

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 26 JUNE 2012



COMMITTEE MEMBERS PRESENT

Councillor Adams
Councillor Ashberry
Councillor Cook
Councillor Howard
Councillor Vic Kerr
Councillor King
Councillor Morgan
Councillor Parkin

Councillor Bob Sandall
Councillor Jacky Smith
Councillor Stevens
Councillor Adam Stokes
Councillor Mrs Brenda Sumner
Councillor Wilkins (in the Chair)
Councillor Woolley
Councillor Wren

OFFICERS

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

8. MEMBERSHIP

The Committee was notified that notices under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, had been received, appointing Councillor Bob Sandall in place of Councillor Powell; Councillor Adams for Councillor Judy Smith and Councillor Woolley for Councillor Higgs, all for this meeting only.

9. APOLOGIES

An apology for absence was received from Councillor Mrs Kaberry-Brown.

10. DECLARATIONS OF INTEREST

Councillor Brenda Sumner declared a personal interest in applications JJ1, 2

and 3, as she was a member of Stamford Town Council, one of the Councillors for the ward in which JJ2 was situated and her husband was a member of Stamford Town Council Planning Committee.

Councillor Bob Sandall declared a personal interest in application JJ2, as he was one of the ward Councillors, had had previous involvement with meetings with local residents in connection with the application, and was friends with members of the Blackstones Social Club, who had commented on the application.

Councillor Woolley declared a personal interest in applications JJ1 and JJ3, as her partner was the County Councillor for the division in which the application sites were situated.

Councillor Vic Kerr declared a personal interest in application PL1, as he had in the past carried out farm contracting work for the applicants.

11. MINUTES OF MEETING HELD ON 29 MAY 2012

The minutes of the meeting held on 29th May 2012 were approved as a correct record of decisions taken.

(As the electronic voting system was inoperative, the vote on the approval of the minutes was taken by a show of hands).

12. PLANNING MATTERS

Decision:-

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

JJ1

Application ref: S11/2283/MRJO

Description: Affordable housing and associated infrastructure and access and allotments

Location: Land rear at Coronation Villas, Barnack Road, Stamford

Decision: Approved subject to a Section 106 agreement

Noting comments made during the public speaking session from:-

Egerton Gilman – Stamford Chamber of Trade and Commerce –
objecting
Mark Flood – agent

together with no objection from the Highway Authority, Partnership Projects Officer (Affordable Housing), Environmental Protection, Environment Agency and Peterborough City Council, detailed comments from the Arboriculturalist, Planning Policy and Network Rail, observations from Heritage Lincolnshire, English Heritage, the Police Crime Prevention Design Advisor, Community Leisure Officer, no objection from Stamford Town Council, detailed comments from the Conservation Officer, representations from nearby residents and a note of the proposed Section 106 agreement Heads of Terms; late information report circulated to Members present at the meeting, including (in full) comments from Stamford Chamber of Trade and Commerce, no objection from Natural England, comments from Planning Policy on the letter from Stamford Chamber of Trade and Commerce, suggested amendments to conditions from the applicant's agent and officer comment thereon, with alternative suggestions; report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be refused for three reasons, firstly ecological (needs an assessment); noise from the adjoining railway and lack of adequate parking. The Case Officer responded, and the Chairman commented that the reasons for refusal should have come from the proposer of the motion, not the seconder. The proposer confirmed that he was happy with the reasons given.

Following discussion on the status of the site, which was formerly allotments, the Development Management Service Manager confirmed that the allotments were not statutory allotments, and were in fact owned by the applicants, and had previously been let out to employees.

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 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. He also reminded Members that they would be voting that they were, in the first instance, minded to refuse the application.

A recorded vote was then taken as follows:-

<u>For</u>	<u>Against</u>	<u>Abstain</u>
Councillor Ashberry	Councillor Cook	Councillor Adams
Councillor Morgan	Councillor Howard	Councillor King
Councillor B Sandall	Councillor Vic Kerr	
Councillor Stevens	Councillor Parkin	
Councillor Wren	Councillor Jacky Smith	
	Councillor Adam Stokes	
	Councillor Mrs Sumner	
	Councillor Wilkins	
	Councillor Woolley	

The proposition was lost.

It was then proposed and seconded that the application be approved.

The Chairman clarified what was being voted on, listing the conditions in the report and the amended conditions contained in the late report. A Member suggested that an additional condition could be added to better cope with noise, but withdrew this request following advice from the Case Officer.

