepings IDB.
- No comments received from Environment Agency.
- Comments received from Lincolnshire Fire & Rescue.
- Comments received from Anglian Water.

During questions to Public Speakers, Members commented on:

- Clarification was sought that the original application was through Larkfleet Homes, however, the development was now owned by Alison Homes.

The Applicant confirmed that the development was now owned by Alison Homes.

- Whether more trees had been planted as previously requested.

The site now complied with all landscaping details, in accordance with those approved plans. The Council's Enforcement Officer had visited the site and were satisfied with the landscaping that had been completed.

During questions to Officers and debate, Members commented on:

- Whether the comments made by Lincolnshire Fire and Rescue on fire hydrants had been resolved.

The Planning Officer confirmed there were no conditions on requiring the provision of fire hydrants, however, this was a matter for the legal agreement, which would be linked to any permission granted through this application.

It was proposed, seconded and **AGREED** to authorise the Assistant Director for Planning to **GRANT** planning permission subject to the completion of a Deed of Variation to the Section 106 Agreement related to S16/0112 and subject to conditions outlined in this report:

Approved Plans

- 1) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - Location Plan L189-Location-2 (received 21 September 2020)
 - Site Layout Plan L-Site-A Rev C for phase A only (received 21 September 2020)
 - Site Layout Plan L55 - SITE- AREAD REV K for phase D only (received 05/06/2020)
 - Site Layout Plan for phases B and C drawing nos. 117-004 Rev J (received 18 January 2016)
 - Phase A House Types drawing nos. L189 2318 DS, L189 2328 DS, L189 2404 DS, L189 2421 DS, L189 2422 DS, L189 2431

DS, L189 2513 DS, L189 2224 DS, L189 2324 DS, L189 2404 DS, L189 2409 DS, L189 2433 DS, L189 2434 DS, L189 2309 DS, L189 2310 DS, L189 2307 DS (received 21 September 2020)

- Phase B, C, D House Types and garage plans drawing nos. 2110/L138/DS; 2318/DS; 2326/L00/DS/02; 2401/L00/DS; 2409; 2410/L00/DS; 2421; 2422; 2423; 2427/L00/DS; 2428/L00/DS; 2508/L00/DS/AS; L00/2224/DS; L00/2225/DS; L00/2306/DS; L00/2308/DS; L00/2323/DS; L00/2324/DS; L00/GAR/02, L00/GAR/03 (received 18 January 2016)
- Phasing Plan (in relation to defining phases only) drawing no. PP/01 (received 18 January 2016)
- Public Open Space Plan (in relation to defining areas of POS) drawing no. POS/01 (received 18 January 2016)

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

- 2) No development in phases B and C shall take place until a Construction Management Plan, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
 - a) The management of traffic and routing during construction: to address site access, routes within the site kept free from obstruction, wheel washing, travel plan for construction workers, loading and unloading, vehicle parking and turning areas;
 - b) Location of access points for site traffic;
 - c) Construction plant directional signage
 - d) Details of any temporary lighting
 - e) Location type and size of compounds and temporary buildings
 - f) Measures for the control of noise from the site during construction
 - g) Measures for the control of dust during construction

The approved scheme for each phase shall be adhered to throughout the construction period including details for phase D approved by S18/1958 and details for phase A approved by S21/1686.

Reason: To ensure neighbours' amenities are adequately protected during construction.

- 3) No development in phases B and C shall take place until a detailed surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

- 4) No development in phases B and C shall take place until a foul water strategy has been submitted to and approved in writing by the local planning authority.

Reason: To prevent adverse impact on the environment and amenity through flooding and to comply with Policy EN5 of the adopted South Kesteven Local Plan.

- 5) No development on phases B and C shall take place until a written scheme of archaeological investigation relating to that phase has been submitted to and approved in writing by the Local Planning Authority.

The archaeological investigations for each phase shall have been completed in accordance with the approved details before development in each phase commences.

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.

- 6) No development in phases B and C shall take place until all existing trees shown on the approved plan to be retained shall have been fenced off to the limit of their branch spread in accordance with BS 5837. No construction works including:

- i) removal of earth,
- ii) storage of materials,
- iii) vehicular movements or
- iv) siting of temporary buildings

shall be permitted within these protected areas.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN2 of the adopted South Kesteven Local Plan.

