



MINUTES

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 16 OCTOBER 2012

COMMITTEE MEMBERS PRESENT

Councillor Adams
Councillor Ashberry
Councillor Cook
Councillor Cosham
Councillor Howard
Councillor Kerr
Councillor King
Councillor Morgan

Councillor Parkin
Councillor Powell
Councillor Mrs Judy Smith
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Mrs Brenda Sumner
Councillor Wilkins (Chairman)
Councillor Woolley

OFFICERS

Head of Development And Growth (Mark Williets)
Development Management Service Manager (Pat Reid)
Strategic Director (Ian Yates)
Principal Planning Officers (Kevin Cartwright and Justin Johnson)
Area Planning Officer (Nigel Bryan)
Systems Support Officer (Gavin Hutchinson)
Environmental Health Service Manager (David Price)
Environmental Health Officer (Martin Glossop)
Committee Support Officer (Malcolm Hall)
Solicitor (Paul Rushworth)

OTHER MEMBERS

Councillor Bevan
Councillor Selby

(In accordance with Council Procedure Rule 24.5, Councillors Bevan and Selby spoke in connection with application NB1)

44. 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 Adams for Councillor Jacky Smith, Councillor

Woolley for Councillor Higgs and Councillor Cosham for Councillor Mrs Kaberry-Brown, for this meeting only.

45. DISCLOSURE OF INTERESTS

Councillor Adam Stokes disclosed an interest in application KJC2, as a Member of Lincolnshire County Council, the owners of part of the site, and indicated that he would leave the meeting when the application was discussed.

Councillor Mrs Brenda Sumner noted that she did not have a disclosable pecuniary interest in application NB1, but she was a Member of Stamford Town Council, the applicants.

Councillor Parkin disclosed an interest in application KJC2, as a Member of the Grantham Growth Team, which had not met since 2010.

46. MINUTES OF MEETING HELD ON 2ND OCTOBER 2012

The minutes of the meeting held on 2nd October 2012 were accepted as a correct record of decisions taken.

47. PLANNING MATTERS

Decision:-

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

KJC1

Application ref: S12/1468/MJRR

Description: Construction of 99 no. Dwellings (including 13 no.affordable dwellings) and associated garaging

Location: Poplar Farm, Barrowby Road, Grantham, NG31 8AF.

Decision: Approved

Noting comments made during the public speaking session from:-

Susan Browne – objecting
Robert Galij – agent

together with the Case Officer's report, comments from the Partnerships Project Officer, Public Rights of Way Officer, Crime Prevention Design Advisor, Lincolnshire Wildlife Trust, Anglian Water Services, Senior Historic Environment Officer (Archaeology), Upper Witham Internal Drainage Board and the Arboricultural Consultant, no objection from the Highway Authority, Planning Policy, Natural England or Network Rail, objections from Great

Gonerby Parish Council and nearby residents, comments from the applicants and a note concerning the Section 106 agreement; late information report circulated to Members present at the meeting, including officer comment in regard to the Section 106 agreement with regard to affordable housing, and comments made by Members at the meeting.

In response to questions, the Development Management Service Manager gave information in regard to affordable housing, in particular the proportions to be built during the various phases of the development of the site.

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 to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the approved materials schedule Drwg No. H5523/102 received by the local planning authority on 13th June 2012.
2. All soft landscaping works shall be carried out in accordance with the approved landscaping plans: Bir.4033_01, Bir.4033_02 and Bir.4033_03.

The development hereby permitted shall be carried out in accordance with the following list of approved plans:

House type plans and elevations - P206, P382, P341, P332, T322, H404, H433, H455, H408, H469, H421, H426 and H500. Garage Plans Single garage GH1A, Double Garage GH2A and Double Garage GH2C. Boundary Treatment Details - Brick Wall - Drg No. SD14-014 and Close Boarded Fence Drg No. SD14-015.

Location Plan Drg No. H5523:02, Planning Layout Drg No. H5523/101 Rev E and Streetscenes Drg No. H5523/05.

3. The finish floor levels of the development hereby permitted shall be in accordance with the approved Domestic Drainage Layout Plan Drg No. JN 1242-NWK-011.
4. Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the District Planning Authority for the location of bat and bird boxes to encourage wildlife development. The agreed scheme shall be implemented prior to the completion of the development.

(1.50pm – Councillor Adam Stokes left the meeting, having disclosed an interest).

