



MINUTES

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 14 NOVEMBER 2006

COMMITTEE MEMBERS PRESENT

Councillor George Chivers
Councillor Mike Exton
Councillor Brian Fines (Vice-Chairman)
Councillor Mrs Joyce Gaffigan
Councillor Bryan Helyar
Councillor Reginald Howard
Councillor Fereshteh Hurst
Councillor Mrs Maureen Jalili

Councillor Albert Victor Kerr
Councillor Alan Parkin (Chairman)
Councillor Stanley Pease
Councillor Mrs Angeline Percival
Councillor Norman Radley
Councillor Bob Sandall
Councillor Ian Selby
Councillor Frank Turner

OFFICERS

Interim Manager – Development
Control Services
Principal Planning Officer
Acting Principal Planning Officer
Committee Support Officer
Legal Executive
Business Manager – Development
and Building Control
Chief Executive (agenda item 6 only)

OTHER MEMBERS

Councillor G W Taylor
Councillor Mrs A Woods

In accordance with Council procedure rule 24. 5, Councillor Mrs Woods spoke in connection with application SU.4

748. APOLOGIES

Apologies for absence were received from Councillor Stokes.

749. DECLARATIONS OF INTEREST

The following interests were noted:-

Councillor Exton – personal interest in application SU.4, under the Members' Code of Conduct, and further under the Probity in Planning Code of Guidance, to avoid the impression of pre-determination or bias towards the application, in view of his distance acquaintanceship with the applicants.

Councillor N Radley – personal and prejudicial interest in application NR.2,

under the Members' Code of Conduct, and further under the Probity in Planning Code of Guidance, to avoid the impression of pre-determination or bias towards the application, in view of his relationship to the applicant.

750. MINUTES OF MEETING HELD ON 24TH OCTOBER 2006

The minutes of the meeting held on 24th October 2006 were confirmed as a correct record of decisions taken.

751. PLANNING MATTERS - LIST FOR DEBATE

Decision:-

To determine applications, or make observations, as listed below:-

(2.05pm Councillor Mrs Hurst entered the meeting)

SU.1

Application ref: S04/1455/56

Description: Construction of 14 sheltered housing units

Location: Holland House Residential Home, 35, Church Street,
Market Deeping

Decision: Approved

Noting report of site inspection, an objection from Market Deeping Town Council, no objection from the Welland and Deepings Internal Drainage Board, comments from the Highway Authority, Community Archaeologist, Conservation Officer and English Heritage and objections from nearby residents, together with information in support from the applicants and comments made by Members at the meeting.

It was proposed and seconded that, as the proposal was in accordance with national and local policies as set out in policies EN.1, C5 and E5 of the South Kesteven Local Plan, and as the issues relating to highway safety/parking, impact on the character and setting of the adjacent listed building and residential amenity are material considerations but are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above, it be approved subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority

before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.

3. No development shall take place until there has been submitted to and approved in writing by the district planning authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.
4. Before the development is commenced, there shall be submitted to and approved by the district planning authority details of the means of surfacing of the unbuilt portions of the site.
5. No development shall take place until details of the proposed screen wall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.
6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed unless otherwise agreed in writing by the local planning authority.
7. This permission shall be read in conjunction with the submitted application and the amended plan ACH/01/BK 001A and 002A received by the local planning authority from the applicant's agent on 29 August 2006 unless otherwise agreed in writing by the local planning authority.

SU.2

Application ref: S05/LB/6435/69

Description: Partial demolition of store, ground floor extensions and internal alterations

Location: 10, Ironmonger Street, Stamford

Decision: Refused

Noting comments from the Historic Buildings Advisor with regard to the original and amended submissions, comments from English Heritage, Stamford Civic Society and Stamford Town Council, representation from a nearby resident and detailed submissions in support from the applicants, including a structural engineer's report and archaeological assessment together with a report on a meeting with an Inspector from English

Heritage and comments from the Government Office, further letter in support from the applicants and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be refused for the following reason:-

1. The proposal involves the removal of the upper floors of a large three-storey part stone/part brick and Collyweston slate roofed outbuilding and an extension, to infill the rear yard, of a Grade II* listed building fronting the western side of Ironmonger Street.

