

MINUTES

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 4 DECEMBER 2012



COMMITTEE MEMBERS PRESENT

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

Councillor Powell
Councillor Jacky Smith
Councillor Mrs Judy 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 (Paul Milne and Phil Moore)
Systems Support Officer (Gavin Hutchinson)
Committee Support Officer (Malcolm Hall)
Solicitor (Paul Rushworth)

60. DISCLOSURE OF INTERESTS

Councillor Wilkins disclosed an interest in applications PJM1 and JJ1, as he was employed by a firm involved with the applications. He had no personal involvement, but the firm did.

Councillor Ashberry disclosed an interest in application PJM1, as he knew someone who was involved with the application.

61. MINUTES OF MEETING HELD ON 20TH NOVEMBER 2012

The minutes of the meeting held on 20th November 2012 were accepted as a correct record of decisions taken.

62. DECISION NOTICES

The Development Management Service Manager outlined changes which would now need to be made to the information provided on decision notices. He said that the National Planning Policy Framework had introduced changes which had come into effect on 1st December 2012. There would now be a statement on the notices that the authority was working pro-actively in trying to deliver sustainable development. This information would be added to all of the decisions issued as a result of this meeting.

63. PLANNING MATTERS

Decision:-

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

PL1

Application ref: S12/2310/MJNF

Description: Removal of Condition 12 of p/p S10/0069 to allow 24 hour deliveries

Location: Tesco land off, South Road, Bourne, Lincs.

Decision: Approved

Noting comments made during the public speaking session from:-

Simon Birnbaum – applicants

together with additional information in support from the applicant’s agent, objections from Bourne Town Council and a number of local residents, comments from Environmental Protection and no objection from the Highway Authority, report of site in section and comments made by Members at the meeting.

It was suggested that in the additional conditions suggested by Environmental Protection, condition 1 should be amended to include refrigeration units being switched off, as well as engines, to reduce likely problems from noise, while vehicles were waiting to deliver, or actually delivering goods.

(1.27pm – Councillor Morgan entered the meeting).

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

conditions listed in the agenda, but with condition 1 amended to a temporary permission for 6 rather than 12 months.

During the further discussion, it was agreed by the proposer and seconder of the motion that the three conditions suggested by the Environmental Protection Officer and listed on page 3 of the report should be added, subject to the amendment noted above, to include the switching off of refrigeration units when delivering or waiting to deliver.

It was pointed out that the Management Plan required under condition 9 would need to be submitted and approved, and consequently condition 1, which would give a temporary permission for 6 months would need amending to commence the 6 months after the Plan was agreed. This amendment was agreed by the proposer and seconder.

On being put to the vote, the proposal as amended 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 delivery hours hereby permitted shall be discontinued and the store shall revert back to the delivery hours approved under application S10/0069 on or before 6 months from the date of approval of the servicing management plan submitted in respect of condition no.9 of this planning permission.
2. The arrangements shown on the approved plan 6514/P02 Rev C received 14 January 2010 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.
3. The development shall operate in accordance with the Travel Plan submitted to and approved in writing by the local planning authority on 12 January 2011 under planning permission S10/2544. An annual staff survey shall be analysed and submitted to the local planning authority that will provide details of the implementation of the Travel Plan. The occupier shall ensure that travel arrangements are fulfilled in accordance with the Travel Plan, unless the local planning authority stipulates approval to any variation.
4. Within seven days of the new access being brought into use, the existing access onto the A151 Cherry Holt Road shall be permanently closed in accordance with a scheme to be agreed in writing by the local planning authority.
5. Prior to occupation of the hereto permitted development being brought into use, the works to improve the public highway indicatively identified on drawing 6512/P02 Rev C 14 January 2010 (by means of widening with a Ghost Island Right Turn Lane on Cherry Holt Road together with all ancillary works) shall be completed to the satisfaction of the local planning authority.
6. The surface water drainage scheme shall be implemented in accordance with the details approved on 23 September 2010 under planning permission S10/1761.

