

AGENDA



For a meeting of the
DEVELOPMENT CONTROL COMMITTEE
to be held on
TUESDAY, 19 NOVEMBER 2013
at
1.00 PM
* PLEASE NOTE TIME OF MEETING *
(THE LATE REPORT WILL BE EMAILED TO MEMBERS ON THE FRIDAY BEFORE THE MEETING)
in the
COUNCIL CHAMBER - COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM. NG31 6PZ
Beverly Agass, Chief Executive

Committee Members:	Councillor Mark Ashberry, Councillor Michael Cook, Councillor David Higgs, Councillor Reginald Howard, Councillor Mrs Rosemary Kaberry-Brown, Councillor Vic Kerr, Councillor Michael King, Councillor Charmaine Morgan, Councillor Alan Parkin, Councillor Helen Powell, Councillor Mrs Judy Smith, Councillor Jacky Smith (Vice-Chairman), Councillor Judy Stevens, Councillor Adam Stokes, Councillor Mrs Brenda Sumner, Councillor Martin Wilkins (Chairman) and Councillor Debbie Wren
Committee Support Officer:	Malcolm Hall Tel: 01476 40 61 18 E-mail: m.hall@southkesteven.gov.uk

**(PLEASE NOTE THAT THERE WILL BE A COMFORT BREAK AT
3.00PM FOR TEN MINUTES)**

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

- (1) Additional Information

Your council working for you

PUBLIC SPEAKING

Anyone who would like to speak at the meeting should notify the Committee administrator one working day before the time of the meeting. The deadline by which you must notify us for the 2013/14 meetings are:

Meeting Date	Notification Deadline
Tuesday 29 October, 1pm	Monday 28 October 2013, 1pm
Tuesday 19 November 2013, 1pm	Monday 18 November 2013, 1pm
Tuesday 10 December 2013, 1pm	Monday 9 December 2013, 1pm
Tuesday 7 January 2014, 1pm	Monday 6 January 2014, 1pm
Tuesday 21 January 2014, 1pm	Monday 20 January 2014, 1pm
Tuesday 11 February 2014, 1pm	Monday 10 February 2014, 1pm
Tuesday 4 March 2014, 1pm	Monday 3 March 2014, 1pm
Tuesday 25 March 2014, 1pm	Monday 24 March 2014, 1pm
Tuesday 15 April 2014, 1pm	Monday 14 April 2014, 1pm

If you would like to include photographs or other information as part of your presentation to the Committee, please send the information in an electronic format (e-mail with attachments, memory stick or disc) to the relevant case officer at least one working day before the meeting. If you are submitting hard copy information, please send it to the relevant case officer at least two working days before the meeting.

All speakers are at the Committee Chairman's (or Vice-Chairman's) discretion. Each person is allowed to speak for 3 minutes. Members of the Council are allowed to speak for 5 minutes in accordance with Council Procedure Rules.

Only one speaker for the applicant or the town and parish council will be allowed to speak. If there are several supporters or objectors to an application, they are encouraged to appoint a representative to present a joint case.

Development Control Committee members are able to ask questions about speakers' presentations. There is a time limit of 10 minutes for each speaker.

ORDER OF PROCEEDINGS

1. Short introductory presentation by the case officer
2. Speakers (Committee members will ask questions after each speaker)
 - a. District Councillors who are not Committee members
 - b. Representative from town/parish council
 - c. Objectors to an application
 - d. Supporters of an application
 - e. The applicant or agent for the applicant
3. Debate – Councillors will discuss the application and make proposals
4. Vote – the Committee will vote to agree its decision

**Development Control Committee
19 November 2013**

Additional Information

SB1 - S13/0775

Proposal: Construction of Southern Quadrant Link Road (SQLR) comprising new 3km single carriageway road between B1174 Spittlegate Level and A52 Somerby Hill including a new bridge spanning the East Coast Main Line and River Witham. Works to include a new 5 arm roundabout at B1174 Spittlegate level, improvements to the existing A52/B6403 roundabout, associated new junctions/access roads, new cycleway/footpath at Whalebone Lane, site compound/construction and storage areas, recontouring of ground levels, formation of attenuation ponds and diversion of public right of way.

Summary of information received:

Members' attention is drawn to page 9 of the Officer's Report which states that a copy of the statutory consultees' responses is appended to the report. These will be made available in the Members' Room on the day of Committee or for inspection upon request. In addition, page 25 of the Officer's Report states that 20m of species rich hedge row will be removed as part of the development – this is incorrect. There is no species rich hedgerow within the application site.

