



# MINUTES

## DEVELOPMENT CONTROL COMMITTEE

### TUESDAY, 20 NOVEMBER 2012

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#### COMMITTEE MEMBERS PRESENT

Councillor Adams  
Councillor Ashberry  
Councillor Higgs  
Councillor Howard  
Councillor Mrs Kaberry-Brown  
Councillor Vic Kerr  
Councillor King  
Councillor Morgan  
Councillor Parkin

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

#### OFFICERS

Development Management Service  
Manager (Pat Reid)  
Area Planning Officers (Rob Vincent,  
Nigel Bryan, Peter Lifford and Satu  
Pardivalla)  
Systems Support Officer (Gavin  
Hutchinson)  
Committee Support Officer (Malcolm  
Hall)  
Solicitor (Paul Rushworth)

#### OTHER MEMBERS

Councillor Channell

*(In accordance with Council Procedure  
Rule 24.5, Councillor Channell spoke in  
connection with applications NB2 and  
NB3).*

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#### 51. MEMBERSHIP

The Committee was notified that a notice under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990 had been received, appointing Councillor Adams for Councillor Cook, for this meeting only.

**52. DISCLOSURE OF INTERESTS**

**53. MINUTES OF MEETING HELD ON 16TH OCTOBER 2012**

The minutes of the meeting held on 16<sup>th</sup> October 2012 were accepted as a correct record, subject to the insertion of the word "colour" in between the words "materials" and "and" on line 5 of condition 2 of application KJC2, on page 4 of the minutes.

**54. PLANNING MATTERS**

*Decision:-*

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

RV1

Application ref: S12/2212/FULL  
Description: Erection of dwelling and garage  
Location: R/O 10, West Road, Bourne  
Decision: Approved

Noting no objection from the Highway Authority or Bourne Town Council, comments from the LCC Footpaths Officer and Property Development, together with an objection from a neighbouring resident 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 development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. Before the dwelling is occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 2711/1 dated July 2012, and retained for that use thereafter.
3. This permission relates solely to the application as amended by applicant's agents letter and drawing ref no: 2711/1A received on 16th October 2012.
4. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing Ref No: 2711/1A Existing and Proposed Site Plans received on the 16th October 2012.

Drawing Ref No: 2711/2 Proposed Plans and Elevations.

Note(s) to Applicant

1. Surface water off drives and private areas shall not discharge onto the public highway. Drives falling towards the highway shall have channels installed at the interface and be connected to an approved system.
2. This road is a private road and will not be adopted as a Highway Maintainable at Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.
3. 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.

*(1.22pm – Councillor Mrs Brenda Sumner left the meeting, having disclosed an interest).*

NB1

Application ref: S12/1852/FULL

Description: Erection of 3 detached dwellings, following demolition of Casterton House

Location: Casterton House Rest Home, Casterton Road, Stamford, Lincolnshire, PE9 2UA

Decision: Refused

Noting no objection from the Highway Authority, comments from the Consultant Arboriculturalist, Principal Conservation Officer, Heritage Lincolnshire and the Internal Land Drainage Officer, together with objections from Stamford Town Council and from local residents, no objection from Environmental Health and comments made by Members at the meeting.

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

1. The development in this part of Stamford is characterised by a mix of one and two storey dwellings fronting onto the surrounding roads. It is considered that the proposed development is at odds with the prevailing character and would represent an unacceptable form of backland development. The application is therefore deemed contrary to the requirements of Policy EN1 of the South Kesteven District Council Core Strategy along with guidance contained in the National Planning Policy Framework.
2. The scale and location of plot 3 in relation to properties on Vence Close would result in a significant overbearing impact that would be detrimental to the amenity of the occupiers of these properties. The application is, therefore, deemed contrary to one of the core principles set out in paragraph 17 of the National Planning Policy Framework in relation to always seeking to secure a

good standard of amenity for all existing and future occupants of land and buildings.