7. The development hereby approved shall be carried out in strict accordance with the amended lighting plan LS182 11/1 dated 10 March 2010.
8. The acoustic fence/wall as agreed on 23 september 2010 under planning permission S10/1761 shall be maintained in perpetuity.
9. Prior to the implementation of the approved variation of delivery hours, a servicing management plan shall be submitted to and approved by the local Planning authority, as to ensure that nearby residential areas are protected from noise related to the delivery movements.
10. The development hereby approved shall only be carried out in strict accordance with the conclusions and recommendations of the Contaminated Land Report submitted by Delta Simons reference 09-3121.03 received on 13 January 2010 and in accordance with the approved ground gas remediation scheme details agreed on 23 September 2010 under planning permission S10/1761.
11. 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, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
12. The development shall be constructed to accord with the finished floor levels indicated on plan ref. 6514/P06 received 14 January 2010.
13. The development shall be constructed from the materials indicated on drawing number 6514/P03 Rev C unless otherwise agreed in writing by the local planning authority.
14. No more than 2,814 sq.m. of floor area shall be used for direct retail sales.
15. There shall be no variation of the internal subdivision of the retail units without prior written approval from the district planning authority.
16. No more than 2,129 square metres of the net sales floorspace shall be used for the sale of convenience shopping goods including everyday essentials including food, drinks, newspapers, magazines and confectionary. The remaining 684 square metres of net sales floorspace shall only be used for the sale of comparison shopping goods including clothing, electrical goods, books, toys, entertainment media, kitchenware and hardware.
17. At no time during the night shall any delivery vehicle remain stationary with its engine idling or refrigeration equipment running whilst waiting to undertake a delivery or whilst its delivery is being offloaded.
18. No product cages (full or empty) shall be moved across the outside yard area between the times of 9:00pm and 7:00am.

19. Reversing alarms to delivery vehicles operating during the night shall not cause a nuisance. Alternative vehicle safety measures such as radar safety devices, TV cameras and in cab audible devices shall be used instead.

(2.03pm – The Chairman (Councillor Wilkins) left the meeting, having disclosed an interest).

(The Vice-Chairman (Councillor Parkin) was in the Chair for this item).

PJM1

Application ref: S12/1919/MJNF

Description: Redevelopment of existing tennis club to include the erection of building to incorporate 4 indoor tennis courts with associated changing, cafe, bar, studios, education room and gym together with 13 outdoor tennis courts, formation of a new access, car parking and landscaping.

Location: Grantham Tennis club, Gonerby Road, Grantham, Lincolnshire, NG31 8HU

Decision: Approved

Noting no objection from Planning Policy, comments from Lincolnshire Heritage and the South Kesteven Arboriculturalist, no objection from the Highway Authority, Network Rail, Lincolnshire Police, Open Space Officer, Environmental Health, Natural England, Lincolnshire Wildlife Trust, Environment Agency or the Upper Witham Internal Drainage Board, support from Sport England and an objection from a nearby resident, supporting information from the applicant 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. The development hereby approved shall be constructed from the materials shown on drawing number GTC 343 - A524 dated 5th November 2012. .
3. Before development commences on site further details relating to the vehicular access 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 in to use and thereafter retained at all times.

4. The arrangements shown on the approved plan GTC 343 - A510 Rev G dated 05-11-2012 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.
5. 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.
6. Within 6 months of the development being occupied, a Travel Plan shall be submitted to, and approved in writing by the local planning authority. Thereafter annually a staff survey shall be analysed and submitted to the local planning authority that will provide details of the implementation of the Travel Plan. The occupier shall ensure that travel arrangements are fulfilled in accordance with the Travel Plan, unless the local planning authority stipulates approval to any variation.
7. Before development commences a landscape management plan, including replacement tree planting, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority. The landscape management plan shall be carried out as approved.
8. Before development is commence on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.
9. The hard and soft landscaping for the development hereby approved shall be carried out in accordance with the submitted drawing number GTC 343 - A110 Rev J - dated 5th November 2012.
10. The development hereby approved shall be carried out in accordance with the Tree Planting Scheme and Specification by Michael J Summer dated 5th November 2012.
11. Within the root protection areas of all retained trees within the site a no-dig type hard surface only shall be used.
12. No development shall take place on any part of the land to which the permission relates, until the applicant has submitted a Management Plan which is to include, a SUDS overview, a management statement which is to also include how the SUDs will perform and develop over time, specification of works, maintenance schedule and detail the responsibility for the management and maintenance of each element of the SUDS scheme. This is to be approved by the Local Planning Authority before development commences.
13. 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.