During Building Works

- 7) No construction works relating to the proposed streets in phases B and C shall be commenced until full engineering, drainage, street lighting and constructional details of all the streets and paths proposed for adoption as well as the areas that are to remain as private carriageways have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; to ensure that the highways are constructed to an adequate standard and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy ID2 of the adopted South Kesteven Local Plan.

- 8) The adoptable and non-adoptable highways in each phase shall be constructed in accordance with the approved details, and the carriageway and footway surface courses for phases B and C shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

- 9) The development shall be carried out in accordance with the recommendations and mitigation measures given in the submitted Ecological Appraisal dated September 2015.

Reason: To protect and enhance the wildlife and biodiversity of the area and in accordance with Policy EN2 of the adopted South Kesteven Local Plan.

- 10) Notwithstanding the submitted plans, before any of the soft landscaping works are commenced in phases B and C, full details of soft landscaping works within that phase shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- i. planting plans;
- ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
- iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- iv. phasing of implementation

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Local Plan Policy DE1.

- 11) Notwithstanding the submitted plans, before any of the hard landscaping works are commenced in phases B and C, full details of hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- i) proposed finished levels and contours;
- ii) means of enclosure;
- iii) car parking layouts;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- vii) proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- viii) retained historic landscape features and proposals for restoration, where relevant.

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

- 12) Before any of the works on the external elevations for the building(s) hereby permitted are begun in phases B and C, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces 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.

Before the Development is Occupied

- 13) Before each dwelling is occupied, the external surfaces of that dwelling shall have been completed in accordance with the approved details.

The external surfaces for the dwellings in phase D should be completed in accordance with the details approved by S18/1958 for phase A the details approved by S20/1737 unless any further details are subsequently submitted and approved 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.

- 14) The development shall be carried out in accordance with the surface water drainage scheme (including details for phase D approved by S18/1799 and details for phase A approved by S20/1737) and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

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

- 15) Before any of the dwellings within each phase hereby permitted are occupied, the works to provide the boundary treatments (including details for phase D approved by S18/1958 and details for phase A approved by S20/1737) on that part of the development shall have been completed in accordance with the approved boundary treatment scheme.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of the privacy and amenity of the occupants of the proposed dwellings and in accordance with Policy DE1 of the South Kesteven Local Plan.

- 16) Before the end of the first planting/seeding season following the occupation of the final dwelling within each phase of the development hereby permitted, (including details for phase D approved by S18/1799 and details for phase A approved by S19/1364) shall be carried out in accordance with the approved soft landscaping details.

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

- 17) All hard landscaping works within each phase must be carried out in accordance with the approved hard landscaping details and in accordance with a timetable for implementation which must be first submitted and approved in writing by the Local Planning Authority.

Reason: Hard landscaping makes an important contribution to the development and its assimilation with its surroundings and in accordance and in accordance with Policy DE1 of the South Kesteven Local Plan.

- 18) No dwellings within each phase shall be occupied until the foul water works (including details for phase D approved by S20/1114 and details for phase A approved by S20/1737) relating to that phase has been carried out in accordance with the approved strategy unless otherwise agreed in writing with the local planning authority.

Reason: To prevent adverse impact on the environment and amenity through flooding and to comply with Policy EN5 of the adopted South Kesteven Local Plan.

- 19) The development shall be carried out in accordance with the approved surface water drainage scheme (including details for phase D approved by S18/1799 and details for phase A approved by S20/1737) and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

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

- 20) Before completion of the first dwelling within phases B and C, details of the size, appearance and location of all roof mounted photovoltaic solar panels within that phase shall have been submitted to and approved in writing by the Local Planning Authority.

The development of those phases must be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance to the development in accordance with Policies DE1 and SB1 of the adopted South Kesteven Local Plan.

Ongoing Conditions

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

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and to comply with Policies EN1 and DE1 of the adopted South Kesteven Local Plan.

- 22) Those parts of the approved Travel Plan (ref: 21484/10-15/4057) that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order that the local planning authority conforms to the requirements of the National Planning Policy Framework, a Travel Plan has been conditioned to ensure that access to the site is sustainable and reduces dependency on the car.

(Councillor Vanessa Smith left the meeting at 16:10).

