

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 5 FEBRUARY 2013



COMMITTEE MEMBERS PRESENT

Councillor Adams
Councillor Ashberry*
Councillor Cook*
Councillor Howard
Councillor Mrs Kaberry-Brown
Councillor Vic Kerr
Councillor King
Councillor Morgan*
Councillor Parkin (Vice-Chairman)

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

OFFICERS

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

OTHER MEMBERS

Councillor Chivers*
Councillor Sampson*
(In accordance with Council Procedure Rule 24.5, Councillor Chivers spoke in connection with applications PJM1, PJM2 and PJM3)

(Members marked with an asterix attended on the 5th February 2013 only).*

79. 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 Higgs, for this meeting only.

80. DISCLOSURE OF INTERESTS

Councillor Ashberry queried whether or not he had any interest in applications PJM1 – 3, as he had in the recent past written to the local paper in connection with this type of application, i.e. converting public houses to shops. In addition he was the Ward Member for the area. The Solicitor gave advice, indicating that in his opinion the Councillor had no interests to declare.

81. MINUTES OF MEETING HELD ON 8TH JANUARY 2013

The minutes of the meeting held on 8th January 2013 were accepted as a correct record of decisions taken.

82. PLANNING MATTERS

(Before commencing the business of the meeting, the Chairman advised that, in view of the length of the agenda, he had changed the order of the consideration of the applications, to allow those with public speaking to be considered first. Other applications would then follow, and depending on the time that these applications were reached the Committee would be asked to consider an adjournment to a future date).

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 garden, construction of tennis court

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

Decision: Refused

Noting comments made during the public speaking session from:-

Mr P Sowerby – applicant

together with representations/comments from the Community Archaeologist, Ramblers' Association, English Heritage (appendices 1 & 2), SKDC Principal Conservation Officer (appendices 3 & 4), statement from the applicant's agent (appendix 5), justification statement from the applicant's Solicitor (appendix 6), justification statement from then applicant prepared by Dr C Miele (appendix 7) and letters in support from neighbouring residents; late information report circulated to Members before the meeting, including a correction to some of the information given in the agenda report, additional correspondence received from the applicant (listed) and officer comment thereon, together with lengthy comments made by Members at the meeting.

The Case Officer presented a lengthy report, drawing the attention of Members to the fact that the application had been last considered in February 2012. Members had at that stage indicated that they were minded to approve the applications. However they were deferred at the meeting to enable the necessary statement to the Secretary of State in relation to the Listed Building application to be prepared. The Case Officer said that since the last consideration of the application, a number of factors had arisen which materially affected the assessment of the proposals, and which required them to be brought before the committee for reconsideration. He then drew the attention of Members to a list of these, on page 31 of the report, and also to the comments in the several appendices. As a result of the new information, reconsultation had taken place with English Heritage as a statutory consultee, and their comments were in the appendices.

(2.12pm – Councillor Cook entered the meeting).

The Chairman reminded Members that a full Committee site visit had taken place last week. Councillor King then presented his report in detail, and circulated to the Committee three suggestions as to how the Committee could proceed, which were explained and discussed, prior to a proposition being made that the third option be adopted, as follows:

Approve the recommendation to refuse the applications for the reasons given, but add an additional resolution, as follows:

“The Committee agree to the officers taking enforcement action in the case of the elements causing the greatest harm but also to consider inviting the applicant to make new individual applications for those elements which cause less harm, whether already constructed or proposed”.

The proposition was discussed, and the Head of Development and Growth suggested that the words “the greatest” in line 2 of the additional resolution would perhaps be better replaced by the word “substantial”. It was also suggested that the words “in the agenda report on page 42 and” be added after the word “given” in the first line above, instead of “but add an additional

resolution as follows”.

The Chairman then read the resolution as amended, which was then proposed and seconded, as follows:

“”To approve the recommendation to refuse the applications for the reasons given in the agenda report on page 42, and the Committee agree to the officers taking enforcement action in the case of the elements causing substantial harm but also to consider inviting the applicant to make new individual applications for those elements which cause less harm, whether constructed or proposed”.