14. A strip of land 6 metres wide adjacent to the top of the west bank of the Running Furrows Drain should be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority in consultation with the Board. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.
15. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Report 10571 dated 12th October 2012 by William Saunders.
16. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted Ecology and Protected Species Survey by Scarborough Nixon Associates dated 31st July 2012 and the Bat Method Statement within the Further Bat Survey dated 31st July 2012.
17. The fencing to be erected in relation to the development hereby approved shall be in accordance with the submitted fence details shown on drawing Nos. 05 J2/04040 Sheet 1 and 05 J2/04040 Sheet 2 dated 31st July 2012.
18. The lighting in relation to the development hereby approved shall be carried out in accordance with the amended External lighting plan by Abacus dated 8th November 2012.
19. The opening hours for the development hereby approved shall be in accordance with those stated within the submitted application form dated 31st July 2012.
20. No musical entertainment to take place in the external areas of the premises
21. All doors and windows in areas where musical entertainment is taking place will be kept closed (save for access and egress) during any musical entertainment.
22. Before the use is commenced, equipment shall be installed as will suppress the emission of fumes or smell and obviate odours from frying or other cooking processes. No development shall take place until details of the equipment have been submitted to and approved by the District Planning Authority
23. Before the development hereby commences details of the existing (including land immediately adjacent the application site) and proposed ground levels (Ordnance Datum) and the proposed floor and ridge levels should be submitted to the local authority for final approval. The drawings must include Spot Levels in addition to cross sections.
24. The development hereby permitted shall be carried out in accordance with the

following list of approved plans submitted as part of the application:

GTC 343 - A500 Rev E dated 31st July 2012
GTC 343 - A107 Rev L - dated 5th November 2012
GTC 343 - A110 Rev J - dated 5th November 2012
GTC 343 - A113 Rev D - dated 5th November 2012
GTC 343 - A510 Rev G - dated 5th November 2012
GTC 343 - A511 Rev F - dated 5th November 2012
GTC 343 - A520 Rev A - dated 5th November 2012
GTC 343 - A530 Rev A - dated 5th November 2012
GTC 343 - A502 Rev F - dated 5th November 2012
GTC 343 - A503 Rev E - dated 5th November 2012
GTC 343 - A524 - dated 5th November 2012
Drainage Plan Drawing Number (9) 2000 by William Saunders dated 6th November 2012
External Floodlighting plan dated 8th November 2012
Tree Planting Scheme and Specification by Michael J Sumner dated 5th November 2012

Note(s) to Applicant

1. When carrying out the development hereby approved the developers attention should be drawn to the comments of Peter Gravells of Lincolnshire Police within the submitted letter dated 5th September 2012.
2. Surface water off private drives and other private areas shall not discharge onto Adoptable Highway areas. Drives that fall towards the highway shall have drainage channels at the interface.
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.
4. The applicants attention should be drawn to the comments of Network Rail contained within the e-mail to South Kesteven District Council dated 26th January 2012.

(2.23pm – Councillors Ashberry and King left the meeting).

(2.23pm –the Chairman, Councillor Wilkins, returned to the meeting).

(2.25pm – Councillor King returned to the meeting).

(2.30pm – Councillor Ashberry returned to the meeting).

PWM1

Application ref: S12/2170/FULL

Description: 2 x 15 metre high wind turbines
Location: The Old Pump Cottage, Fen Road, Dowsby, Bourne,
Lincolnshire, PE10 0TX
Decision: Deferred

Noting comments made during the public speaking session from:-

Keith Podro – in support

together with comments from the Senior Historic Environment Officer, no objection from the Highway Authority, Ministry of Defence, NATS, Environmental Protection, Environment Agency, Anglian Water and Dowsby Parish Council, comments from Natural England and Rippingale Parish Council and objections from nearby residents, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be approved, subject to the conditions listed in the report. On being put to the vote, the proposition was lost.