It is considered that, notwithstanding the recommendations contained in the Structural Engineers report, the proposed works of alteration would have a detrimental effect on the character and appearance of the application building, which currently relates well, in terms of form and scale, to the form and scale of other buildings in the vicinity and makes a positive contribution to the character of the area. The proposal would therefore be contrary to central government guidance contained in PPG15 (Planning and the Historic Environment), Policy BE3 of the Lincolnshire Structure Plan (Deposit Draft - April 2004) and Policies C4, C6 and C7 of the South Kesteven Local Plan.

SU.3

Application ref: S05/0890/69

Description: Partial demolition of store, ground floor extensions and internal alterations

Location: 10, Ironmonger Street, Stamford

Decision: Refused

Noting comments from the Historic Buildings Advisor with regard to the original and amended submissions, comments from English Heritage, Stamford Civic Society and Stamford Town Council, representation from a nearby resident and detailed submissions in support from the applicants, including a structural engineer's report and archaeological assessment together with a report on a meeting with an Inspector from English Heritage and comments from the Government Office, further letter in support from the applicants and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be refused for the following reason:-

1. The proposal involves removal of the upper floors of a large three-storey part stone/part brick and Collyweston slate

roofed outbuilding and an extension, to infill the rear yard, of a Grade II* listed building fronting the western side of Ironmonger Street.

It is considered that, notwithstanding the recommendations contained in the Structural Engineers report, the proposed works of alteration would have a detrimental effect on the character and appearance of the application building, which currently relates well, in terms of form and scale, to the form and scale of other buildings in the vicinity and makes a positive contribution to the character of the area. The proposal would therefore be contrary to central government guidance contained in PPG15 (Planning and the Historic Environment), Policy BE3 of the Lincolnshire Structure Plan (Deposit Draft - April 2004) and Policies C4, C6 and C7 of the South Kesteven Local Plan.

SU.4

Application ref: S06/0439/69

Description: Residential development (outline)

Location: Land And Premises Of E Bowman & Sons, Cherryholt Road, Stamford

Decision: Deferred

Noting report of site inspection, comments from the Highway Authority, Environment Agency, Head of Policy and Economic Regeneration, Housing Solutions and Community Archaeologist together with no objections from Stamford Town Council and representations from nearby residents and businesses, together with detailed submissions in support from the applicants and a further letter of objection from an owner of nearby business premises with further comments from the Team Leader of Planning Policy, and together with comments made by Members at the meeting.

It was proposed and seconded that, as the proposal was in accordance with National and Local Policies as set out in Planning Policy statement PPS1, PPS3 and PPS23; Planning Policy Guidance notes PPG3, PPG13 and PPG25; Policies S1, S2 and H2 of the Lincolnshire Structure Plan Deposit Draft and Policies H6, H11, REC3 and EN1 of the South Kesteven Local Plan and the adopted Interim Housing Policy, and although the issues related to highway safety and flood risk are material considerations but are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above, it be deferred for the Acting Development Control Services Manager to determine, after consultation with the Chairman and Vice-Chairman, subject to the applicants entering into a Section 106 Agreement in respect of affordable housing contributions toward improvements to links to the town centre and public open space provision

and subject also to appropriate conditions.

SU.5

Application ref: S06/0756/12

Description: Demolition of existing factory unit and construction of 1 foodstore, 4 non-food retail units with service yard and associated car parking

Location: Land off South Road, Bourne

Decision: Deferred

Noting comments made during the public speaking session from:-

Mr John Hargreaves – agent for the applicants

together with an objection for Bourne Town Council, comments from the Archaeological Consultant and the Health and Safety Executive, no objection from the Environment Agency or the Highway Authority and objections from EMRA and EMDA, together with letters and emails of objection from nearby residents, a lengthy statement in support from the applicants and further comments from nearby residents, together with comments made by Members at the meeting.

It was proposed and seconded that, as the proposal was in accordance with National and Local Policies as set out in Planning Policy Guidance Notes PPS1, PP26 and RSS8, policies S1 and E1 of the Lincolnshire County Structure Plan and Policy S5 of the South Kesteven Local Plan and there are no material considerations that indicate against the proposal, it be deferred for the Acting Development Control Services Manager to determine, after consultation with The Chairman and Vice-Chairman, subject to the completion of a Section 106 Agreement relating to the closure of the Manning Road Store and the Secretary of State not wishing to call in the application, and subject to also to appropriate conditions.