Network Rail have submitted a further letter to confirm that they do not raise any objections to the additional information submitted under Regulation 22 of the Environmental Impact Assessment Regulations subject to the comments made in their original letter.

Officer's comments on information:

Members are requested to note the above information.

Changes to recommendation:

No changes are proposed to the recommendation.

AH1 - S13/2586

Comments have now been received from Stamford Town Council, Natural England and the Heritage Trust for Lincolnshire and a further letter of representation has been received from an adjoining resident. The applicants have also submitted revised versions of the proposed levels/landscaping drawings to bring them in line with the amended housing layout referred to in the Committee agenda.

Proposal Erection of 7 No. dwellings and associated parking on land off Belvoir Close, Stamford.

Information Received

Stamford Town Council and the Heritage Trust of Lincolnshire raise no objections and Natural England advises that the proposals are not likely to have an adverse effect on the nearby Great Casterton Road Banks Site of Special Scientific Interest. Natural England also comments that it would expect the Council to assess and consider other possible ecological impacts. The further letter of representation from the adjoining resident re-iterates concerns in relation to the development affecting sunlight to existing properties on Belvoir Close and in relation to the use of piling to foundations; as well pointing out that the amended plan still shows a tree behind No. 5 Belvoir Close which does not exist. The resident's correspondence also points out that the submissions make reference to asbestos sheets being present on the site and questions as to how this will be managed.

Officer Comment

It is considered that the officer report on the Committee agenda deals fully with the likely impacts of the scheme on the neighbouring properties and concludes that there will be no significant detrimental impacts on residential amenities. The officer report also sets out the opportunities that have been taken to provide biodiversity enhancements as part of the scheme and indicates that in line with comments of the Council's Environment Protection Officer that pre-commencement conditions are proposed to deal with impacts of noise, vibration and dust during building works and in relation to the removal of asbestos sheeting (conditions 16 and 17 respectively).

With regard to the applicants revised levels/landscaping drawings submissions, it is necessary to amend the list of drawing numbers in condition 2 to bring them in line with the amended housing layout referred to in the Committee agenda. Otherwise, the application recommendation remains as set out in the Agenda.

Alterations to Conditions

Not Applicable

Changes to Recommendation:

That the following amended version of condition 2 be attached to any grant of planning permission:-

Unless otherwise required by another condition of this permission the development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Site Location Plan (Scale 1:1250) received on 17 September 2013
Drawing No. 1132/2-004 Rev D received on 25 October 2013
Drawing No. 1132/2-005 Rev A received on 25 October 2013
Drawing No. 8673-131 Rev A
Drawing No. 1132/2/GARA/02 received on 17 September 2013
Drawing No. 1132/2/LA1 Rev A
Drawing No. BVR-Topo 03C received on 17 September 2013
Drawing No. 2419.TPP Rev A
Drawing No. 2419.AIA Rev A
Sawston Planning 03 Rev A received on 17 September 2013
Casterton Planning 07 Rev A received on 17 September 2013
Cast(19) - Planning 01 received on received on 24 October 2013
Deeping Planning 05 Rev A received on 17 September 2013
House Type AF3B (N) Planning 01 received on 17 September 2013
House Type AF3B (N) Planning 02 received on 17 September 2013

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

JJ1 - S13/2261

Proposal: Section 73 application to vary condition 5 of application S09/0420 and condition 4 of application S12/1483 to amend the access provisions

Summary of information received:

The applicants have submitted details of a typical management agreement to demonstrate how the permeable surface will be maintained and managed.

South Kesteven Flood Risk and Drainage Management Group have provided detailed comments on the application (SK Group):

The SK Group has advised that in order to fully understand the caution with which they have approached the applications for development of this site, it is necessary to be aware that the location has frequently suffered flooding in the past; the author has records referring to incidents going back to the 1980s. Neighbouring properties to the north, the site itself, and a considerable expanse of the adjacent highway (the main A15 trunk road) have all been regularly inundated, leading to considerable disruption, distress and expense for the residents, and closure of the A15.

In considering this application the SK Group have advised that the intention in commenting on the application was two-fold:-

1. To ensure that the existing situation was not exacerbated in any way, and that the development could be adequately drained in a sustainable manner, and
2. To encourage an improvement on the existing by utilising the process of construction to include for, at the very least, upgrading of the roadside dyke and the inadequate, deteriorating culverts forming part of its length. It was also hoped that there may have been scope for improvements to the western boundary dyke, and that consideration may be given to any other improvements that could be conveniently built-in to a construction programme.

The SK Group have advised that successful implementation of both of the above would ensure that the new development and its neighbours would benefit from a reduced flood risk.

