

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 26 MARCH 2013



COMMITTEE MEMBERS PRESENT

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

Councillor Mrs Judy Smith
Councillor Jacky Smith
Councillor Mrs Judy Stevens
Councillor Adam Stokes
Councillor Mrs Brenda Sumner
Councillor Wilkins
Councillor Wren

OFFICERS

Head of Development and Growth (Mark Williets)
Development Management Service Manager (Pat Reid)
Principal Planning Officer (Justin Johnson)
Area Planning Officer (Phil Moore)
Environmental Health Service Manager (David Price)
Environmental Protection Team Leader (Pete Rogers)
Systems Support Officer (Gavin Hutchinson)
Committee Support Officer (Malcolm Hall)
Solicitor (Paul Rushworth)

OTHER MEMBERS

Councillor Bisnauthsing
Councillor Bevan
Councillor Sampson
Councillor Thompson

(In accordance with Council Procedure Rule 16.5, Councilor Bevan spoke in connection with application NB1 and Councillor Bisnauthsing spoke in connection with application JJ1)

99. 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.

100. APOLOGIES

Apologies for absence were received from Councillors Parkin and Powell.

101. DISCLOSURE OF INTERESTS

Councillor Wilkins disclosed an interest in application S13/0224 (JJ2), as he was employed by the firm involved with the application as agent. He had no personal involvement, but the firm did.

Councillor Mrs Brenda Sumner disclosed an interest in application S13/0221 (NB1), as a Member of Stamford Town Council (the applicants). The Solicitor advised that whilst there was an interest, it was not a disclosable pecuniary interest.

102. MINUTES OF MEETING HELD ON 19TH MARCH 2013

The minutes of the meeting held on 19th March 2013 were accepted as a correct record of decisions taken.

103. PLANNING MATTERS

Decision:-

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

(1.08pm – Councillors Morgan and Wren entered the meeting).

NB1

Application ref: S13/0221/DC

Description: Approval of details of Conditions 3 and 4 (scheme protecting amenity) to planning permission S12/0193 for the erection of a skate park

Location: Stamford Skatepark, The recreation Ground, Recreation Ground, Stamford

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor Mrs Jean Bevan – local Councillor
Dominic Glazebrook – objecting
Peter Heyes – objecting
Hector Clack – supporting
Bob Weighton – agent

together with submissions in support from the applicants, support from Stamford Town Council, comments from Lincolnshire Heritage, Lincolnshire Police and Environmental Health and MAS (Noise Consultants), together with a large number of representations from local residents (41 in support and 16 objecting); late information report circulated to Members before the meeting referring to a further 15 letters from residents (9 in support and 5 objecting) and officer comment on the information received, together with comments made by Members at the meeting.

The Development Management Service Manager, in presenting the application, referred to two further letters in support, and also drew the attention of Members to the comments from MAS, and clarified these for the information of the committee.

The Head of Development and Growth, in response to queries from Members in relation to complaints which might be received, the possibility of a review of them and the mechanism for dealing with this, advised that normally the discharge of conditions on applications would be dealt with by officers. There would be no need for a return to committee if the review was routine.

It was proposed and seconded that the application be discharged and the Management Plan be approved.

The Chairman suggested an addition to this proposition as follows:-

“Monitoring to be undertaken at not less than every 125 milliseconds intervals and should include multi spectrum information (1/3rd octaves).”

The proposer and seconder agreed to include this within the proposition, which was then put to the vote and agreed. The application was therefore discharged and the Management Plan approved subject to the audio recording being

undertaken alongside the noise recordings. Monitoring to be undertaken at not less than every 125 milliseconds intervals and should include multi spectrum information (1/3rd octaves).

NB2

Application ref: S12/1198/MJNF

Description: Erection of two retail units (non food)

Location: Former R F Witt & Sons and adjacent car park, Godsey Lane, Market Deeping, Peterborough, PE6 8HT

Decision: Refused

Noting an objection from Market Deeping Town Council, comments from Heritage Lincolnshire, no objection from Economic Development, comments from Environmental Protection and Planning Policy, no objection from the Tree Consultant or the Highway Authority and objections from the local Member of Parliament and a number of local residents, together with one representation in support; late information report circulated to Members before the meeting, including an updated landscaping scheme, officer comment thereon and a suggested amended condition, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that then application be refused on the grounds of the effect of unit 1 on the residential amenities of the adjoining properties.

The Development Management Service Manager confirmed that he accepted the reason given for the purposes of the procedure set out in the Constitution, and the Committee could therefore make a decision today.

The Head of Development and Growth then read out a suggested reason for refusal, which was accepted by the proposer and seconder.

The proposal to refuse was then put to the vote and agreed, and the application was refused for the following reason:-

The development by reason of the scale, height, massing and siting of unit 1 would have a significantly detrimental and dominating impact upon the residential amenity of nearby residents and harmful to the character of the area.

