

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 29 MAY 2012



COMMITTEE MEMBERS PRESENT

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 (Vice-Chairman)
Councillor Helen Powell
Councillor Mrs Judy Smith
Councillor Jacky Smith
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Brenda A Sumner
Councillor Martin Wilkins (Chairman)

OFFICERS

Head of Development and Growth (Mark Williets)
Development Management Service Manager (Pat Reid)
Principal Planning Officer (Justin Johnson)
Systems Support Officer (Gavin Hutchinson)
Committee Support Officer (Malcolm Hall)
Solicitor (Paul Rushworth)

1. APOLOGIES

Apologies for absence were received from Councillor Wren.

2. DECLARATIONS OF INTEREST

Councillor Adam Stokes declared a personal interest in agenda item number 6, as a member of Lincolnshire County Council, the site's owners.

Councillor Judy 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.

3. MINUTES OF MEETING HELD ON 1ST MAY 2012

A Member said that in her opinion the minutes required two amendments, firstly to the second paragraph of minute 92, and secondly to condition number 8 referred to in application NB1 on page 4 of the minutes.

She outlined her proposed amendment to minute 92 orally, and gave reasons for her request, and then went on to request an amendment to the minute on NB1, which should, in her opinion, have made reference to the preservation of the line of the proposed link road, preferably by a condition. The Principal Planning Officer said that there was no policy requiring this, and that it could not be conditioned. In addition, the plans submitted for the proposal did not show any built form on the preserved line, and any development in the future would require a separate planning application.

Another Member supported the view of the Member requesting amendments. The Chairman then asked that the proposed amendments be written down and submitted before further discussion took place. Further consideration of the minutes was then deferred to enable this to be done.

(Resumption of consideration later in the meeting).

On receipt of the written down amendments, the Chairman read them to the Committee. The Development Management Service Manager reminded members that the planning permission for the application referred to had actually been issued, and it therefore could not be amended as had been requested. He drew the attention of members to condition 13 which required that the development be carried out in accordance only with the plans listed in that condition. These referred to the access being left undeveloped and, as had been stated, it would require planning permission if any development affecting the road was required in the future. He repeated the assurance given by the Principal Planning Officer.

The Vice-Chairman recollected that in previous discussions about development in this area it had been understood that the 4th exit from the island (the road now under discussion) was always intended for the relief road. Other Members agreed with this recollection.

The Member originally raising the issues on the minutes then read and proposed her first amendment, which was to be added at the end of paragraph two of minute 92, as follows:

“It was requested by a Member that whereas the officer had said that the ‘benefits’ of the wind farm ‘outweighed’ the negatives, when asked, the Developer’s agent could not satisfy the Development Control Committee that there was any worthwhile ‘benefits’ to the community which outweighed the negatives of which would indeed affect all the residents in the area.”

The Solicitor gave advice in regard to the formation of minutes, particularly noting that minutes were only a summary. Several Members made comment on the proposed amendment and in relation to the minutes generally, during the course of which the proposal was seconded.

On being put to the vote the proposed amendment was agreed.

The Member originally raising the issues then read and proposed her second amendment, which was to be added to the minute in relation to application NB1 on page 8 of the minutes, as follows:

“It should also be noted that no building or development on this site should prejudice against the future link/relief road, planned by LCC or Central Government for this site. Lindum made all of Bourne Town Council aware at their presentation their roadways would be built to specification as for LCC to adopt them.”

On being put to the vote the proposed amendment was lost.

It was then proposed, seconded and agreed that the minutes of the meeting on 1st May 2012 as amended above be accepted as a correct record of decisions taken.

4. PLANNING MATTERS

Decision:-

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

PWM1

Application ref: S11/2371/HSB

Description: Retention of two conservatories, veranda, extension to Coach House and various structures within the cartilage (including fountain, fencing, CCTV cameras and landscaping works), erection of leisure building, greenhouse and cold frames within existing walled gardens, construction of tennis court

Location: Caythorpe Hall, Church Lane, Caythorpe, Grantham, NG32 3EL

Decision: Deferred

Following the receipt of a letter from the applicant's Solicitor raising questions

about the procedure which has been followed in respect of this proposal, pending a new report to a future meeting of the Committee.