A further Member proposed, and it was seconded, that there should be a condition requiring an Environmental Impact Assessment before development took place. At the request of the Chairman, the Member wrote the amendment down. This was read to the Committee by the Committee Support Officer. The Head of Development and Growth advised that it would not be possible to include a condition as had been suggested, although the committee could impose a condition requiring additional information short of a full Environmental Impact Assessment. The Case Officer also drew the attention of Members to the fact that Natural England were happy with the information submitted, and suggested that a variation to the first paragraph of suggested condition 23 in the late report would be appropriate. Discussion took place on the wording of this condition which was agreed as follows:

“Prior to the commencement of the development, an updated ecological appraisal reflecting seasonal variations and an assessment of the site for the presence of breeding birds shall be submitted to the Local Planning Authority.”

The Member originally requiring the condition as read out then withdrew, and the condition as amended above was put to the vote and agreed.

The 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 ensure that the development provided 100% affordable housing on-site, connected to the Kettering Road development (S11/2300), and other developer contributions, and to appropriate

conditions as listed in the main report and late report, and as now amended above 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.

JJ2

Application ref: S11/2288/MJNO

Description: Development of football stadium with capacity for 1500 spectators, with associated infrastructure and facilities to include multi-use training pitch, clubhouse and function rooms, and ancillary office/administrative space. Provision of car and coach parking area with additional use for car boot sales on up to 40 days in any calendar year. Creation of new means of access from Ryhall Road with associated highway alterations

Location: Land west of Ryhall Road, Stamford

Decision: Approved subject to a Section 106 agreement

(Following the Case Officer's presentation and questions the meeting adjourned from 3.39pm to 3.55pm).

Noting comments made during the public speaking session from:-

Mr P Williams – Ryhall Road Residents Association – objecting
Paul Huyton – objecting
Councillor John Hicks – objecting
Barbara Prichard – objecting
Egerton Gilman – Stamford Chamber of Trade and Commerce – objecting
Mr G Moore – objecting
John Burrows – Stamford AFC – in support

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

Seth Burkett – Stamford AFC – in support

David Pennell – applicants

together with no objection from the Highway Authority, Natural England and the Police Crime Prevention Design Advisor, comments from Rutland County Council highways, Sport England, Lincolnshire Wildlife Trust, Lincolnshire Fire and Rescue, Anglian Water, the Environment Agency, Environmental Protection Officer and the Planning Policy Team, Heritage Lincolnshire, Ryhall Parish Council, Arboriculturalist and the Council's Landscape Consultant, together with a number of letters and a petition of objection from local residents and detailed comments from the Ryhall Road Residents Association and a note of the Section 106 Heads of Terms; late information report circulated to Members present at the meeting, including a note of 10 additional letters of objection, a note in relation to a petition of 99 signatures from Blackstones Sports and Social Club Ltd., a letter (in full) from Stamford Chamber of Trade and Commerce, no objection from Natural England and comments from the Planning Policy Team in relation to the letter from the Stamford Chamber of Trade and Commerce, suggested amendments to conditions from the applicant's agent, and officer comment thereon, with alternative suggestions, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be approved, subject to a condition requiring improvements to the upgrading of the path adjacent to Ryhall Road to an acceptable standard. The Committee were advised that conditions already in the report covered this aspect and accordingly the proposition to approve was varied to approve the application subject to the conditions in the main report and amended conditions in the late report.

It was proposed that consideration be deferred for a further noise assessment to take place. Following advice from the officers that this had been done, and that a condition was in place to cover further reports, the proposition was withdrawn.

A proposition that the application be deferred for a further traffic assessment and for a study on lighting was not proceeded with, following advice from the Solicitor.

The 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 main report and late report. 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.

(5.31pm – Councillors Bob Sandall, Jacky Smith and Morgan left the meeting).

(5.39pm – Councillor Adams left the meeting).

JJ3

Application ref: S11/2300/MJRO

Description: Demolition of existing football club buildings and structures. Residential development with associated infrastructure, including new means of access with Kettering Road

Location: Stamford AFC, Kettering Road, Stamford, PE9 2JS

Decision: Deferred

Noting comments made during the public speaking session from:-

Mark Flood – agent

together with comments from Stamford Town Council, no objection in principle from Network Rail, comments from LCC Children's Services and the Environment Agency, no objection from the Lincolnshire Police Crime Prevention Design Advisor, comments from the Community Leisure Officer, Partnerships Projects Officer (Affordable Housing), the Planning Policy Team, English Heritage, the Council's Conservation Officer, Consultant Arboriculturalist, Heritage Lincolnshire and the Highway Authority, an objection from Sport England, and objections from nearby residents and a note of the Section 106 agreement Heads of Terms; late information report circulated to Members present at the meeting, including (in full) a letter from Stamford Chamber of Trade and Commerce, comments from Planning Policy on that letter, suggested amendments to conditions from the applicant's agent, together with officer comment thereon and alternative suggestions, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that further consideration be deferred for amended plans and cross sections of the whole site, specifically showing no development above two storey and with any higher buildings in the south-west corner of the site, and improved car parking provision. On being put to the vote the proposition was agreed.