SU.6

Application ref: S06/0832/69

Description: Construction of 11 townhouses

Location: 2A, Radcliffe Road, Stamford

Decision: Deferred

Noting comments made during the public speaking session from:-

Mr Banks – co-owner of the neighbouring property – objecting

together with comments from Stamford Town Council, no objection from the Environment Agency, comments from the Highway Authority and Community Archaeologist, representations from nearby residents, submissions in support from the applicant, and comments made by Members at the meeting for a site inspection to establish the likely effect of the proposal on the neighbouring building to the west, and on traffic flow resulting from the development.

SU.7

Application ref: S06/1070/56

Description: Construction of seven dwellings

Location: Hawthorne House, 35, Towngate West, Market Deeping

Decision: Approved

Noting report of site inspection together with no objection from the Highway Authority, comments from the Community Archaeologist, Welland and Deepings Internal Drainage Board and Arboriculturailist and Landscape Officer, an objection from the Town Council and representations from nearby properties, together with detailed submissions in support from the applicants, and comments made by Members at the meeting.

It was proposed and seconded that, as the proposal was in accordance with the requirements of National Planning Policy Guidance and the requirements of the Adopted South Kesteven Local Plan 1995, and notwithstanding the objections to the proposed development which are not considered to be sufficient to outweigh the policies referred to the above, it be approved subject to the following conditions:-

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The following matters are reserved for subsequent approval by the District Planning Authority and no development shall be carried out until these matters have been approved, viz. detailed drawings to an appropriate scale, showing the design and external appearance of the building(s) including particulars of the materials to be used for external walls and roofs.
3. When application is made for the approval of 'reserved matters', details including location and the means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority and no buildings shall be occupied until the APPROVED drainage works have

been provided.

4. This consent relates to the application as amended by site layout plan received on 24 August 2006. The maximum number of dwellings constructed on the site shall be seven.
5. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.
6. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.
7. The minimum width of the access shall be 4.5 metres.
8. No development shall take place until there has been submitted to and approved in writing by the District Planning Authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.
9. When application is made to the District Planning Authority for approval of the 'reserved matters', that application shall be accompanied by a scheme of landscaping and tree planting (indicating inter alia, the number, species, heights on planting and positions of all the trees) in respect of the land to which that application relates; and such scheme shall require the approval of the District Planning Authority before any development is commenced. Such scheme as may be agreed shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details. The details submitted to comply with this condition shall show the

retention of the existing boundary wall running along the eastern side of the site, unless otherwise agreed in writing by the local planning authority.

- 11.No building on plots 2 to 6 of the development hereby approved shall exceed 1½ storeys in height.

(The meeting adjourned from 3.36pm to 3.56pm)

SU.9

Application ref: S06/1128/25

Description: Construction of 40 dwellings & ancillary works

Location: Land At Former Concrete Works, Spalding Road,
Deeping St. James

Decision: Deferred

Noting comments from the Parish Council, Community Archaeologist, Housing Partnership and Project Officer, Primary Care Trust and LCC Education, no objection from the Highway Authority, Environment Agency or Welland and Deepings Internal Drainage Board and submissions in support from the applicants, together with comments made by Members at the meeting.

It was proposed and seconded that as the proposal was in accordance with National and Local Policies as set out in Planning Policy Guidance Notes 3, PPS1 and RS8, Policies H6, EN1 and REC3 of the South Kesteven Local Plan and there are no material considerations that indicate against the proposal, it be deferred for the Acting Development Control Services Manager to determine, after consultation with the Chairman and Vice-Chairman, subject to the completion of a Section 106 Agreement in relation to affordable housing and contributions to health and education provision, and subject to also to appropriate conditions.

SU.8

Application ref: S06/1107/12

Description: Construction of medical centre

Location: Southfield Business Park, South Road, Bourne

Decision: Deferred

Noting comments made during the public speaking session from:-

Mr R Edwards – agent for the applicants

together with no objection from Bourne Town Council or the Environment

Agency, comments from the Highway Authority, Health and Safety Executive, Community Archaeologist and National Grid, together with two representations from Doctors' Practices and letters of support from nearby residents, together with submissions in support from the applicants, and comments made by Members at the meeting.