On being put to the vote, the resolution was agreed, and the application was refused for the following reasons, noting also the resolution above in regard to enforcement action:

1. It is considered that a thorough understanding of the historic significance of grade II* listed Caythorpe Hall and associated buildings as well as their settings within the conservation area, and the impact on their character has not been demonstrated. Taking the above into account, it is considered that the kitchen conservatory, veranda and relocated gates and fountain have a harmful and unjustified impact on the historic character of the grade II* listed Hall, the setting of the grade II listed Coach House and Caythorpe conservation area, contrary to National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan and policy EN1 of The South Kesteven Core Strategy.
2. No evidence has been submitted to demonstrate that the future viability and long term preservation of this heritage asset can only be achieved by allowing the harmful elements of the proposal. It is therefore considered that the development would result in substantial and unjustified harm to the historic character of the grade II* listed Hall the setting of the grade II listed Coach House and Caythorpe conservation area contrary to National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan and policy EN1 of The South Kesteven Core Strategy.

(In accordance with Council Procedure Rule 16.5, Councillor Powell asked that her vote against the proposition to refuse be recorded).

(Councillors Adams and Cook did not take part in the voting on this application).

PWM2

Application ref: S11/2372/LB

Description: Extensions and alterations to listed building including retention of 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: Refused

Noting comments made during the public speaking session from:-

Mr P Sowerby – applicant

together with representations/comments from the Community Archaeologist, Ramblers' Association, English Heritage (appendices 1 & 2), SKDC Principal Conservation Officer (appendices 3 & 4), statement from the applicant's agent (appendix 5), justification statement from the applicant's Solicitor (appendix 6), justification statement from then applicant prepared by Dr C Miele (appendix 7) and letters in support from neighbouring residents; late information report circulated to Members before the meeting, including a correction to some of the information given in the agenda report, additional correspondence received from the applicant (listed) and officer comment thereon, together with lengthy comments made by Members at the meeting.

The Case Officer presented a lengthy report, drawing the attention of Members to the fact that the application had been last considered in February 2012. Members had at that stage indicated that they were minded to approve the applications. However they were deferred at the meeting to enable the necessary statement to the Secretary of State in relation to the Listed Building application to be prepared. The Case Officer said that since the last consideration of the application, a number of factors had arisen which materially affected the assessment of the proposals, and which required them to be brought before the committee for reconsideration. He then drew the attention of Members to a list of these, on page 31 of the report, and also to the comments in the several appendices. As a result of the new information, reconsultation had taken place with English Heritage as a statutory consultee, and their comments were in the appendices.

The Chairman reminded Members that a full discussion had just taken place on the planning application which accompanied this listed building consent application, and it was proposed and seconded that the application be refused for the reasons in the report at page 109, and also subject to the additional resolution proposed in relation to enforcement action and subsequent action in respect of S11/2371/HSH, as follows:

"The Committee agree to the officers taking enforcement action in the case of the elements causing substantial harm but also to consider inviting the applicant to make new individual applications for those elements which cause less harm, whether constructed or proposed".

Following discussion on the wording of the first reason for refusal shown on page 109, it was suggested that after the word “impact” on line 6 of reason 1, the words “either individually or cumulatively” be added in order to clarify the Committee’s view. It was agreed that these words be added, and the proposition as amended was then put to the vote and agreed.

The application was therefore refused for the following reasons, noting also the resolution in regard to enforcement action, noted above:

1. It is considered that a thorough understanding of the historic significance of grade II* listed Caythorpe Hall and associated buildings, the impact on its character has not been demonstrated. Taking the above into account, it is considered that the kitchen conservatory (and associated works), veranda, replacement front doors of the Coach House, replacement door on main Hall courtyard elevation and removal and relocation of the gate piers and fountain, have a substantial harmful and unjustified impact either individually or cumulatively on the historic character of the grade II* listed Hall, and the grade II listed Coach House, contrary to the National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan.
2. No evidence has been submitted to demonstrate that the works would result in any public benefit and that the future viability and long term preservation of these heritage assets can only be achieved by allowing the harmful elements of the proposal. It is therefore considered that works to the Hall result in substantial and unjustified harm to the historic character of the grade II* listed Hall and the grade II listed Coach House contrary to the National Planning Policy Framework (Section 12: Conserving and Enhancing the Historic Environment) and policies 26 & 27 of the East Midlands Regional Plan.

(In accordance with Council Procedure Rule 16.5, Councillor Powell asked that her vote against the proposition to refuse be recorded).

