

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 1 MAY 2012



COMMITTEE MEMBERS PRESENT

Councillor Ashberry
Councillor Higgs
Councillor Howard
Councillor Mrs Kaberry-Brown
Councillor Vic Kerr
Councillor King
Councillor Morgan
Councillor Parkin (Chairman)

Councillor Powell
Councillor Mrs Judy Smith
Councillor Jacky Smith
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Mrs Brenda Sumner
Councillor Wilkins

OFFICERS

Head of Development and Growth (Mark Williets)
Development Management Service Manager (Pat Reid)
Principal Planning Officer (Justin Johnson)
Area Planning Officers (Nigel Bryan, Peter Lifford, Philip Moore, Paul Milne)
Systems Support Officer (Gavin Hutchinson)
Committee Support Officer (Malcolm Hall)
Assistant Solicitor (Paul Rushworth)

90. APOLOGIES

Apologies for absence were received from Councillors Cook and Wren.

91. DECLARATIONS OF INTEREST

Councillor Stevens declared a personal interest in application JJ1 as the applicants had given her some topsoil in the past, for use on local community projects.

92. MINUTES OF MEETING HELD ON 3RD APRIL 2012

Councillor Adam Stokes asked that his full name be recorded in the list of those present at the meeting, to differentiate from Councillor Ian Stokes.

A Member said that minute 84, which in part referred to the discussion on the application in relation to the proposed wind turbines at Carlton Scroop did not clarify the actual benefit, and she asked if the developers would be made aware of Members' concerns. The Development Management Service Manager confirmed that the developers would be made aware of Members' concerns about the alleged benefits.

Another Member referred to the discussion about the same application, but in relation to the surveys which had been requested, and asked why these surveys had not been listed. The Chairman replied that the surveys would be fully reported when the application was reconsidered, which was expected to be at the next meeting. The Member reiterated that she did not consider it unreasonable to have these surveys listed and minuted. In response, the Development Management Service Manager advised Members that the developer had been asked to carry out an on-site ecological survey which would include birds and protected species such as bats, and there would also be an on-site noise survey. Following advice from Natural England, the ecological survey would be an on-site Phase 1 Habitat Survey.

A Member asked for an assurance that the full Committee site visit with extra viewing points would not be forgotten, and the Chairman assured the Committee that the visit would be scheduled as the first visit on the next round of site visits on 23rd May 2012, assuming that the application would be submitted to the next meeting on 29th May 2012.

It was then proposed, seconded and agreed that the minutes of the meeting on 3rd April 2012 as amended by the comments above be accepted as a correct record of decisions taken.

93. PLANNING MATTERS

Decision:-

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

NB1

Application ref: S12/0222/OUT

Description: Erection of petrol filling station

Location: Land At, South Road Bourne

Decision: Approved

Noting comments made during the public speaking session from:-

Miss J Stevenson – objecting
Robbie Doughty – agent for the applicant

together with no objection from Bourne Town Council, Thurlby Parish Council, Lincolnshire Wildlife Trust, the Consultant Architect and Highway Authority, comments from Lincolnshire Heritage, Principal Conservation Officer, English Heritage and Natural England, comments from Environmental Health and Lincolnshire Police and representations (including objections) from nearby residents; late information report circulated to members at the meeting, including additional observations from the Environment Agency, a further letter from a local resident, reproduced in the report, further comments from the agent, officer comment on the information received, and suggested amendments to conditions and comments made by members at the meeting.

A Member queried whether the requirement on the adjoining site for an ecological survey 5 days prior to any ground movement would also apply to this site, and the Development Management Service Manager confirmed that the same requirement would apply on this site.

It was proposed and seconded that the application be approved, subject to the amended and additional conditions suggested in the late report, to the retention of condition 7 (suggested for deletion by the Environment Agency), and to an amendment to condition 9 to take account of cyclists and pedestrians around the access to the site. On being put to the vote the proposition was agreed, and the application was therefore approved, subject to the summary of reasons set out by the Case Officer in the circulated report, and subject also to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the later.
2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (a) layout;
 - (b) scale;
 - (c) appearance; and
 - (d) landscaping.