24. Application S24/0386

Proposal:	Proposed change of use from Class C3 (dwellinghouse) to Class C2 (residential care home)
Location:	The Croft, 65 Main Street, Woolsthorpe By Belvoir, NG32 1LX
Recommendation:	To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions

Noting comments in the public speaking session by:

District Ward Councillor Cllr Robert Leadenham (statement to read out)

Together with:

- Provisions within South Kesteven Local Plan 2011-2016, Design Guidelines for Rutland and South Kesteven Supplementary Planning Document, National Planning Policy Framework (NPPF).
- Comments received from SKDC Conservation Officer.
- Comments received from Lincolnshire County Council Highways.
- Comments received from Environmental Protection.
- Comments received from Melton Borough Council.
- No comments received from Crime Prevention Officer.
- Comments received from Derbyshire County Council.
- Comments received from Woolsthorpe By Belvoir Parish Council.

During questions to Officers and debate, Members commented on:

- Clarification was sought around the number of children and carers that would occupy the property and what their needs were.

The proposal sought to allow up to 3 children between the ages of 7-17 years old to live at the home, each child would have a one-on-one carer. It was clarified that the children residing in the home may have emotional and behavioural issues but not physical disabilities.

- The character of the area was discussed. Concern was raised that there would be several children homes in a small village.
- Complaints and fear of crime from local residents. However, Lincolnshire Police had not objected to the proposal.

The Development Management Planner noted that the property was set back from the roads in terms of character of the area. In terms of harm, the Committee would need to assess the use of the property and whether it would be characteristically different to its current use as a family dwelling.

The Council's Neighbourhoods Team had been consulted on whether any anti-social behaviour reports had been received from existing care homes within Belvoir.

The Neighbourhoods Team confirmed there had been no reports of anti-social behaviour, however, reports had been received from Melton Borough Council and the Ward Councillor.

- Parking arrangements for the site were discussed.

The current parking area on site was not included within the proposal. However, the driveway to access parking would be created within the application site.

- The local need was raised in terms of local children and local employment.

The local need for children in the area had not been submitted as part of the application. There was a need for this type of housing within the Written Ministerial Statement nationally.

In terms of local employment, carers from the home would be relocated from the old home to the proposed home in Belvoir. Therefore, the application would not provide employment to local people.

(Councillor Tim Harrison left the meeting at 16:25).

- The number and concentration of children's homes within the area was emphasised.
- Concern was raised of the relocation of the children's home and whether this was due to additional concerns.

The Development Management Planner reminded the Committee that in terms of the concentration of children's homes in the villiage, they would need to consider the impacts relating to the use and if the proposal would impact the character appearance of the area and how.

The relocating would be at the responsibility of management of the home. The plan suggested that the relocation to the proposed area could benefit the children.

*(It was proposed, seconded and **AGREED** to extend the meeting until 17:00, as the meeting duration had exceeded 3 hours).*

- It was queried whether the children's homes were owned by the same company and why this particular home wanted to relocate.

The Development Management Planner confirmed that the other care homes within Woolsthorpe By Belvoir were not owned by Footsteps to Future, however, the company owned other homes within other areas.

The relocation of the home was due to a breakdown in relationship between the care home and their neighbors.

- That the Written Ministerial Statement emphasised that the accommodation was provided for in their communities, however, the children may originate from out of the area.
- It was suggested that the children home accept younger children, due to the rural nature of the site. Members queried whether this could be conditioned.
- Whether a location assessment had been completed.

The Written Ministerial Statement stated:

‘The Planning Statement should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children’s communities. These need to be the right homes in the right places with access to good schools and community support. It is not acceptable that some children living far from what they would call home without clear protection reason for doing this, separated from the people they know and love.’

- Whether the Council could request a management structure/plan from the company on how they were proposing to operate differently from the previous site, in order to ensure an improved way of working.

The Development Management Planner confirmed that a plan had been provided within the application, which could be viewed on the website. The plan stated that the company were making changes and were hopeful the relocation would benefit the children alongside supporting and providing education for the children.

It was clarified that the children may have emotional behavioural issues and the type of care aimed to be provided was therapeutic care.

The Assistant Director of Planning clarified that the children’s home would be governed by Ofsted regulation and Lincolnshire County Council as social services. The Planning Committee were merely making a decision on a change of use application.