The SK Group have set out that the applicants proposals are to construct 14 dwellings and access drive on a site that was formerly mainly permeable, would naturally lead to an increase in surface water run-off, taking into account the roof areas and hard-standings, this is no longer acceptable in development terms.

The applicants consulting engineer has had to confront several site-specific issues in order to design a feasible drainage strategy for the site. Because of its

former use as a garage, the ground is known to be contaminated, and in any case predominately clay, precluding infiltration. The invert levels of existing drainage dykes to the east are sufficiently high at the nearest potential point of outfall that establishing a feasible connection is made more difficult.

The proposals put forward therefore seek to address the issues above by creating a slight increase in capacity of the western boundary dyke, to reduce the risk of surcharge; extensive use of permeable paving on the access drive; and finally, upgrading the roadside ditch and most importantly the culverts within it across the front of the development, to which run-off from the development will be directed.

The SK Group have indicated that these works may result in improved flood protection for the site itself, but advised that it is not so clear whether neighbouring properties would benefit from any increased protection.

Originally, the applicant envisaged Section 38 adoption of the access driveway on to the development, but Lincolnshire Highways policy is currently firmly against the adoption of permeable paving: whilst some authorities nationally have accepted it, LCC will not revise their policy unless and until the forthcoming National Guidance for sustainable drainage systems is fully implemented, and only then if the Guidance allows. Hence the applicants wish to change the wording of the condition so as to preclude adoption, instead intending to form a management company for future maintenance of the road.

The SK Group is of the opinion that there are alternative engineering solutions available that would allow an adoptable construction, but the applicants appear to have ruled out these options on the grounds of viability/cost effectiveness.

The SK Group has advised that should the Local Planning be minded to approve the application with the use of a Management Company for maintenance, then this must be dependent on the submission of a detailed management plan and strict adherence to it. Opinion amongst Civil Engineers is divided both as to the performance of permeable paving as a robust structure under heavier trafficking, and as to the maintenance requirements that would ensure optimum drainage performance over time.

Correct design and construction should allay concerns over deformation in this instance, as it will be an area for mainly light traffic, the heaviest vehicles being refuse vehicles, removal lorries and the like.

For maintaining drainage performance, it is considered that the area should be machine-swept and cleansed regularly (at least annually) to ensure that the cavities within the surfacing remain free of silt and debris in order to allow free percolation to the underlying strata. Where opinion differs is to the length of time that such a surface, *and the sub formation*, will remain an effective medium before requiring replacement. Some authorities consider a 20 -30 year lifespan may be expected, others think that this is greatly optimistic, and that the figure could be as low as 5 -10 years.

It is for this reason that it is imperative that a detailed management plan is submitted, clearly stating what regular maintenance will take place, what plans are in place for replacement/refurbishment when it is clear that the system is no longer effective, and above all, who is to be responsible for ensuring that the works are carried out and how they are funded.

There is one example of permeable surfacing within the District already, and that is the Riverside Place development off Wharf Road in Stamford, the last phase of which gained planning approval in 2003 and which seems to be performing well since construction; it differs slightly in overall design in that there are open conveyance channels so that the efficient flow (or otherwise) can be easily monitored, and the flow routes off-site in case of exceedence run straight to the adjacent River Welland, and would not flood any other properties or highway before reaching it.

Officer's comments on information:

It is considered that the applicant has produced a feasible design for the drainage of the site. Although the SK Group have advised that there are other engineering solutions that would constitute a benefit to the area these have been ruled out by the applicants on cost grounds.

The SK Group have indicated that the proposed drainage strategy is feasible for draining the application site and as such the proposals are acceptable in planning terms. Concerns have been expressed in relation to the ongoing maintenance of the system, however, these concerns have been addressed by the applicant who has submitted a preliminary management plan for the site. In addition it is proposed to attach conditions requiring details of the proposed construction specification of the road and its ongoing maintenance to be submitted to and approved in writing by the LPA. Subject to these conditions it is considered that the access and drainage measures for the site can be suitably controlled.

Changes to recommendation:

That the application be approved as pre the recommendation and suggested conditions in the main agenda.

NB2 - S13/0681

A further 16 letters have been received from local residents. Careby with Aunby and Holywell Parochial Church Council have also made representation on the application.

Proposal Change of Use to motorcycle dirt track, retention of portacabins and earthworks. Use for 24 events during a 12 month period (retrospective) (amendments to application S12/1350)

Information Received

All letters received object to the application.