*(1.35pm – Councillor Mrs Brenda Sumner returned to the meeting).*

NB2

Application ref: S12/1487/FULL

Description: Erection of replacement timber storage buildings, new access gate and piers.

Location: The Old Rectory, Carlby Road, Greatford, Stamford, Lincolnshire, PE9 4PR

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor Channell – local Member

together with comments from Heritage Lincolnshire and Natural England, comments from the Parish Council together with further emailed observations from the Parish Council circulated to Members at the meeting, no objections from the Environment Agency or Consultant Arboriculturalist and representations from local residents with regard to the original and amended plans, report of site inspection and comments made by Members at the meeting.

In response to queries from Members, the Development Management Service Manager advised that a condition could be imposed requiring the retention of hedges and that a limit could be placed on the number of cars that could be accommodated on the application site.

Further discussion took place in relation to a limit on the height of the buildings, and it was then 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 5 conditions set out on page 19 of the report, together with the following:-

6. That the existing hedgerow be protected and maintained to retain the character of the area, support wildlife habitat and mitigate issues of overlooking.

7. That in the event the hedgerow is not managed by the occupant, a hedgerow be planted alongside the existing hedgerow for the reasons given in Condition 6.

8. The height of the buildings will be restricted to 3.8m to retain the

character of the area.

9. That a maximum of 4 vehicles will be stored on the application site at any given time.

NB3

Application ref: S12/1811/FULL

Description: Replacement dwelling

Location: Manor House Farm and Manor Lodge, Lound, Bourne, PE10 0LJ

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor Channell – local Member  
Andrew Russell – Toft, Lound and Manthorpe Parish Council  
Huw Milson – in support  
Nigel Parcell – in support  
Mike Sibthorp – agent

together with comments from Heritage Lincolnshire, no objection from the Highway Authority or Planning Policy, support from the Parish Council, observations from the Principal Conservation Officer and a petition of support from 20 local residents, together with a letter in support from the applicant's agent accompanied by a letter from a letting agent, circulated to Members at the meeting, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be approved.

The Development Management Service Manager gave advice to Members in relation to planning policy issues and in relation to the potential for development on nearby land if this application was approved. In this case no precedent would be set, and any further applications would be considered on their own merits.

The Solicitor also gave advice to Members that there was no power to approve against officer advice until consideration had been given to any conditions that might need to be imposed, and the Committee should be minded to approve subject to the officers considering conditions which could then either be reported back or signed off by the Chairman and Vice-Chairman.

Following further consideration during which several Members suggested that the building should be constructed in stone, the proposition was put to the vote and approved, subject to the imposition of appropriate conditions, to be drafted by the Development Management Service Manager and approved by the Chairman and Vice-Chairman, and to specifically include a condition in relation

to the use of stone in the construction.

*(The meeting adjourned from 3pm to 3.20pm).*

*On the resumption of the meeting, the Chairman reminded Members that the next meeting was on the 4<sup>th</sup> December. It was suggested and agreed that the site visit group originally listed for the 11<sup>th</sup> December meeting meet instead for any site visits prior to the 4<sup>th</sup> December meeting on Wednesday, 28<sup>th</sup> November.*

*An additional meeting had been scheduled for the 18<sup>th</sup> December, site visits for which, if any, would take place on 12<sup>th</sup> December. The Chairman asked for volunteers for this additional day, and Councillors Ashberry, Howard, Morgan, Powell, Jacky Smith and Mrs Brenda Sumner agreed to form the group.*

### PL1

Application ref: S12/2469/FULL

Description: Variation of Condition 5 (delivery hours) of p/p S09/2256 to 0600 to 2300 hours Monday to Saturday and 0700 to 2000 hours on Sundays

Location: Tesco Stores Ltd, Godsey Lane, Market Deeping, Peterborough, PE6 8UD

Decision: Deferred

Noting comments made during the public speaking session from:-

Mr K O'Neill – objecting  
Jessica Sparkes – agent

together with comments from Environmental Protection and representations from nearby residents; late information report circulated to Members present at the meeting, including comments from Market Deeping Town Council, no objection from the Highway Authority, additional responses from local residents and a letter from then local Member of Parliament, and officer comment thereon, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be refused, owing to the impact on residents from noise.