(6.18pm – Councillors Wren, King and Sumner left the meeting).

(6.25pm – Councillor Sumner returned to the meeting)

JJ4

Application ref: S12/0436/FULL

Description: Demolition of existing dwelling and erection of 2 two-and-a-half storey semi-detached dwellings

Location: 6 Fox Dale, Stamford, Lincolnshire, PE9 2UZ

Decision: Approved

Noting comments made during the public speaking session from:-

Mike Sibthorp – applicant

together with no objection from the Environmental Protection Officer, the Highway Authority or Heritage Lincolnshire, comments from Stamford Town Council, SKDC Project Officer (Drainage) and comments from the SKDC Consultant Arboriculturalist, together with representations from nearby residents for and against, report of site inspection 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) shall be carried out without Planning Permission obtained from the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed without planning permission having first been obtained from the Local Planning Authority.
4. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the

agreed materials shall be used in the development.

5. 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 use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

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

2011/17-03c received on 17 May 2012.

2011/17-05d received on 17 May 2012

2011/17-04b received 21 February 2012

7. Before development is commence on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread in accordance with a scheme to be approved in writing by the local planning authority. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

8. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

9. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 05d dated 21st February 2012, and retained for that use thereafter.

10. All demolition and construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

Monday - Friday 0700 - 1900 hours

Saturday 0800 - 1700 hours

Sunday/Bank Holidays No work activity

11. There shall be no burning of waste / wood on site.

12. Prior to the commencement of any on site works associated with the

development hereby approved, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction shall be submitted to and approved in writing by the local planning authority. the works shall be carried out in accordance with the approved method statement.

Note(s) to Applicant

You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

(6.30pm – Councillor Vic Kerr left the meeting).

JJ5

Application ref: S11/2472/MJRO

Description: Outline application with all matters except access reserved for approval for residential development

Location: Godsey Lane/Eastfield, Market Deeping

Decision: Approved subject to a Section 106 agreement

Noting comments made during the public speaking session from:-

Jon Jennings – agent

together with no comment from SKDC Property and Facilities (Drainage) or LCC Planning, no objection from Natural England or the Highway Authority, comments from the Environmental Protection Officer, LCC Rights of Way, Lincolnshire Wildlife Trust, LCC Children's Services, NHS-PCT, Partnership Project Officer (Affordable Housing), SKDC Leisure Officer and Heritage Lincolnshire (Archaeology), objections from Deeping St James Parish Council and Market Deeping Town Council, no objection from the Planning Policy Team, Environment Agency, Anglian Water or Police Crime Prevention Design Advisor and representations from local residents and the Deepings Town Design Steering Group (objecting), and a note of the Section 106 agreement Heads of Terms; late information report circulated to Members present at the meeting including an additional letter of objection, and comments made by Members at the meeting.

It was proposed that the application be refused as the infrastructure was insufficient to support the development, and for traffic reasons. The proposal received no seconder.

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

two storey development only and to all roads on the site being to an adoptable standard.

The 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 main report, and the amendments regarding 2 storey development only and all roads on the site being constructed to an adoptable standard. 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: S12/0213/FULL
Description: Erection of livestock building
Location: Odd House Farm, Holme Lane, Claypole, Newark, NG23 5AP
Decision: Deferred

Pending consideration of the need for an Environmental Impact Assessment.

(7.02pm – Councillor Woolley left the meeting).

PL2

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

Noting comments made during the public speaking session from:-

Mrs Tilley – objecting
Mrs Jarvis – objecting

together with no objection from Bourne Town Council and comments from the Highway Authority and Archaeological, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be approved.

On being put to the vote, the proposal was lost. After discussion it was proposed, seconded and agreed that further consideration be deferred to ask the developer to reduce the height of the garage building.

RV1

Application ref: S10/2002/FULL
Description: Change of use from residential land to cemetery and 14 space car parking area
Location: Land rear of 41-45 South Road, Bourne
Decision: Approved

Noting comments made during the public speaking session from:-

Michael Knott – supporting
Robert Doughty – objecting on behalf of Kier Partnership Homes

together with comments from Archaeology, the Environment Agency, Highway Authority and Tree Officer 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 footway improvements.

The 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 the footway improvements, and to appropriate conditions as listed in the main report. 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.

13. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA934 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 11 June 2012, and a table showing planning applications performance as at May 2012.

The Development Management Service Manager answered queries from Members. He advised in relation to the appeal by McCarthy and Stone at 49 St Catherine's Road, Grantham, that the Inspector at the recent informal hearing had, despite the Council's request made at the last meeting, reinforced by the Solicitor at the Hearing, nevertheless taken the appeal on the amended scheme. The result was expected within six weeks.

14. CLOSE OF MEETING

The meeting closed at 7.43pm.