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

3. When an application is submitted for the approval of reserved matters it shall be accompanied with a plan identifying the means of lighting for the development as well as indicate how long the lighting will be turned on.
4. The premises shall not be used for the purposes authorised by this permission outside the hours of 06:00 - 23:30.
5. The recommendations contained in the submitted 'Riparian Mammal Survey', 'Reptile Survey' and 'Extended Phase 1 Habitat Survey' undertaken by delta-simons shall be implemented, unless otherwise agreed in writing with the Local Planning Authority.
6. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
7. All surface water from parking and manoeuvring area shall be passed through a petrol interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturers guidelines.
8. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.
9. Before the petrol station is brought in to use the roads and/or footways providing access to the building, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. Details of the roads and/or footways shall be submitted to and approved in writing and clearly demonstrate how pedestrians and cyclists will be accommodated within and around the scheme.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

10. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the visibility splays indicated on drawing number L5/455/21 B dated 12 March 2012 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.
11. Before any unit is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by

the local planning authority.

12. When the application is made for approval of 'Reserved Matters' that application shall show details of the arrangements of 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.

13. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

L5/455/20 rev A
L5/455/21 rev B
L5/455/22 rev B

14. The development hereby permitted shall not be commenced until such time as a scheme to install the underground tank(s) has been submitted to, and approved in writing by, the local planning authority.

Note(s) to Applicant

1. The premises will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 to unload petrol. In addition if the throughput of petrol in a 12 month period is likely to exceed 500m³ Stage II vapour recovery will also need to be put in place. Please note that should Stage II vapour recovery be required there would be a need to inform Environmental Protection.
2. Prior to the submission of details for any access works to the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information. You are also advised to contact Lincolnshire County Council as the Local Highway Authority for approval of the road construction specification and programme before carrying out any works on site.

PWM1

Application ref: S12/0050/FULL

Description: Erection of three dwellings

Location: The Paddock, 6 School Lane, Claypole, Newark, NG23 5BQ

Decision: Refused

Noting comments made during then public speaking session from:-

Mike Sibthorp – agent for the applicant

together with no objection from the Highway Authority, comments from the Community Archaeologist, Parish Council, SKDC Projects Officer (Drainage),

Upper Witham Internal Drainage Board and SKDC Environmental Protection and objections from nearby residents, report of site inspection 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 application site is within Claypole which is not designated as a Local Service Centre in the South Kesteven Core Strategy and is therefore not considered a sustainable location for most new development. It is considered that the proposed development does not fall within any of the categories of development allowed in such a location, and that there are no other overriding material considerations relevant to the specific site or the district as a whole which justify a greater number of dwellings over and above those already approved by the extant permission on this site (S10/1040). Taking the above into account, it is considered that the development would be contrary to National Planning Policy Framework (Paragraphs 6 – 17: Achieving Sustainable Development & Section 6: Delivering a wide choice of high quality homes), Policies 1 & 3 of The East Midlands Regional Plan and Policies SP1 & H1 of The South Kesteven Core Strategy.

JJ1

Application: S11/2050/MJRF

Description: Construction of 18 dwellings

Location: Land north of, Spalding Road, Deeping St. James

Decision: Deferred

Noting comments made during the public speaking session from:-

Ashley Baxter – objecting on behalf of Deeping St James Parish Council
Richard Edwards – agent for the applicant

together with no objection from the Environment Agency, Anglian Water, Heritage Lincolnshire or the Highway Authority, comments from the Community Leisure Officer, Planning Policy and LCC Children's Services, comments from the Parish Council and objections from nearby residents, together with a note of the required Section 106 Heads of Terms; late information report circulated to members at the meeting, including comments from the Highway Authority in relation to amendments made to the scheme, suggesting conditions/informatives, detailed comments from the Project and Partnership Officer (affordable housing), notes regarding the S106 contributions, additional information from the Agent and officer comments on all the information received and recommended amended conditions and informatives, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be approved subject to the

completion of an appropriate Section 106 Agreement in relation to developer contributions. On being put to the vote the proposition was lost.

It was then proposed and seconded that the Committee were minded to refuse the application on grounds of overdevelopment, inadequacy of the road structure and access to properties and highway safety.