(Councillors Adams and Cook did not take part in the voting on this application)

(The meeting adjourned from 3.02pm to 3.16pm).

(Councillor Jacky Smith did not return to the meeting on its resumption).

NB1

Application ref: S12/1058/FULL

Description: Demolition of outbuilding, erection of two one and a half storey dwellings and conversion of barn to one dwelling

Location: 29 High Street, Castle Bytham, Grantham, Lincolnshire,
NG 33 4RZ

Decision: Refused

Noting comments made during the public speaking session from:-

Councillor Vicky Dennis – Castle Bytham Parish Council

together with no objection from the Highway Authority, Consultant Arboriculturalist or Principal Conservation Officer, comments from the Parish Council and comments from Heritage Lincolnshire, Natural England, Lincolnshire Wildlife Trust and the Internal Drainage Officer, together with representations, objecting and in support, from local residents, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be refused on the grounds of overdevelopment of the site, access and being out of character with the Conservation Area.

The Development Management Service Manager reminded Members that as the Highway Authority had raised no objection, it would be difficult to justify a reason for refusal on highway grounds. Following discussion, the proposition was varied to exclude this reason.

The Chairman clarified the reasons for refusal, following which the proposition was put to the vote. An equality of votes resulted, and in accordance with Council Procedure Rule 16.2, the Chairman exercised his casting vote for the proposition, which was refused for the following reason:-

The proposed erection of two additional dwellings within the site would result in a cramped form of development that would neither preserve nor enhance the character of the Castle Bytham Conservation Area. The application is, therefore, deemed contrary to policy EN1 of the Core Strategy and guidance contained in the National Planning Policy Framework.

JJ1

Application ref: S11/2782/OUT

Description: Erection of pub/restaurant (with associated parking)

Location: Former Mirlees Blackstone Site, Uffington Road, Stamford

Decision: Approved

Noting comments made during the public speaking session from:-

Mr E Gilman – objecting on behalf of Stamford Chamber of Trade and Commerce
Chris Creighton – agent

together with no objection from Heritage Lincolnshire, Environmental Protection, Stamford Town Council, the Environment Agency or the Highway Authority, comments from Planning Policy, objections from Stamford Chamber of Trade and Commerce and comments on behalf of the receivers of F H Gilman and Company Ltd; late information report circulated to Members before the meeting including a recommendation for a change to condition 14, together with comments made by Members at the meeting.

The Case Officer, in presenting his report, drew the attention of Members to the sequential tests which had been undertaken, and which were listed on page 119 of the report, and also referred to the proposed amendment to condition 14, noted in the late report. A request had been made for amendments to conditions 11 and 13 to allow the development to be commenced before the associated road works were completed, but not occupied until they had been implemented. This had been discussed with the Highway Authority, and it had been agreed that condition 11 could be varied, but not condition 13. The late comments from Stamford Chamber of Trade and Commerce had been discussed with Planning Policy, and their view was that these did not prejudice Members' ability to determine the application today.

It was proposed and seconded that the application be approved, subject to the amendments to conditions 11 and 14 referred to above.

On being put to the vote the proposition was agreed and the application approved, subject to the summary of reasons set out by the Case Officer in the circulated report, to the amendments referred to above, and 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:

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

3. 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.

4. No development shall take place until details of any external lighting have been submitted to and approved in writing to the local planning authority. Development shall be carried out in accordance with the approved details.
5. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
 - a) all previous uses
 - b) potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on(1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
6. Piling or any other foundation designs using penetrative methods shall not be permitted other than with express written consent of the local planning authority, for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor
8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
9. Before development commences on site, further details relating to the vehicular access and ancillary works, including drainage works 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 into use and thereafter retained at all times.
10. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for 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, in accordance with policy SP3 of the adopted South Kesteven Core Strategy 2010.
11. The building hereby approved shall not be occupied until a new four arm roundabout on Uffington Road (as indicatively shown on drawing ref 10-257-TR-009 Rev A) has been implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
12. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.
13. Development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented as long as any part of the development is occupied.