It was proposed and seconded that, as the proposal was in accordance with National and Local Policies as set out in Planning Policy Statement 1 and 6, Planning Policy Guidance Note 4, Regional Spatial Strategy 8 and Policy S1 of the Lincolnshire Structure Plan, and although the issue relating to sustainability is a material consideration but is not sufficient in this case to indicate against the proposal and to outweigh the policies above, it be deferred for the Acting Development Control Services Manager to determine, after consultation with the Chairman and Vice-chairman, subject to no adverse observations from the Highway Authority, and subject to appropriate conditions.

SU.10

Application ref: S06/1154/12

Description: Bourne Community Health Scheme inc 21 Key Worker Apartments

Location: Southfield Business Park, South Road, Bourne

Decision: Deferred

Pending receipt of the observations of the Health and Safety Executive and Highway Authority.

NR.1

Application ref: S06/0487/63

Description: 50m tall steel meteorological mast

Location: Neslam Farm, Sempringham Fen

Decision: Approved

Noting comments from Defence Estates, The Black Sluice Internal Drainage Board and objections from Poynton and Sempringham Parish Council with regard to the original and amended plans, a number of objections from nearby residents, together with two letters of support, and detailed information in support from the applicants, together with a verbatim reply from Defence Estates in relation to matters raised at the last meeting, together with comments made by Members at the meeting.

It was proposed and seconded that as the proposal would not have an

adverse visual impact and was in any event only to be retained for two years, it be approved subject to the following conditions:-

1. The development hereby permitted shall be for a limited period of:

- a) the period to obtain the necessary wind data; or
- b) two years from the date of this consent;

whichever is the shorter. The date of completion of data recording shall be submitted to the Local Planning Authority in writing within 1 month of finishing.

2. The mast and any foundations will be removed from the land within a period of 3 months from the date of notification of completion of data recording.

(4.32pm – Councillor N Radley left the meeting, having declared an interest)

NR.2

Application ref: S06/1042/42

Description: Change of use of agricultural land to leisure uses including the provision of holiday cabins, creation of lake, landscaping & improvement to access

Location: Pt OS 5865, King Street, Oasby

Decision: Deferred

Noting comments made during the public speaking session from:-

Mr M Bromidge – Vice-chairman of Heydour Parish Council – objecting

Mr J Sutch – Chairman of Oasby Residents Committee – objecting

Mr C Wicks – Planning Consult on behalf of Heydour Parish Council

Mr S Bate – agent for the applicant

together with objections from Heydour and Welby Parish Councils, comments from Highway Authority, Community Archaeologist and Environment Agency, an objection from the Campaign to Protect Rural England, detailed submissions in support from the applicant and a significant number of letters of objection from nearby residents, together with comments from Members at the meeting.

It was proposed, seconded and agreed that further consideration be deferred for a site inspection to ascertain the likely impact of the proposal

on the surrounding rural area.

(4.47pm – Councillor N Radley returned to the meeting)

752. CHANGES TO THE DELEGATION SCHEME AND TERMINATION OF THE PLANNING PANEL

Decision:-

That the proposals submitted from the Chairman of Committee (and as attached to these minutes as an appendix) be agreed for transmission to the Constitution and Accounts Committee.

The Chairman reminded Members that the Constitution and Accounts Committee, as part of its discussions on the Planning Panel situation had asked the Committee to look at the issue and report to that Committee with recommendations on a viable way forward. He asked Members for their views.

A Member commented that in the past when the then Planning Committee had been faced with a long agenda, it was clear that earlier applications on the agenda had been given more time than those towards the end of the agenda. Meetings frequently finished at 7.00pm, or later, with the result that Members were tired and frequently Councillors had left for other commitments. As a result, consideration had been given, some three years ago, to the commencement of the Planning Panels.

He suggested that maybe the time was now right to give further consideration to alternatives, possibly more frequent cycles of meetings for the Development Control Committee. It was accepted that a two weekly cycle of meetings would result in difficulties with dispatch of agendas and he put forward a suggestion for consideration which, briefly, was that an agenda would be sent in on a particular date but in two parts, Part 1 for consideration at a meeting to be held at a suitable distance from the dispatch date and Part 2 be held at a later date. The distance between these two meetings called by one agenda could be the subject of discussion.