The Development Management Service Manager confirmed that he did not accept the reasons given in the meeting for the purposes of the procedure set out in the Constitution. Members were reminded by the Assistant Solicitor of the procedure that needed to be followed, as set out in the Constitution, where the Committee proposed to take a decision against clear advice from the Development Management Service Manager. The Constitution provided for a recorded vote on the first and subsequent hearings of an application in this category. All Members supporting the motion were required to submit the planning reasons for their view to the Development Management Service Manager within 5 working days.

A recorded vote was then taken as follows:-

<u>For</u>	<u>Against</u>	<u>Abstain</u>
Councillor Ashberry	Councillor Higgs	Councillor Vic Kerr
Councillor Mrs Kaberry-Brown	Councillor Howard	
Councillor Morgan	Councillor King	
Councillor Powell	Councillor Parkin	
Councillor Stevens	Councillor Jacky Smith	
Councillor Wilkins	Councillor Mrs Judy Smith	
	Councillor Adam Stokes	
	Councillor Mrs Sumner	

The proposition was lost.

It was then proposed and seconded that further consideration be deferred for discussions with the applicants in regard to amended plans to include the number of properties on the site, roads/access and car parking. On being put to the vote the proposition was agreed.

(The meeting adjourned from 3.38pm to 3.58pm).

PL1

Application ref: S12/0496/HSB

Description: Erection of fences and gates

Location: 10 The Pollards, Bourne, Lincolnshire, PE10 0QB

Decision: Refused

Noting comments made during the public speaking session from:-

Dr M Kebbeh – applicant

together with an objection from Bourne Town Council, no objection from the Highway Authority and objections from nearby residents, report of site inspection and comments made by members at the meeting.

It was proposed and seconded that the application be refused in its current format because of the adverse effect on the street scene. The Development Management Service Manager advised that he considered that the committee could make a decision at this meeting without further deferral, based on the above reason. The proposition was then put to the vote and carried, and the application was refused for the following reason:-

The proposed fence is situated on a visually prominent site on the north east side of The Pollards within the Elsea Park Estate. It is considered that the proposed close boarded fencing adjacent to the highway would introduce a visually incongruous element into the street scape. The development would therefore be detrimental to the visual amenities of the locality and out of keeping with the character of the area. As a result the proposed development is considered to be contrary to NPPF section 7 (requiring good design) and Policy EN1 of the South Kesteven Core Strategy.

(As the meeting had lasted for three hours, in accordance with Council Procedure Rule 9, the Committee voted for the meeting to continue).

PJM1

Application ref: S12/0526/HSB

Description: Ground floor extension to rear of dwelling

Location: 63, Princess Drive, Grantham, Lincolnshire NG31 9QA

Decision: Approved

Noting no observations as a result of consultation, and comments made by members at the meeting.

It was proposed, seconded and agreed that the application be approved, subject to the summary of reasons set out by the Case Officer in the circulated report, and subject also to the following conditions:-

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

2. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
3. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing Number BJ/AG/12/1 dated 29th February 2012

PJM2

Application: S12/0597/HSH

Description: Single storey side and rear extensions to dwelling and widening of driveway

Location: 3, Granta Crescent, Grantham, Lincolnshire, NG31 9PJ

Decision: Approved

Noting no observations as a result of consultation, and comments made by members at the meeting.

It was proposed, seconded and agreed that the application be approved, subject to the summary of reasons set out by the Case Officer in the circulated report, and subject also to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The external finishes of the development hereby permitted shall be in accordance with those listed on Drawing sheet Number 2 dated 8th March 2012.
3. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing Sheet Number 1 dated 8th March 2012
Drawing Sheet Number 2 dated 8th March 2012

Note(s) to Applicant

1. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.

94. CHAIRMAN'S REMARKS

The Chairman, Councillor Parkin, told the Committee that this would be his last

meeting as Chairman. He would be standing down at the Annual Meeting of the Council, and resuming as Vice-Chairman, and the current Vice-Chairman would be taking his place as Chairman. He thanked members for their kindness, co-operation and consideration over his 11 years as Chairman. The Vice-Chairman, on behalf of the Committee, replied and thanked the Chairman for his service.

95. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA 930 listing details of applications not determined within the eight week time period. Also submitted was a list of applications dealt with under delegated powers, a planning appeals update/summary including copies of appeal decisions as at 18th April 2012, and a table showing planning applications performance as at April 2012.

96. CLOSE OF MEETING

The meeting closed at 4.42pm.