- That the 2021 Census, the population of Woolsthorpe by Belvoir was 468 people, meaning that if the village had 4 children’s homes, it would mean 1 home per 100 people of the population of Woolsthorpe by Belvoir.
- Whether any further information on boundary treatments had been collated following the site visit.

There had been no officially submitted details, however, the Applicant had informed the Council that they would be submitting the following as part of their boundary treatments plan:

- They had confirmed that they had no intention to remove the hedging that’s along the side of the plot.
- They would be patching any holes in the hedging with some wire fencing.
- The gate access point within the hedge would be secured if requested.

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

- Further concern was raised on character and appearance of area, impact on neighbours and residential amenities
- The report provided by a social worker from Derbyshire County Council recognised the resistance for the relocation of the home due to the anti-social behaviour demonstrated by the young people.

One Member clarified that Woolsthorpe By Belvoir did have certain amenities for children to access (village hall, social club and community centre).

The proposal to approve the application fell.

One Member suggested that the application be refused on grounds of intensification and the disproportionality of the number of children's homes to the per-head population of Woolsthorpe By Belvoir.

The Assistant Director of Planning requested the harm of the ratio of population to children's homes and the policies to support the impact.

Members suggested the following reasons for refusal:

- Impact of the proposed use upon the residential amenity of all the surrounding neighbours of the village (SP6, DE1).
- Proposed development represents an inappropriate and a substantial form of development in a quiet village location.
- It was felt that the Applicant had failed to demonstrate specific locally generated housing need for the development in the location.

*(It was proposed, seconded and **AGREED** to extend the meeting until 17:30).*

It was confirmed that the business model was relocating, however, local residents could be employed by the children's home in the future.

The Chairman noted that the Local Plan did not include any provision around children's homes.

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

Time Limit for Commencement

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

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

Approved Plans

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

- i. Site Plan re. JRTC_2024_0_001 REV 0 received 6 March 2024
- ii. Proposed Car Parking Layout re. JRTC_2024_0_004 REV 0 received 24 April 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 Prior to first occupation of any part of the development hereby permitted, the vehicle parking and turning areas shall have been completed in accordance with approved plan JRTC_2024_0_004 REV 0 and shall not be used for any purpose other than for the parking and turning of private vehicles and motorcycles belonging to the occupants of the property and their visitors. The parking and turning shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that adequate parking provision is provided and retained in order to minimise on street parking and to ensure that vehicles can enter and leave premises in a forward gear in the interests of highway safety.

4 Notwithstanding the operational details within the business management plan submitted within this application, a further business management plan shall be submitted to and approved by the local planning authority. The business management plan shall include but not be limited to:

- Staffing numbers
- Ratio of children to staff
- Supervision arrangements on and off site (24/7)
- Details of shift patterns
- Transport details (in terms of any trips to and from school or other education facilities)

The approved business management plan must be implemented on commencement of the approved use and be strictly adhered to throughout the continuation of the approved use unless otherwise agreed by the local planning authority.

Reason: In order to protect the residents of the care home and the surrounding residential properties in accordance with DE1 of the SKDC Local Plan.

Ongoing conditions

5 Prior to any works to the boundary treatments commencing, details of a plan indicating the heights, positions, design, materials and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority. The works to provide the boundary treatments must only be completed in accordance with the approved boundary treatment details prior to the occupation of the building for the use hereby permitted.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of the privacy and amenity of the occupants of the proposed and neighbouring dwellings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used only as a children's care home for up to three children and for no other purpose (including any other use falling within Class C2 of the Order) without Planning Permission first having been granted by the Local Planning Authority.

Reason: To define the permission as other uses within Class C2 would require further assessment.

7 Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be constructed within or on the boundary of the curtilage of the site without Planning Permission first having been granted by the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

25. Application S24/0674

Proposal:	Extend dropped kerb access and driveway to allow parking of mobility vehicles for disabled occupants
Location:	20 Cecil Close, Bourne, Lincolnshire, PE10 9QP
Recommendation:	To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

Together with:

- Provisions within SKDC Local Plan 2011-2036 and National Planning Policy Framework (NPPF).
- No comments received 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

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

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

Site Location Plan - received 19 April 2024
Proposed Layout Plan - received 19 April 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

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 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.

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

There were none.

27. Close of meeting

The Chairman closed the meeting at 17:30.