14. Notwithstanding the provisions contained within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) this permission shall relate to the use of the premises for A3/A4 restaurant/pub only as defined in the application and for no other purpose.
15. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Proposed Site Plan: Ref A1A0037 A(PL) 01-102 Rev A
Proposed Site Plan: Ref A1A0037 A(PL) 01-104
Proposed Roundabout: Ref 10-257-TR-009 Rev A
16. No development shall commence until details of the equipment to be installed to suppress the emission of fumes or smell and obviate odours from frying or other cooking processes have been submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include details of any extraction vents or flues. The use of the building hereby approved shall not commence until the approved equipment has been installed and this shall then be maintained thereafter.

Note(s) to Applicant

1. The developers attention is drawn to the attached letter from the Environment Agency dated 15 December 2011.
2. No building to which this permission relates shall be occupied until a Section 278 Agreement of the Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide a roundabout and access road together with all necessary ancillary works in accordance with the indicative drawing submitted as part of the application.
3. Prior to the submission of details for any access works within the public highway you are advised to contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
4. 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.

(4.16pm – 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: S12/2825/FULL

Description: Installation of ATM and associated service door

Location: Cherry Tree, Harrowby Lane, Grantham, Lincolnshire
NG31 9NL

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor G Chivers – adjoining Ward representative
Michelle Bath – applicant’s planning consultant

together with no objection from the Highway Authority, comments from the Police Architectural Liaison Officer, objections from nearby residents and reference to the applicant’s submissions; report of site inspection and comments made by Members at the meeting.

(4.28pm – Councillor Adams left the meeting).

(4.30pm – Councillor Adams returned to the meeting).

Members discussed the application, and the two associated applications following, with particular reference to opening hours and control of delivery times. The Development Management Service Manager confirmed that there was no planning control over these aspects, as the site could be used as a shop without the need for planning permission. Conditions could not therefore be imposed.

A Member asked if conditions could be imposed by the Licensing Committee, and the Solicitor said that this would only apply if licensable activities, such as the sale of alcohol or late night refreshment took place.

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 begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be undertaken in accordance with the following list of approved plans:

Proposed ATM Elevation Dwg No. F9D11-259 A (00)033
Proposed External Alterations Plan Dwg No. F9D11-259 A(00)025

Note(s) to Applicant

1. 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.

PJM2

Application ref: S12/2827/FULL

Description: Installation of 1 x condenser unit and 3 x air conditioning units

Location: Cherry Tree, Harrowby Lane, Grantham, Lincolnshire, NG31 9NL

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor G Chivers – adjoining Ward representative
Michelle Bath – applicant's planning consultant

together with comments from Environmental Protection, an objection from a nearby resident and reference to the applicant's submissions; 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 development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Dwg No. F9D11-259 A(00)038 - Proposed plant elevations received by the local planning authority on 9th November 2012.

PJM3

Application ref: S12/2826/FULL

Description: Minor external alterations including demolition of chimney/tower, installation of new shop front, increasing the height of the existing flat roof extension, erection of canopy, siting of steel bollards, siting of cycle hoops, blocking up existing openings, landscaping and resurfacing existing car park and alterations to vehicular access and external lighting

Location: Cherry Tree, Harrowby Lane, Grantham, Lincolnshire, NG31 9NL

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor G Chivers – adjoining Ward representative
Michelle Bath – applicant's planning consultant

together with no objection from the Highway Authority, comments from Environmental Protection, objections from nearby residents/doctors' surgery and reference to the applicant's submissions; 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 development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be undertaken in accordance with the submitted lighting details including the e-mail from the applicant's agent dated 13th December 2012 confirming that the lights will be turned off when the store is closed.
3. The development hereby permitted shall be carried out in accordance with the following list of approved plans:

Proposed external alterations (south and west) Dwg No. F9D11-259 A(00)026 received 13th November 2012.

Proposed elevations (north and east) Dwg. No. F9D11-259 A(00)027

External Lighting Layout Dwg No. 7819 63 003 received 13th November 2012

Illuminance Levels Design Ref: LS20588_2 received 13th November 2012
External Alterations Plan Dwg No. F9D11-259A(00)100 received 13th November 2012

Note(s) to Applicant

1. Prior to the commencement of the development hereby permitted you are advised to contact the Divisional Highways manager, Lincolnshire County Council (telephone number: 01522 513100) to discuss the proposed works within highway limits.