It was then proposed and seconded and agreed that the application be deferred for similar reasons to those raised by Members in connection with application S12/2016 at Claypole, in particular relating to noise and wildlife, as it is considered that there is insufficient information before the Committee to enable a proper decision to be made.

(The meeting adjourned from 3.20pm to 3.40pm).

(The Chairman, Councillor Wilkins, did not return to the meeting on its resumption, having declared an interest in the next item).

(The Vice-Chairman, Councillor Parkin, was in the Chair for the next item).

JJ1

Application ref: S12/2555/DC
Description: Approval of details relating to Condition 11 (landscaping)
for application S11/2953
Location: Land off, Burghley Street, Bourne
Decision: Approved

Noting comments made by Members at the meeting.

It was proposed and seconded that the application be approved.

Following comments by Members in regard to a previous suggestion for temporary parking on the site, the Development Management Service Manager said that a condition requiring the provision of six grasscrete parking spaces could be included.

The proposition was then put to the vote and agreed, and the application was therefore approved, subject to the summary of reasons set out in the report, and subject also to the following condition:-

Notwithstanding the details shown in the application plans, the scheme hereby approved shall include the provision of six grasscrete parking spaces.

(3.46pm – the Chairman, Councillor Wilkins, returned to the meeting).

LDPP1

Application ref:	S12/1692/FULL
Description:	Drop kerb and create parking area
Location:	67 Harrowby Road, Grantham, Lincolnshire, NG31 9ED
Decision:	Refused

Noting no objection from the Highway Authority and objections from nearby residents together with reasons for refusal submitted by Members following the “minded to refuse” decision at the last meeting, comments from the Development Management Service Manager thereon, and confirmation that he did not accept these for reasons set out in the report.

Also circulated to Members present at the meeting was a document produced by Councillor Morgan in relation to the application.

(3.52pm – Councillor Wren left the meeting).

It was proposed and seconded that the application be refused on the grounds of the cumulative impact of the number of dropped kerbs, vehicle crossovers, the loss of on-street car parking as a result of the number of dropped kerbs and the impact on the street scene.

The Committee received advice from the Solicitor in relation to the application and its consideration, in particular that the reasons now being put forward were not those that had been put forward by Members after the last meeting. The Development Management Service Manager reiterated his view that the case for refusal was not strong, and his views had been expressed in the report.

Following further discussion on the precise reasons for refusal, the Chairman said that he would adjourn the meeting for a short period to enable the reasons to be written down and submitted.

(4.20pm – the meeting adjourned).

(4.27pm – as the meeting had lasted for three hours, in accordance with Council Procedure Rule 9, the Committee voted for the meeting to continue).

(4.27pm – Councillor Howard left the meeting).

(4.30pm – the meeting resumed).

The reasons for refusal were submitted by the proposer and, following further discussion, they were agreed as follows:-

“That the application be refused on grounds of:-
pedestrian safety;
loss of on-street parking; and
the ability of vehicles to leave the property and enter the highway not in a forward gear.”

Members were reminded that in accordance with the provisions of the Constitution, this second vote, on the proposition to refuse for the above reasons, would be recorded.

A recorded vote was then taken as follows:-

FOR	AGAINST	ABSTAIN
Councillor Ashberry	Councillor Higgs	Councillor King
Councillor Cook	Councillor Vic Kerr	Councillor Wilkins
Councillor Mrs Kaberry-Brown	Councillor Parkin	
Councillor Morgan	Councillor Jacky Smith	
Councillor Powell		
Councillor Mrs Judy Smith		
Councillor Stevens		
Councillor Adam Stokes		
Councillor Mrs Brenda Sumner		

The proposition was carried, and the application refused for the reasons above.

64. CLOSE OF MEETING

The meeting closed at 4.43pm.