PWM2

Application ref: S11/2372/LB

Description: Extensions and alterations to listed building including retention of two conservatories, veranda, and extension to Coach House, erection of leisure building and greenhouse within existing walled garden, replacement of Coach House doors and other associated works

Location: Caythorpe Hall, Church Lane, Caythorpe, Grantham, NG32 3EL

Decision: Deferred

Following the receipt of a letter from the applicant's Solicitor raising questions about the procedure which has been followed in respect of this proposal, pending a new report to a future meeting of the Committee.

JJ1

Application ref: S11/2050/MJRF

Description: Construction of 18 dwellings

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

Decision: Approved subject to a Section 106 agreement

Noting no objection from the Environment Agency, Anglian Water, Heritage Lincolnshire or the Highway Authority, comments from the Community Leisure Officer, Planning Policy, LCC Children's Services, and the Parish Council and objections from nearby residents, together with a note of the required S106 Heads of Terms and comments from the Partnerships and Projects Officer (Affordable Housing), letter in support from the applicants, and comments made by Members at the meeting.

The Principal Planning Officer drew the attention of Members to the comments in regard to the amended application as set out in the report. He reminded the Committee that when the application had been considered at the last meeting concern had been expressed with regard to the parking, layout and access arrangements to the proposed development. In particular, concern had been expressed about the lack of two parking spaces per dwelling and the fact that the driveway to the site would not be to an adoptable standard.

The applicant had now submitted amended plans indicating that each dwelling

would have two off-street parking spaces; the access roads had been widened to 5 metres and would be built to an adoptable standard; and the scheme had been redesigned to improve the turning facilities within the site.

The Principal Planning Officer addressed the Committee in relation to amended and additional conditions, and said that the Highway Authority had requested four conditions, there would be a necessary amendment to proposed condition 8 to include the amended plans and a new condition 10 would be required to include a requirement to submit elevations of a proposed new carport to plot 218.

Members discussed the application in detail, and asked questions, particularly with regard to the extent of the adoption of the roads on the site. It was proposed and seconded that the application be approved subject to the additions/amendment to conditions included in the circulated report.

Members asked that a written copy of the conditions suggested by the Highway Authority be circulated, as it was difficult to understand them when read, and because there might be as need to suggest amendments.

During further discussion, a Member said that it was worrying that the County Council was choosing not to adopt roads that are to adoptable standards. He asked that the Chairman take this up with the Cabinet with a view to further discussions between them and the County Council, and the Chairman agreed.

It was suggested by a Member that further consideration of this application be deferred until the attitude of the County Council in regard to adoption was clarified. Another Member said that she had raised this with the County Council who had advised that it was up to developers to request adoption. She suggested that clarity was needed. The Development Management Service Manager gave advice in relation to the technicalities of the highway issues, and the Solicitor gave advice in relation to matters raised by Members as to how purchasers would be aware whether or not a road was adopted, which would be via the local search procedure.

A Member proposed an amendment that the roads and footways on the site shall be completed before the occupation of any house, as opposed to the suggested Highway Authority condition which required the road up to and including the turning head to be constructed to an adoptable standard before the occupation of the penultimate dwelling. The Principal Planning Officer responded, and it was then suggested by a Member that the discussion be deferred to enable copies of the Highway Authority conditions to be handed out.

A Member proposed a further amendment to add a condition in relation to the specification for the construction of private/adoptable roads, as follows:

“The specification for the construction of the road surface of the ‘private’ roads

sub-bases, hardcore and tarmac be the same specification as that used on an 'adopted' road."

The suggested Highway Authority conditions were then handed out to Members, and it was suggested by the Vice-Chairman that there was no need to alter them as they were standard County Council conditions.

The proposer of the first amendment noted above withdrew her proposal and the second amendment was then seconded. Following advice from the Solicitor on the reasonableness of the conditions, the second amendment noted above was put to the vote and agreed.

The Chairman then confirmed what Members would be voting on, and he noted for the sake of clarity that the first 9 conditions would be as listed in the report (subject to an amendment to condition 8 to include the amended plans), condition 10 in relation to elevations for the carport to plot 218, conditions 11 to 14 from the Highway Authority and condition 15 in relation to the specification of the roads, as noted and agreed above.