PJM4

Application ref: S12/2286/OUT
Description: Erection of 6 apartments (outline)
Location: 87 Norton Street, Grantham, Lincolnshire NG31 6BY
Decision: Approved

Noting comments made during the public speaking session from:-

Mike Sibthorp – agent

together with no objection from the Highway Authority or Upper Witham Drainage Board, and comments from Planning Policy and the Housing Projects Officer, together with comments in regard to the possible Section 106 agreement; late information report circulated to Members before the meeting, including additional correspondence from Environmental Protection, raising no objection, and a suggested alteration to condition 11, report of site inspection and comments made by Members at the meeting.

(5.11pm – Councillor Wren left the meeting).

(5.20pm – Councillor Wren returned to the meeting).

(5.25pm – Councillor Mrs Sumner left the meeting).

(5.27pm – Councillor Adams left the meeting).

(5.28pm – Councillor Mrs Sumner returned to the meeting).

(5.29pm – Councillor Adams returned to 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, to include additional condition 11 set out in the late report (in relation to contaminated land):-

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) landscaping.

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

3. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. 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.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development, and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5. 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.
6. The ground floor levels and ridge height of the building hereby approved shall be constructed in accordance with those shown on drawing number MSP 919/201 dated 26th September 2012.
7. Within seven days of the new access being brought into use, the existing access onto Norton Street shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.

8. Before the development hereby approved is commenced a scheme for the provision, implementation and maintenance of a SUD's system shall be submitted to and approved in writing by the local authority.
9. All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

10. 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 MSP. 919/001 dated 26th September 2012
Drawing Number MSP. 919/002 dated 26th September 2012
Drawing Number MSP.919/201 dated 26th September 2012
Drawing Number MSP. 038/001 dated 26th September 2012
Drawing Number MSP. 038/002 dated 26th September 2012
Drawing Number MSP. 038/003 dated 26th September 2012
Drawing Number MSP. 038/004 dated 26th September 2012

11. Should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works must stop and the local planning authority notified immediately. The developer must submit to the planning authority for approval a scheme for remediating the identified contamination.

Note(s) to Applicant

1. 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.

PL1

Application ref: S12/3260/FULL

Description: Two storey dwelling, triple garage and workshop

Location: 22b Burghley Street, Bourne, PE10 9NS

Decision: Approved

Noting no objection from the Consultant Arboriculturalist, no objection from the Highway Authority and comments from a local resident; late information report circulated to Members before the meeting, including no objection from Bourne Town Council and a letter of objection from a local resident, and comments made by Members at the meeting.

(5.45pm – Councillor Mrs Kaberry-Brown left the meeting).

5.48pm – Councillor Mrs Kaberry-Brown returned to the meeting).

It was proposed and seconded that the application be approved.

Members discussed whether it would be appropriate to impose a condition on the proposed workshop to prevent it being used commercially, and were advised that this could be done.

The proposition was then put to the vote and agreed. The application as 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.
2. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.
3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power,

communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

4. Before development is commence on site all existing trees shown in the submitted tree survey and report shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.
5. 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.
6. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: AW.2012.12.GEFP, AW.2012.12.EFP, AW.2012.12.PSP.
7. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number AW.2012.12.PSP dated 12/12, and retained for that use thereafter.
8. The workshop and garages shall only be used in association with the dwelling and shall not be used for any seperate trade or business use whatsoever.

(5.55pm - It was proposed, seconded and agreed that the meeting be adjourned until Tuesday 19th February 2013 at 2pm).

(The meeting resumed on Tuesday, 19th February 2013 at 2pm).

NB2

Application ref: S12/2459/FULL

Description: Erection of two dwellings (incorporating balconies)

Location: Land Adjacent to Newcomb Court, Radcliffe Road, Stamford

Decision: Approved

Noting comments from Stamford Town Council and Heritage Lincolnshire, no objection from the Highway Authority or Consultant Arboriculturalist and representations from nearby residents; late information report circulated to Members before the meeting, including a note of a late representation from a member of the public 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 approved, subject to the access between the site and Newcomb Court being closed by a wall, with a pedestrian gate available to occupiers of the proposed houses only.