PJM1

Application ref: S12/2769/FULL

Description: Proposed new community building/sports pavilion and additional associated parking

Location: Great Gonerby Playing Field, Belton Lane, Great Gonerby, Grantham.

Decision: Approved

Noting comments made during the public speaking session from:-

Phil Broad – local resident

together with no objection from the Parish Council, Highway Authority, Sport England or the Upper Witham Drainage Board, comments from SKDC Drainage Officer and Planning Policy and representations from local residents; late information report circulated to Members before the meeting including information about amendments to the application, comments from Environmental Health and suggested alterations to conditions, report of site inspection and comments made by Members at the meeting.

In presenting the application, the Development Management Service Manager confirmed that proposed condition 8 would be as follows:-

“Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before the building is occupied. The development shall be carried out in accordance with the approved details.”

He also confirmed that, following discussions on the hours of operation, the amended condition 10 proposed in the late report should be disregarded, and the condition in the report with the agenda should remain unaltered, ie. the hours would be 07.30 to 21.30.

The Solicitor referred to proposed condition 11, and suggested that it needed an amendment to require that the scheme shall be carried out in accordance with the details to be submitted.

It was then proposed and seconded that the application be approved, subject to the summary of reasons set out by the Case Officer in the circulated report, to the conditions on pages 27 to 29 of the report, and the amended conditions referred to above, and in the late report, as follows:-

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. No development approved by this permission shall be commenced until a scheme for the provision of a SUD's 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.
4. 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 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. 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.
5. 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.
6. The arrangements shown on the approved plan T246 A-03 Rev J dated 7th March 2013 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.
7. Prior to commencement of use of the Community Centre a scheme to introduce signage informing visitors of the overspill car park at the Burial Ground is to be agreed in writing by the Planning Authority.
8. Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before the building is occupied. The development shall be carried out in accordance with the approved details.
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 affect 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 premises shall not be used for the purposes authorised by this permission outside the hours of 07:30 to 21:30 hours.
11. Before the development hereby approved is commenced details which demonstrate that the building will be constructed to provide sound insulation against internally generated noise of up to LAeq5min 95 dB such that noise levels at the external west-facing elevation of no 2 Covill Close do not exceed 45 dBA shall be submitted to and approved in writing by the Local Authority.
12. 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 T246 - 102 Rev B dated 7th March 2013
Drawing Number T246 - A-03 Rev K dated 18th March 2013
Drawing Number T246 - A-01 Rev F dated 18th March 2013
Drawing Number T246 - A-02 Rev F dated 9th September 2013
13. Before the buildings hereby approved are occupied a noise management plan shall be provided for approval by the planning authority for the facility to minimising noise emissions associated by the use of the facility

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.

JJ1

Application ref: S13/0260/MJNF

Description: Development of a Football Stadium, with associated

infrastructure and facilities to include multi-use training pitch. Erection of sports college building to include dual use facilities for the football stadium. Provision of car boot sales on up to 30 days in any calendar year. Creation of new means of access from Ryhall Road with associated highway alterations.

Location: Land west of, Ryhall Road, Stamford

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

In presenting the application, the Case Officer referred to a further letter which had been received, and drew the attention of Members to a complete revised list of conditions which had been circulated to Members at the meeting.

(2.43pm – Councillor Adams left the meeting).

(2.45pm – Councillor Adams returned to the meeting).

(3.15pm – Councillor Stokes left the meeting).

(3.17pm – Councillor Stokes returned to the meeting).

(The meeting adjourned from 3.19pm to 3.35pm).

Noting comments made during the public speaking session from:-

Mr P Williams – Ryhall Road Residents' Association – objecting
Egerton Gilman – objecting
County Councillor John Hicks
Mr Paul Huyton – objecting
John Burrows – Stamford AFC – supporting
Gary McPartland – Director of Learning for Construction, Motor Vehicle, Sports and Public Services, New College, Stamford – supporting
Geoff Capes – supporting
Andrew Patience – Principal and Chief Executive, New College, Stamford – supporting
David Pennell – applicants
Peter Hepworth – applicants' noise consultant

together with comments from the Highway Authority, Ryhall and Uffington Parish Councils, Sport England, Lincolnshire Wildlife Trust, Lincolnshire Police, Lincolnshire Fire and Rescue, Natural England, Consultant Arboriculturalist and the SKDC Landscape Consultants, objections from nearby residents and the Ryhall Road Residents' Association, and a note of the Section 106 Heads of Terms; late information report circulated to Members before the meeting,

including a note of 10 further letters of objection, support from Stamford Town Council, comments from Uffington Parish Council, no objection from Environmental Protection, comments from MAS Environmental, a statement of objection from a local resident, information in support from the applicant and officer comment on all the information received; together with comments made by Members at the meeting.