The amended proposal was then put to the vote and it was agreed that the application be approved, with authority delegated to the Development Management Service Manager, after consultation with the Chairman or Vice-Chairman, subject to the summary of reasons set out in the case officer's circulated report, and subject to the completion of a Section 106 agreement to secure developer contributions, and to appropriate conditions as listed in the report, and as circulated and amended by the Committee. In this case, as the agreement has not been concluded prior to the Committee, a period not exceeding 6 weeks post the date of the Committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded within the six week period, and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman or Vice-Chairman of the Committee there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be an unacceptable development acceptable, have not been forthcoming.

PL1

Application ref:	S12/0209/HSB
Description:	Single storey rear extension and retention of garage as built
Location:	29 Drummond Road, Bourne, Lincolnshire, PE10 9JF
Decision:	Deferred

Pending a site inspection.

LDPP1

Application ref: S12/0807/HSB

Description: Removal of fence and erection of replacement wall

Location: 17, Peachwood Close, Grantham, Lincolnshire, NG31 8PQ

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 following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development shall be built in accordance with the materials detailed on the submitted application forms unless otherwise agreed in writing by the local planning authority.
3. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Illustration of proposed wall date stamped 2 April 2012

Face view of Typical Section date stamped 2 April 2012

Block Plan of area to the front of property date stamped 2 April 2012

Block Plan date stamped 2 April 2012

5. **APPEAL UPDATE - S11/0967 - DEMOLITION OF 49 ST CATHERINE'S ROAD AND 1A DUDLEY ROAD AND THE CONSTRUCTION OF RETIREMENT ACCOMMODATION FOR THE ELDERLY INCLUDING PROVISION OF COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING, ST. CATHERINE'S HOUSE, 49 ST CATHERINE'S ROAD, GRANTHAM**

Decision:-

In the interests of fairness and transparency on behalf of the duly elected

members and members of the public, the Committee require the officers of the Council to request the Secretary of State to not consider the revised application by MacCarthy and Stone until this has been formally considered by the Development Control Committee.

The Development Management Service Manager gave an update in regard to the state of the appeal for the St Catherine's House site, and reported on matters of procedure. He stated that there should be no discussion on the merits of the appeal or the first or second applications. He said that he was aware of contact made with Members by local residents and the applicants. There should be no discussion whatsoever on these contacts.

Members were reminded of the history to the consideration of the application which was now subject to the appeal. The application had been deferred for certain further details to be submitted in regard to a review of the design to reduce the size and bulk of the buildings and to reconsider the car parking and access arrangements and if possible to incorporate the existing building into the scheme. Since that meeting, the applicants had appealed and the Committee had, on 3rd April, agreed the grounds of the appeal. An informal hearing was scheduled for the middle of June.

The applicants had now submitted a revised application, and had requested that this amended scheme form their case at the hearing. The Development Management Service Manager said that he was unhappy at this, as the second application would come before a future Committee, and the Officers had expressed the view to the Inspectorate that the second application should be subject to the normal Committee process.

The Chairman reminded Councillor Morgan that she had previously declared an interest in this matter, to avoid the impression of pre-determination or bias. Councillor Morgan said that she did not consider that she had an interest, but nevertheless left the body of the meeting and sat at the rear of the room.

The Chairman read a suggested proposal as follows:

“In the interests of fairness and transparency on behalf of the duly elected Members and members of the public, the Committee require the Officers of the Council to request the Secretary of State to not consider the revised application by MacCarthy and Stone until this has been formally considered by the Development Control Committee.”

On being put to the vote, the proposition was agreed.

6. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA932

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 as at 14th April 2012, and a table showing planning applications performance as at April 2012.

In response to queries from Members, the Development Management Service Manager gave an update in relation to various applications listed in the tables. A Member mentioned that an appeal had been submitted in respect of the development at the Shirley Croft, Grantham site, and wondered why it didn't appear in the appeals list. The Development Management Service Manager said that notification had been received too late to include it within the report now before members, but it would be included in the report to the 26th June meeting.

7. CLOSE OF MEETING

The meeting closed at 2.56pm