Following discussion, it was agreed that this could be achieved by an amendment to condition 5, which was read to the Committee. The proposition was then put to the vote and agreed, and the application was 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. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
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 extension, enlargement or other alteration of the building(s) shall be carried out without Planning Permission obtained from the Local Planning Authority.
4. 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.
5. Notwithstanding that no vehicular access is proposed between the application site and Newcomb Court, this access shall remain closed by the erection of a 2 metre high brick wall with a pedestrian gate accessed by keys held by the occupiers of the proposed homes.
6. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number

1723-02 and retained for that use thereafter.

7. Before development is commenced on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.
8. As identified on drawing 1840.TPP rev A, part of the parking area and drive to plot 2 shall be constructed using a no-dig technique. A plan shall be submitted to and approved in writing showing a section through the drive. The drive shall be constructed in accordance with the details as approved.
9. No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
10. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

1723 02
1723 05
1723 07
1723 08 (plot 1 floor plans)
1723 09
1723 10
1723 11

Note(s) to Applicant

1. 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.
2. Please note that this grant of planning permission does not override civil legal rights with regard to development on or over a boundary nor does it override legal rights of way that may be situ.

The road is a private road and will not be adopted as a highway maintainable at the public expense (under the Highway Act 1980) and as such the liability for maintenance rests with the frontagers.

NB3

Application ref: S12/2213/FULL

Description: Erection of 4 dwellings

Location: Land off, Stephens Way, Deeping St James

Decision: Approved subject to the completion of a Section 106 agreement

Noting no objection from the highway authority, comments from the Parish Council and from the Communities Leisure Officer, Education Authority and Primary Care Trust in relation to the Section 106 agreement contributions and comments from the Drainage Project Officer and Heritage Lincolnshire, representations from local residents and details of the proposed Section 106 Heads of Terms, together with comments made by Members at the meeting.

Following comments by Members in relation to the proposed Section 106 agreement, it was suggested and agreed that this should refer to the Primary Care Trust or its successor body, in view of likely changes.

Subject to the above comment, it was then proposed and seconded that the application be approved, subject to the completion of a Section 106 agreement.

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 in consultation with the Chairman and Vice-Chairman subject to the summary of reasons set out in the Case Officer's report, to the signing of a legal agreement to secure developer contributions and subject also to the conditions and notes set out in the report. Where the legal agreement has not been completed prior to the committee meeting a period of six weeks post the date of the committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman and 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 unacceptable development acceptable have not been forthcoming.

SB1

Application ref: S12/2817/FULL

Description: Conversion of redundant farm buildings to create X4 holiday units at Tilly's Barn; X3 holiday units at The Granary barns; X1 holiday unit; X1 live/work unit and cake decorating business (Class B1) at Perkins Barn together with new vehicular access and car parking

Location: Tilly's Barn and Perkin's Barn, The Granary, Outgang Road Baston

Decision: Approved

Noting no objection from the Highway Authority, Environment Agency or SKDC Conservation Officer, comments from Natural England and the Heritage Trust of Lincolnshire and no objection from South Holland District Council, together with comments made by Members at the meeting.

Members commented that there should be a condition limiting the use of the barn shown on the plans for farm use to storage, but excluding livestock of any kind.

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 also to the following conditions, and to the condition relating to farm storage referred to above:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. Prior to the commencement of the development hereby granted approval, details shall be submitted to and approved in writing by the local planning authority of rainwater goods to be installed on the buildings. The proposals shall only be carried out in accordance with the approved details.
3. Details shall be submitted to and approved in writing by the local planning authority showing a significant area of an internal wall to remain exposed for 'The Granary'. The proposals shall only be carried out in accordance with the approved details.
4. There shall be no chimneys or flues installed other than those shown on the approved drawings without the written approval of the local planning authority.
5. Prior to the commencement of the development hereby granted approval, large scale details shall be submitted to and approved in writing by the local planning authority at a scale of 1:10 of the proposed joinery details for windows and doors including materials to be used and cross sectional drawings detailing the treatment of lintels, windows and cills. The proposals shall only be carried

out in accordance with the approved details.