Following discussion the Development Management Service Manager confirmed that on the basis of the evidence put forward there was insufficient to refuse the application, and in particular Environmental Protection had not objected. He suggested that if this was to be considered as a reason then additional information should be gathered in regard to noise and disturbance.

A Member suggested that if the Committee were minded to refuse, then this would give an opportunity to assemble the evidence required. The Solicitor advised that this could be done. Either the proposer of the motion to refuse could amend the proposition to one of deferral to enable the information to be assembled, or the usual procedure could be followed where the Committee wished to take a decision against the officer recommendation. He then gave the usual advice in relation to the procedure to be followed.

The proposer and seconder of the original motion to refuse then withdrew the proposition and instead proposed and seconded that the application be deferred to enable more information on noise and disturbance to be assembled and reported to a future meeting.

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

Further discussion took place on the proposition, and it was agreed that it would be preferable for the application to be deferred for a fuller Environmental Impact Assessment, to include quantitative data covering the specific issues raised.

On being put to the vote, the proposal was agreed, and the application deferred for the reason above.

*(In accordance with Council Procedure Rule 16.5, Councillor Howard asked that his vote against the proposal be recorded).*

*(4.35pm – Councillor Adams left the meeting).*

## PL2

Application ref:	S12/2472/FULL
Description:	Variation of Condition 2 (opening hours) of p/p S09/2256 to 0600 hours to 0000 (midnight) Monday to Saturday
Location:	Tesco Stores Ltd, Godsey Lane, Market Deeping, Peterborough, PE6 8UD
Decision:	Approved

Noting comments from Environmental Protection; late information report circulated to Members at the meeting including comments from Market Deeping Town Council, no objection from the Highway Authority and a letter from the local Member of Parliament and officer comment thereon, 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 use hereby permitted shall be discontinued and the store shall revert back to the opening hours approved under application S09/2256 on or before 20 November 2014.
2. The opening hours of the store shall be restricted to 0600 hours to 0000 hours, Mondays to Saturdays, and 1000 hours to 1600 hours on Sundays.
3. The existing parking areas within the site provided for store customers, and for vehicles expected to call at Market Deeping County Primary School and the William Hildyard Church of England School, shall be made available at all times
4. Cumulative noise emissions from all fixed plant installations shall not exceed 40dB(A) between 0700 and 2100 hours, and 30dB(A) between 2100 hours and 0700 hours on any day, when measured at a distance of 1m from the façade of the nearest residential dwelling.
5. Deliveries to and from the store shall not take place outside the hours of 0630 to 2230, Monday to Saturday and 0830 to 1630 Sundays.

*(4.45pm – Councillor Adams returned to the meeting).*

*(4.47pm – Councillor Powell left the meeting).*

### 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

Prior to consideration being given to the application, the Solicitor gave advice on taking part in the meeting for the benefit of Members who had not been present at the meeting on 2<sup>nd</sup> October, when this application had last been considered. The Committee Support Officer also clarified which Members were present at the 2<sup>nd</sup> October meeting.

Noting no objection from the National Air Traffic System, Ministry of Defence, Environment Agency and District Archaeologist, comments from Natural England and an objection from a local resident; late information report circulated to Members present at the meeting including comments from the Parish Council and no objection from the Highway Authority together with officer comment thereon, and comments made by Members at the meeting.

It was proposed and seconded and agreed that further consideration be deferred as it is considered that there is insufficient information before the committee to enable a proper decision to be made, and that Members should notify specific information required in writing to Councillor Adams who will collate and report to the Development Management Service Manager.