KJC2

Application ref: S12/2249/MJNR

Description: Business Incubation Centre, Plot 6, Approval of Reserved Matters Pursuant of Outline Planning Permission.

Location: Grantham Station Approach, between Grantham Railway Station and Wharf Road, Grantham.

Decision: Approved.

Noting comments made during the public speaking session from:-

Paul Wheatley – applicant

together with the Case Officer's report, no objection from the Highways Agency, Economic Development and Investment Section and Planning Policy, no comments from the Senior Highways Officer – Footpaths, Lincolnshire Police Crime Prevention Design Advisor, Consultant Arboriculturalist, Environmental Protection and Open Space Officer, and comments from the Highway Authority; late information report circulated to Members present at the meeting, including comments from Natural England, no further comment from Network Rail, comments from English Heritage and the Principal Conservation Officer, together with officer comment thereon and a suggested additional condition in regard to a panel of proposed materials being constructed on site, 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 to the following conditions:-

1. This permission shall be read in conjunction with the list of approved plans:

Ground Floor Plan Drwg No. C.05.1 RevB, First Floor Plan C05.2 RevB, Second Floor Plan C.05.3 RevB, Third Floor Plan C.05.4 RevB.

North and East Elevations Drwg No. C.12.1 RevA, South and West Elevations Drwg No. C.12.2 RevA.

Landscaping Plan Drwg No. C.15.1.

Location and Site Plan Drwg No. C.01.

2. Notwithstanding the submitted details, a sample panel of the proposed materials shall be constructed on site, and shall be subject to the approval of the local planning authority prior to the work commencing on site. The panel shall show the proposed method of construction including type of materials and finish, details of any mortar mix and method of coursing to be used in the development. The approved development shall be constructed in accordance with the sample panel as may be approved, and the panel shall be

maintained on site throughout the construction works.

(2.25pm – Councillor Adam Stokes returned to the meeting).

NB1

Application ref: S12/0193/FULL
Description: Construction of skatepark
Location: Stamford Skatepark, Recreation Ground, Recreation Ground Road, Stamford.
Decision: Approved

Members noted the Case Officer's report on the application, during which he said that over 300 letters in support had been received, together with a petition of 140 signatures in support, and 50 letters from pupils at the St Gilbert of Sempringham Primary School, also in support.

The Environmental Health Manager and Environmental Health Officer gave detailed information in regard to the noise issues and, together with the Case Officer, answered Members' questions. The Development Management Service Manager commented on the funding issues which had been raised by Members during questions, and said that they should be given little or no weight, as they were not material planning issues.

Members noted comments made during the public speaking session from:-

Councillor Jean Bevan – Ward Councillor – in support
Councillor Ian Selby – in support

(The meeting adjourned from 3.11pm to 3.29pm).

The public speaking continued as follows:-

Peter Heyes – objecting
Dominic Glazebrook - objecting
Vic Abbott – objecting
Mr E Gilman – in support
Councillor Mrs M Jalili – in support
Marcus Stanier – in support
John Judge – in support
Luke Denley – in support
George Hetherington – in support
Hector Clack – in support (Also presented a petition in support)
David Brailsford – in support
Laurie Copley – in support
Jonathan Selwyn – on behalf of the Governors of the Queen

Eleanor School – in support (Also presented a petition of 200 signatures 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).

Ian Weeks – in support
Robert Weighton – agent

Members noted comments from Lincolnshire Heritage and Sport England, an objection from Environmental Health services, support from Lincolnshire Police, no adverse observations from the Highway Authority, the submission of amended plans and an updated noise assessment, and a large number of letters of objection and in support; late information report circulated to Members present at the meeting, including comments from Environmental Protection, and reference to a number of additional letters in support and an additional objection, and officer comment thereon, report of site inspection and comments made by Members at the meeting.

A Member gave a report on the site inspection which had been held, and he then moved a proposal as follows (also circulated to Members present at the meeting):-

This application should be approved subject to:

1. Conditions limiting noise along the lines of the following (detailed wording to be devised by planning officers, preferably with the involvement of SKDC's noise consultants and agreed by the chairman and vice chairman).
 - a) Operational hours are limited to 9am to 9pm Monday to Saturday and 10am to 5pm on Sundays
 - b) A maximum noise level of 60dB (A_{max,f}) as measured close to any surrounding housing will not be allowed to be regularly exceeded. The Council will decide whether any reasonable complaints from surrounding householders should be referred to independent noise consultants to measure or monitor the noise, the cost of this to be funded by the applicant/current owner of the skate park. If the noise levels regularly exceed 60dB (A_{max,f}) then the use of the skatepark shall cease until agreed remedial action has been taken which might include further attenuation works and further limiting of hours of use.
 - c) These conditions will not remove or alter measures under the Environmental Protection Act 1990 with regard to statutory noise nuisance

2. Other standard conditions to be devised by planning officers and agreed by the chairman and vice chairman

Note: Alternatively the costs of any noise monitoring could be shared between the applicant and the Council.