Another Councillor suggested that all 58 Members should play a part and he put forward a suggestion that the district be divided into five areas on a roughly regional basis so that all Councillors could play a part in the decision making process to enable the workload to be spread.

(4.52pm – Councillor Turner left the meeting)

A Member commented that Members of the Development Control Committee frequently had other commitments, which would inevitably clash with the end of a long Committee meeting and that this would be therefore be a reason to try to keep meetings shorter, to enable Members to be present for the whole meeting. She accepted that the Planning Panel had been cancelled because of the lack of transparency issue, but queried whether suggested extended delegation was any different. It was

suggested that a method of overcoming this would be to allow the public to be present at the Panel's Meetings. In response, the Chairman suggested that the reason for the Planning Panel being terminated was the view that it fettered the decision of the Officers in recommending the method of determining particular applications.

(4.56pm – Councillor Mrs Gaffigan left the meeting)

(4.58pm – Councillor Mrs Gaffigan returned to the meeting)

A Member commented that it seemed unlikely the number of applications received would slow down and he suggested that consideration be given to either an earlier start, or Members should accept that there would be a later finish. The Officers could have a meeting to indicate their decision on particular applications and the Chairman and Vice-Chairman could sit in and observe.

(5.00pm – Councillor Mrs Hurst left the meeting)

(5.02pm – Councillor Mrs Hurst returned to the meeting)

A lengthy discussion ensued on the suggestions made, during which the Chief Executive and Committee Support Officer commented on the workability of the suggestions made, particularly the suggestion of a two weekly cycle of meetings. The suggestion in relation to area meetings was difficult to quantify but the difficulty of consistency of policies would apply. Earlier starts were possible and arrangements had been made for the Committee Support Officer to consult the Chairman if it seemed likely that an earlier start was necessary depending on the length of the agenda.

Various further comments were made by Members and the Committee Support Officer briefly explained the history behind the former Northern and Southern Area Planning Sub-committees, and why they had been terminated in favour of one district wide committee.

The Chairman of the Committee then read his suggested new scheme in full, following which the Chief Executive commented that it seemed indistinguishable from the Planning Panel Scheme. However, if the Committee agreed to support it then there would be a need to report back to the Constitution and Accounts Committee. A brief general discussion took place before the Chairman's suggestion was proposed, seconded, put to the vote and agreed for transmission to the Constitution and Accounts Committee.

On a request from a Member, the Committee Support Officer agreed to report further on the Northern/Southern Area Planning Committee idea discussed earlier in the meeting with the reasons why it had been discontinued.

(In accordance with Council procedure rule 9, and as the meeting had lasted for three hours, it was agreed that the meeting continue)

753. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITIES.

The Acting Development Control Services Manager submitted his report PLA625 listing details of applications not determined within the eight-week time period. Also submitted was a list of applications dealt with under delegated powers.

It was proposed and seconded that:-

IN ACCORDANCE WITH SECTION 100A OF THE LOCAL GOVERNMENT ACT 1972, THE PUBLIC BE EXCLUDED BECAUSE OF THE LIKELIHOOD, IN VIEW OF THE NATURE OF THE BUSINESS TO BE TRANSACTED, THAT IF MEMBERS OF THE PUBLIC WERE PRESENT THERE WOULD BE A DISCLOSURE TO THEM OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 2 OF PART 1 OF SCHEDULE 12A OF THE ACT.

This proposition was approved.

754. ENFORCEMENT ACTION

Decision:-

That authority be given for appropriate enforcement action to be taken with regard to:-

- 1. The provision of an access track at Marston Hall, Marston;*
- 2. The change of use of land to car boot sales, land adjacent Grange Farm, Hougham; and*
- 3. Breach of condition, rear of 37 Newton Way, Woolsthorpe by Colsterworth.*

Members considered reports PLA622 from the Enforcement Officer in relation to various breaches of planning control. Full details of breaches were set out in the circulated report, which included a description of the site, the appropriate planning policy and comments from Officers in each case.

It was proposed, seconded and agreed that appropriate enforcement action be taken in all three cases reported.

755. CLOSE OF MEETING

The meeting closed at 5.25pm