6. Prior to the commencement of development hereby granted approval, for any areas of brickwork, including boundary walls and brick infill (such as infill of windows) a sample of bricks to be made available and approved in writing by the local planning authority. The proposals shall only be carried out in accordance with the approved details.
7. Prior to the commencement of development hereby granted approval a sample of roofing materials shall be submitted to and approved in writing by the local planning authority. The proposals shall only be carried out in accordance with the approved details.
8. Prior to the commencement of development hereby granted approval, where solar panels are to be installed, details of how the panels are to be fixed to the roof to be submitted to and approved in writing by the local planning authority. The proposals shall only be carried out in accordance with the approved details.
9. Any repointing work to be undertaken using a traditional mix of 1:3:12 or 1:2:9 of cement, lime and sharp sand respectively.
10. Prior to the commencement of the development hereby granted approval, for any areas of proposed 'like for like' replacement; such as the replacement of iron columns or stone plinths, a sample of these are to be submitted to and approved by the local planning authority. The proposals shall only be carried out in accordance with the approved details.
11. Development shall not begin until details of the new vehicular access onto Baston Outgang Road from the site at Tilly's Barn; including materials, specification of works and construction method have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site before the development is first brought into use and retained thereafter.
12. The arrangements shown on the approved site plans ref: RDS 10779/16I and RDS 10779/26D received on 7 December 2012 showing the parking/turning/manoeuvring/loading/unloading of vehicles shall be implemented prior to the occupation of any of the barns hereby approved and available at all times when the premises are in use.
13. No development shall take place before the detailed design of the arrangements for surface water drainage (including the results of percolation tests) has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.
14. The development hereby permitted shall only be carried out in accordance with the flood protection measures set out in the approved Flood Risk Assessment by RM Associates (Version 1) dated September 2012.
15. The development hereby approved shall only be carried out in accordance with the provisions for foul drainage disposal set out in the email from the

applicant's agent dated 7 December 2012.

16. The development hereby approved shall only be carried out in accordance with the ecological mitigation measures set in the approved Conservation (Protected Species) Implications report dated August 2012 and Supplementary Report dated September 2012 by Landtec Associates.
17. No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing by the Local Planning Authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land;
 - (b) A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and
 - (c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
18. No floodlighting or other form of external lighting shall be installed on the site unless details have been first submitted to and approved in writing by the local planning authority. Only external lighting in accordance with the approved details shall be installed on site.
19. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (including species, plant sizes and proposed numbers/densities); and implementation programme.
20. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
21. The holiday accommodation hereby approved shall be occupied for holiday purposes only.
22. The holiday accommodation hereby approved shall not be occupied as a person's sole, or main place of residence.

23. The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
24. 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 development relating to Part 1 of Schedule 2 Class A, B, C, D, E, F, G or H or Part 2 Schedule 2 Class A shall be undertaken without the prior written approval of the local planning authority.
25. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Tilly's Barn

Proposed Site Plan Drawing RDS 10779/26D
Proposal Drawing RDS 10779/20D
Proposal Drawing RDS 10779/17F
Proposal Drawing RDS 10779/24E
Annotated A4 Survey Drawings indicating areas of masonry repairs and rebuilding
Survey Drawing RDS 10779/08A
Survey Drawing RDS 10779/09A
Survey Drawing RDS 10779/10A
Survey Site Plan Drawing RDS 10779/12

Perkins Barn

Proposed Site Plan Drawing RDS 10779/16I
Proposal Drawing RDS 10779/13F
Proposal Drawing RDS 10779/14E
Proposal Drawing RDS 10779/18B
Proposal Drawing RDS 10779/21B
Annotated A4 Survey Drawings indicating areas of masonry repairs and rebuilding
Survey Drawing RDS 10779/01B
Survey Drawing RDS 10779/02B
Survey Drawing RDS 10779/03A
Survey Drawing RDS 10779/04
Survey Drawing RDS 10779/05
Survey Site Plan Drawing RDS 10779/11
Proposal Drawing RDS 10779/22A
Proposal Drawing RDS 10779/23A

The Granary

Proposal Drawing RDS 10779/15H
Proposal Drawing RDS 10779/19E
Annotated A4 Survey Drawings indicating areas of masonry repairs and rebuilding
Survey Drawing RDS 10779/06
Survey Drawing RDS 10779/07

26. The barn to be retained for farm use will be for farm storage, excluding livestock of any kind.

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. 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.
3. The contaminated land assessment referred to in Condition 17 shall commence with the desk top study and shall include a site investigation report and remedial works if a requirement of further investigation and remediation has been identified in the desk top study.