The Solicitor gave advice on the consideration of the proposal. He suggested that if it was the wish of Members to accept it, then possibly the exact wording could be delegated to the officers in consultation with the Chairman and Vice-Chairman; or it could be simply deferred to look at the proposal in detail and report back to the Committee. The solicitor went on to advise of the legal risks and cost consequences of a decision against officer recommendation.

The member moving the proposal pointed out that the wording of the proposal indeed reflected the advice of the Council's consultants insofar as they did not present a black and white picture, they deliberately presented a worst case scenario, they recommended a maximum spot noise level of 60db and they indicated that further attenuation works would be possible.

The proposer of the motion indicated that he had considered all the matters raised by the Solicitor, and drew the attention of the Committee to the first part of his proposal. The Development Management Service Manager reminded Members of the prospect of the use creating a statutory noise nuisance, and the issue of mitigation. The use was principally an outdoor one, and there was the alleged illegal use outside permitted hours in the past. The scheme before the committee failed to mitigate harm, and the management of the site had not been clarified.

The proposal was then seconded, and further discussion took place on the wording. The Chairman suggested, and it was agreed, that there be a short adjournment to enable the officers to consider the proposition in detail.

(The meeting adjourned from 5.25pm to 5.40pm).

After the adjournment, the Development Management Service Manager indicated that he could support the proposition, and the Chairman then referred to the minor amendments which had been made, which resulted in the proposition being as follows:-

This application should be approved subject to:

1. Conditions limiting noise along the lines of the following with detailed wording to be devised by planning officers, preferably with the involvement of SKDC's noise consultants and agreed by the chairman and vice chairman

- a) Operational hours are limited to 9am to 9pm Monday to Saturday and

10am to 5pm on Sundays.

- b) A maximum noise level of 60dB (Amax,f) as measured close to any surrounding housing will not be allowed to be regularly exceeded. The Council will decide whether any reasonable complaints from surrounding householders should be referred to independent noise consultants to measure or monitor the noise, the cost of this to be funded by the applicant/current owner of the skate park. If the noise levels regularly exceed 60dB (Amax,f) then the use of the skatepark shall cease until agreed remedial action has been taken which might include further attenuation works and further limiting of hours of use.
 - c) These conditions will not remove or alter measures under the Environmental Protection Act 1990 with regard to statutory noise nuisance
2. Other standard conditions to be devised by planning officers and agreed by the chairman and vice chairman.

The Head of Development and Growth said that the other conditions referred to in numbered point 2 above would include conditions relating to a management plan for the skate park, commencement, materials and a list of approved plans.

(A request for a recorded vote was then made under Council Procedure Rules 16.4 and 24, which was supported).

A recorded vote was then taken as follows:-

<u>For</u>	<u>Against</u>
Councillor Adams	None
Councillor Ashberry	
Councillor Cook	
Councillor Cosham	
Councillor Howard	
Councillor Vic Kerr	
Councillor King	
Councillor Morgan	
Councillor Parkin	
Councillor Powell	
Councillor Mrs Judy Smith	
Councillor Judy Stevens	
Councillor Adam Stokes	
Councillor Mrs Brenda Sumner	
Councillor Wilkins	
Councillor Woolley	

The proposition was carried, and the application was therefore approved as indicated above.

The Chairman suggested that as there was one member of the public present who had attended to speak on LDPP1, that application be taken before JJ1, which was the next on the list. This was agreed.

(5.45pm – Councillors Adams and Cosham left the meeting).

LDPP1

Application ref: S12/1692/FULL

Description: Drop kerb and create parking area.

Location: 67, Harrowby Road, Grantham, Lincolnshire, NG31 9ED.

Decision: Minded to refuse

Noting comments made during the public speaking session from:-

Mr Woolley – objecting

together with no adverse observations 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 approved, subject to the conditions in the report. On being put to the vote the proposition was lost.