The objections maintain previously stated views in that the noise disturbance from the track is harmful to the amenity of local residents and the adjacent nature reserve; the independent noise assessment re-affirms this view. In addition concerns have been expressed about highway issues as well as the unauthorised use of the site

Officer Comment on Information Received

The observations re-affirm previously expressed views and are noted.

Alterations to Conditions

None.

Changes to Recommendation:

None.

However, it is noted that the reason for refusal is not in the updated committee report. It is therefore reproduced below;

The range of noise levels from this site would have an adverse impact upon the remoteness and tranquillity of this area, particularly the quiet enjoyment of the adjacent nature reserve. Furthermore, residential amenity of nearby properties will be compromised through the noise that would be generated. The application is, therefore, deemed contrary to Policy EN1 of the South Kesteven Core Strategy and guidance contained in the National Planning Policy Framework (notably paragraphs 109 and 123).

NB3 - S13/1869

Observations from Barholm and Stowe Parish Meeting have been received.

Additional information has also been supplied from the agent following the deferral of the application at the previous committee.

Proposal Siting of 2192 ground mounted photovoltaic panels

Information Received

Barholm Parish Council does not object to the application. However, though a Section 106 agreement they request payment toward enhancing village amenities. A contribution of £2,172 toward repairing a bus shelter and £33,819.06 toward play equipment on the village playing field.

The observations of the agent are reproduced below;

"I have received confirmation this application is to be reconsidered by the Planning Committee on the 19th November 2013.

At the previous Committee, a number of questions were raised to which the applicant did not have the opportunity to reply and assist the Committee.

To assist, I would be grateful if you could bring the following to the attention of the Planning Committee:-

(1) The PV's at Bourne were proposed at 0.8m from ground level within the submitted Design and Access Statement. Without seeing the installation on the ground we are unable to confirm the PV's have been installed at this height.

It is the Applicant's intent, as stated in the DAS, to construct the PV's at this height from the ground

(2) The PV system at Bourne comprises a permitted total of a 4.6Mw system.

1Mw is 1,000kW.

The proposed system, at the Pheasantries, is only a 500kW system.

In terms of scale, the two systems are not comparable.

(3) Current use of the Land

The land upon which the PV's are to be installed at the Pheasantries is listed by the Rural Payments Agency (RPA) as PP1. This category is 'permanent pasture' meaning land that has been grass for 3 years or more.

The land was laid down with grass in 2009 and will remain as grassland whilst Free Range Egg production continues on the land, which is anticipated to be for at least another 20 years.

The Free Range Unit is a long term investment by the Applicant and there is no intention for the Applicant to cease supplying eggs under the contract with John Bowlers Eggs LLP.

The grassland is a requirement of the Free Range Unit irrespective of whether the birds are seen ranging or not. In fact, the flock at the time of the Members visit is a relatively young flock, and whilst having access to the range, as younger birds, they would still require the confidence to leave the Unit.

Weather conditions, and the time of day would also affect the birds ranging habits.

(4) Birds ranging on/under the PV's

The birds would continue to range under the PV's. In fact the PV's would be of benefit to the birds, as they like shaded areas. This encourages the birds to range further from the Unit.

We have a number of farms with ground mounted PV's sited on the ranging area for the birds. There has been no evidence, as suggested at the last Committee meeting, of bird faeces affecting the output of the PV's. We have found the birds tend to shade under the PV's as appose to perching on top.

(5) Sheep grazing under the PV's

The front edge of the PV's would be installed 0.8m from ground level, the same height off the ground as the system at Limes Farm Solar Farm, Bourne.

This is a standard design we have used throughout our farms where the landowner continues to graze the land.

I have enclosed a photograph showing PV's installed at 0.8m from ground level. The photograph clearly shows sheep have access to graze and shade underneath the PV's.

(6) Feed in Tariff

Once registered, the Feed in Tariff for the project cannot be reduced and would be fixed for 20 years. Consequently the viability of the PV's is assured.

(7) Grid Connection

The District Network Operator (DNO) has approved the connection of the PV's to the grid.

The DNO would not approve connection to the Grid where it to have an adverse impact upon the local electricity supply.

All cabling to the connection point would be laid underground”.

Officer Comment on Information Received

To justify financial contributions from an application there would be a need for them to meet the following tests;

*“Necessary to make the development acceptable in planning terms;
Directly related to the development; and
Fairly and reasonable related in scale to the development”.*

However, the contributions sought are not relevant to the application in question and it is not reasonable to request such monies.

The observations of the agent are noted and offer clarification on some of the points raised by Members at the Development Control Committee; notably that sheep can graze underneath the panels and that the District Network Operator has approved the connection of the panels to the grid.

Alterations to Conditions

None.

Changes to Recommendation:

None.