*(5.06pm – Councillor Mrs Brenda Sumner left the meeting).*

*(5.08pm – Councillor Mrs Kaberry-Brown left the meeting).*

### PL3

Application ref: S12/2503/HSB

Description: Single storey rear extension

Location: 39, Wood View, Bourne, Lincolnshire, PE10 9NL

Decision: Approved

Noting no objection from Bourne Town Council 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 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: HGE1101-01

*(5.09pm – Councillors Mrs Brenda Sumner and Mrs Kaberry- Brown returned to the meeting).*

*(5.09pm – Councillor Mrs Judy Smith left the meeting).*

## **55. SECTION 106 AGREEMENTS**

*Decision:-*

*That determination of planning application S12/2004 in relation to the discharge of the planning obligation attached to 1218/83/2351, be delegated to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman.*

The Committee considered report PLA955 from the Development Management Service Manager.

Members were advised that in 1984 permission had been given for the change of use of a property known as "The Heathers" to a nursing home, and the construction of a fire escape. This change of use had been subject to a Section 52 agreement restricting the number of residents to 14. The application was now to discharge the obligation, as the property was no longer a nursing home. Details of the planning history of the site were set out for the information of Members.

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

**56. APPEAL AGAINST NON-DETERMINATION, S/12/1016/FULL & S12/1020/LB, CONVERSION OF BUILDING, BUILD TWO STOREY EXTENSION AND DEMOLISH GARAGE AND ROOM TO FORM SEPARATE DWELLING AND FORMATION OF NEW VEHICULAR ACCESS, THE BARN, MAIN STREET, ALLINGTON**

*Decision:-*

*(1) That the Planning Inspectorate be informed that the Committee would have been minded to refuse application S123/1016/FULL for the following reason:-*

The proposed development by virtue of its size and design would be detrimental to the setting of the adjacent listed and the neighbouring property (Corner House) and the character and appearance of the conservation area. The proposal would therefore be contrary to the core principles contained in Sections 7 (Requiring Good Design) and Section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Framework (March 2012) in that it does not constitute high quality design and does not conserve or enhance the historic environment and the conservation area. The proposal would therefore be contrary to Policy EN1 of the Core Strategy (Adopted July 2010) as it would not reinforce local distinctiveness and sense of place nor would it contribute to the conservation, enhancement or restoration of the character of the District.

*(2) That the Planning Inspectorate be informed that the Committee*

*would have been minded to refuse application S12/1020/LB for the following reason:-*

The proposed development by virtue of its size and design would be detrimental to the listed building, and the neighbouring property (Corner House) and the character and appearance of the conservation area. The proposal would therefore be contrary to the core principles contained in Sections 7 (Requiring Good Design) and Section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Framework (March 2012) in that it does not constitute high quality design and does not conserve or enhance the historic environment and the conservation area. The proposal would therefore be contrary to Policy EN1 of the Core Strategy (Adopted July 2010) as it would not reinforce local distinctiveness and sense of place nor would it contribute to the conservation, enhancement or restoration of the character of the District.

**57. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY**

The Development Management Service Manager submitted his report PLA963 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 5<sup>th</sup> November 2012 and copies of appeal decisions was also submitted, together with a table showing planning applications performance as at September 2012.

The Development Management Service Manager answered queries from Members in relation to the various tables included within the report.

**58. LETTERS OF REPRESENTATION ON PLANNING APPLICATIONS**

A Member referred to the issue of letters sent by members of the public in regard to planning applications, whether for or against. She reminded the Committee that the content of these letters was often not fully reflected in the committee report, or in the late report. She suggested that these letters should be available to view in an electronic format as a public record. Following comments in relation to the legality of such correspondence being in the public domain, the Chairman suggested that even if letters were not available to the public, they could be made available for the committee.

The Development Management Service Manager said that letters could be scanned and put on the website. However, this was still being looked at and a system should be ready to put in place within the next few months. He undertook to look into this and report to the next meeting.

- 59. CLOSE OF MEETING**  
The meeting closed at 5.30pm.