It was then proposed and seconded that the application be refused, as it would result in the loss of a communal highway amenity.

The Development Management Service Manager confirmed that he did not accept the reason given at the meeting for the purposes of the procedure set out in the Constitution, and there was no reason to refuse on highway grounds. Members were reminded by the Solicitor of the procedure that needed to be followed, as set out in the Constitution sub, 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 sequent hearings of an application in this category. Members were reminded that on this first vote they would be minded to refuse.

A recorded vote was then taken as follows:-

For
Councillor Ashberry
Councillor Cook
Councillor King
Councillor Morgan

Against
Councillor Howard
Councillor Vic Kerr
Councillor Parkin
Councillor Woolley

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

The proposition was carried.

The Solicitor reminded Members that those who supported the motion were required to submit the planning reasons for their view to the Development Management Service Manager within 5 working days.

(6.15pm – Councillors King, Judy Stevens, Mrs Judy Smith and Woolley left the meeting).

JJ1

Application ref: S12/1483/MMRR

Description: Reserved matters application for demolition of commercial garage and erection of 14 dwellings (S09/0420)

Location: Mears Motors, Main Road, Thurlby, Bourne, PE10 0DZ

Decision: Approved

Noting no objection from the Highway Authority, comments from the SKDC Drainage Officer and Thurlby Parish Council, a number of representations from nearby residents and a note of the Section 106 Heads of Terms, 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 to the following conditions:-

1. The vehicular access shall incorporate 10 metres radii tangential to the nearside edge of the carriageway of Bourne Road and the minimum width of the access shall be 5.0 metres.
2. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 0659-101-A dated 21st June 2012, and retained for that use thereafter.
3. The arrangements shown on the approved plan 8659-101 A dated 21st June 2012 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

4. Before each dwelling is occupied, the roads and/or footways providing access to that dwelling, 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.

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.

5. Before any dwelling is commenced, 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 to and approved by the Local Planning Authority.

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
2. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
3. You are 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.

Development Management Service Manager to write to the Highway Authority to request reconsideration of the speed limit on the A15 in this area.

SP1

Application ref: S12/2016/FULL

Description: 3 x 15 meter high wind turbines

Location: Copley Farm, Doddington Lane, Claypole, Newark, Nottinghamshire. NG23 5AT

Decision: Deferred

Pending receipt of the information/comments requested.

48. SECTION 106 AGREEMENTS

S12/1152 – MODIFICATION OF PLANNING OBLIGATION (RETENTION OF SUBSTATION) IN RELATION TO SECTION 106 AGREEMENT DATED 11TH OCTOBER 2005 ATTACHED TO PLANNING PERMISSION S05/0107, BAIRDS MALT SITE, ANCASTER

Decision:-

That determination of application S12/1152 to amend the Section 106 agreement in regard to the Bairds Malt Site, Ancaster, be delegated to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman.

The Committee considered report PLA956 from the Development Management Service Manager.

Members were reminded that on 11th October 2005, permission had been granted for the residential development of the Bairds Malt site at Ancaster. The application now submitted was to vary the Section 106 agreement to permit the retention of the electricity substation on the open space, which had been provided as part of the original agreement. Details of the site were set out, as was the request from the applicants, together with officer comment.

It was proposed, seconded and agreed that the application be approved.

S11/3179/FULL – FACTORY UNIT AND OFFICES – EXTENSION OF TIME OF S04/1789, LAND ADJACENT WILCOX BODY SYSTEMS, BLENHEIM WAY, MARKET DEEPING

Decision:-

That determination of application S11/3179 to amend the Section 106 agreement in relation to Wilcox Body Systems, Blenheim Way, Market Deeping, be delegated to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman.

The Committee considered report PLA959 from the Development Management Service Manager.

Members were reminded that in January 2007, full permission was granted for the erection of a factory unit and offices on land adjacent to Wilcox Body Systems, Blenheim Way, Market Deeping. The development was subject to a Section 106 agreement requiring contributions to highway improvements in the vicinity of the site. The applicant now sought to extend the time limit of the application, as due to the recession they had been unable to start the new build. There would also be a corresponding need to amend the Section 106 agreement. There were no adverse observations from the officers.

It was proposed, seconded and agreed that the application be approved.

49. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA958 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 1st October 2012 and copies of appeals decisions was also submitted, together with a table showing planning applications performance as at September 2012.

50. CLOSE OF MEETING

The meeting closed at 6.46pm.