(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).

It was proposed and seconded that the application be approved in accordance with the conditions set out in the list circulated at the meeting.

Following comments in relation to the access into the site off Ryhall Road, the Chairman drew the attention of Members to condition 30, which required the provision of a ghost island. He also suggested an amendment to condition 27, to require works to the access to be carried out before the commencement of development on site. The proposer and seconder accepted this amendment.

A Member requested that the discharge of condition 9 be brought before the Committee, but the Chairman advised that as this would require an application, any Member could request committee consideration at the time the application was submitted.

Following comments in regard to the opening hours of the sports hall, it was proposed and seconded that the hours be 7am to 12 midnight, seven days a week. The proposer and seconder of the original motion declined to accept this amendment. On being put to the vote, the amendment was lost.

The Chairman suggested an amendment to condition 18, to require the submission of details of the noise management scheme prior to the commencement of development, rather than the commencement of the use. This was agreed by the proposer and seconder of the motion.

Comments were made in relation to the effect of lighting on wildlife, and it was suggested that there should be an appropriate condition. Advice on conditions was available within the Wildlife and Countryside Act. The Solicitor advised that any condition must be necessary, and the test to consider was whether or not the application would be refused if the condition was not imposed. In the circumstances, he suggested that it was debateable whether the suggested condition was in fact necessary and reasonable. The Member withdrew the suggestion.

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 necessary highways contributions and subject

also to the conditions and notes set out in the report circulated at the meeting, 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.

KJC1

Application ref: S12/0484/MJRO

Description: Erection of 55 residential units (including 15 affordable units) Outline

Location: Barrack Gardens/Beacon Lane allotments, Beacon Lane, Grantham

Decision: Withdrawn from this meeting

Application to be discussed at a future meeting of the committee.

PWM1

Application ref: S12/2038/EIAFP

Description: Erection of poultry broiler unit – including 8 new broiler sheds with service buildings and associated stores, feed bins & associated equipment and new access track.

Location: Mill Farm, Caythorpe Heath Lane, Caythorpe, Grantham, Lincolnshire, NG32 3EZ

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

Noting comments made during the public speaking session from:-

Joe Ward – applicant

together with no objection from Fulbeck Parish Council and comments from Caythorpe Parish Council, no objection from the Highways Agency or Environment Agency, comments from Natural England, the Highway Authority,

SKDC Planning Policy, Environmental Health and the SKDC Agricultural Consultant, objections and a letter in support from local residents; late information report circulated to Members before the meeting referring to amended plans omitting the proposed dwellings and a full schedule of amended conditions, report of site inspection and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved, subject to the summary of reasons set out by the Case Officer in the circulated report, and subject also to the following conditions:-

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. 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.
3. Prior to the occupation of the poultry units hereby approved, the site entrance on Caythorpe Heath Lane (C326) shall be improved in accordance with the details shown on the approved plan reference WARD-21 received on 4 January 2013.
4. No development shall take place until Caythorpe Heath Lane has been widened and improved to a minimum width of 6m between the site entrance on Caythorpe Heath Lane (C326) and the junction with High Dyke (B6403).
5. The arrangements shown on the approved site plan referenced WARD-01J received 14 March 2013 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.
6. 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.
7. No development shall take place until full details of planting and landscaping (including planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme) have been submitted to

and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

8. Notwithstanding the details submitted with the application relating to two proposed new dwellings (drawing nos WARD-04A, 05 and 11), these elements of the proposal are considered withdrawn by the applicant's agent in accordance with the email from Acorus Rural Property Services Ltd dated 12 March 2013 and the amended plans submitted 14 March 2013

9. 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 WARD-01J received 14 March 2013
Location Plan WARD-06E received 14 March 2013
Proposed New Units 303-01 received 15 August 2012
Proposed Site Plan with annotated drainage details WARD-01D received 15 August 2012
Access Detail Plan WARD-21 received 04 January 2013

(5.35pm – The Chairman, Councillor Wilkins left the meeting, having declared an interest).

(The Committee agreed that Councillor Jacky Smith take the Chair for the next item).

JJ2

Application ref:	S13/0224/DC
Description:	Approval of condition 8 (joinery) and 9 (sound insulation) of p/p S11/2953
Location:	Land off, Burghley Street, Bourne
Decision:	Approved

Noting no objection from the Conservation Officer or Environmental Protection and comments made by Members at the meeting.

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

(5.40pm – The Chairman, Councillor Wilkins, returned to the meeting).

104. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA982 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 11th March 2013 was also submitted, with a table showing planning applications performance as at February 2013.

At the request of a Member, the Development Management Service Manager said that a Section 106 activity progress report would be prepared for the next meeting.

105. CLOSE OF MEETING

The meeting closed at 5.50pm