SB2

Application ref: S12/2348/MJNF

Description: Erection of 2no. new industrial buildings to accommodate plastic recycling plant and associated storage.
Development to also include new landscaping, car parking, access, weighbridge and sub station

Location: South Fen Road, Bourne, PE10 0DN

Decision: Approved subject to the completion of a Section 106 agreement

Noting no objection from Bourne Town Council, Lincolnshire Fire Service or the Health and Safety Executive, comments from the Highway Authority, Environment Agency, SKDC Drainage, SKDC Environmental Health, the Welland and Deepings Internal Drainage Board and Heritage Trust of Lincolnshire, and representations from nearby residents; late information report circulated to Members before the meeting, including a response from the Environment Agency withdrawing their objection, comments from Anglian Water and officer comments thereon including an additional condition suggested by the Environment Agency and notes suggested by Anglian Water, together with comments made by Members at the meeting.

Members discussed the suggested notes from Anglian Water, included in the late report, and it was suggested that in view of the content of the notes they should be included as conditions. Following advice from the Development Management Service Manager, it was agreed that the first note would remain as a note, but the other two would be included as conditions.

Further comments were made in relation to the extraction of fumes and treatment of odours from the site. Members were advised that the applicants had not provided details of this, but a condition could be imposed requiring the

submission of plans and details, to cover the operations at the premises and also any catering facilities proposed.

The Committee also noted a slight amendment necessary to condition 12, to amend the word "Sundays" in line 2 to "Saturdays".

Subject to the proposed additional and amended conditions referred to above, it was then proposed and seconded that the application be approved, subject to the completion of a Section 106 agreement.

(3pm – Councillors Adams and Adam Stokes left the meeting).

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 in consultation with the Chairman and Vice Chairman subject to the summary of reasons set out in the Case Officer's report, to the signing of a legal agreement to secure the provision of a vehicle routing plan as set out in the Transport Assessment, and a financial contribution towards the provision of footway/highway improvements, and subject also to the conditions and notes set out in the report and as amended above. Where the legal agreement has not been completed prior to the committee meeting a period of six weeks post the date of the committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman and 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 unacceptable development acceptable have not been forthcoming.

(3.04pm – Councillors Adams and Adam Stokes returned to the meeting).

KJC1

Application ref: S12/3178/FULL

Description: Section 73 application to vary Condition 17 of Planning Permission S12/1272 to allow highway improvements to be completed prior to commencement of the use

Location: Former Issac Newton Public House, Harlaxton Road, Grantham, Lincolnshire, NG31 7SA

Decision: Refused

Noting no objection from the Highway Authority, comments from Legal Services, representations from local residents and a submission in support from

the applicants, together with comments made by Members at the meeting.

Several Members expressed concern at the proposal, and the Development Management Service Manager clarified that the application was only to change the timing of the condition, not to remove it completely. The proposed works would still be done as proposed but on a different timescale.

It was then proposed and seconded that the application be refused on highway safety grounds. After discussion on the wording of the reason for refusal, the proposal was put to the vote and agreed, and the application as refused for the following reason:-

Highway safety as conditioned in application S12/1272 is the same, if not greater, for construction traffic as it is for users of the completed building.
PL2

Application ref: S13/0041/ADV

Description: 3 Non-Illuminated crests and signage

Location: Bourne Corn Exchange, Abbey Road, Bourne

Decision: Deferred

(Councillor Powell declared a disclosable pecuniary interest as a Member and Town Mayor of Bourne Town Council, and at 3.21pm left the meeting).

Noting no objection from the SKDC Conservation Officer; late information report circulated to Members before the meeting including an objection from Bourne Town Council and officer comment thereon, and comments made by Members at the meeting.

It was proposed and seconded that the application be approved.

Following further discussion on the comments submitted, the proposition to approve was withdrawn, and it was proposed and seconded that further consideration be deferred to enable consultation with the applicants on an alternative design.

On being put to the vote the proposition was agreed, and the application was deferred for plans showing an alternative design for the signage.

(The meeting adjourned from 3.34pm to 3.45pm).

(Councillor Mrs Kaberry-Brown did not return to the meeting on its resumption).

83. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA975 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 21st January 2013 was also submitted, with a table showing planning applications performance as at December 2012.

84. CLOSE OF MEETING

The meeting held on 5th February 2013 was adjourned at 5.55pm, and the resumed meeting held on the 19th February 2013 closed at 3.57pm.