

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 19 MARCH 2013



COMMITTEE MEMBERS PRESENT

Councillor Bob Adams
Councillor Mark Ashberry
Councillor David Higgs
Councillor Reginald Howard
Councillor Mrs Rosemary Kaberry-Brown
Councillor Vic Kerr
Councillor Michael King
Councillor Charmaine Morgan
Councillor Alan Parkin (Vice-Chairman)

Councillor Helen Powell
Councillor Mrs Judy Smith
Councillor Jacky Smith
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Brenda A Sumner
Councillor Martin Wilkins (Chairman)
Councillor Rosemary H Woolley

OFFICERS

(none)

OTHER MEMBERS

(none)

93. MEMBERSHIP

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

94. DISCLOSURE OF INTERESTS

Councillor Powell mentioned a possible interest in one of the applications coming before the committee, but was advised that there was no disclosable interest to declare.

95. MINUTES OF MEETING HELD ON 5TH MARCH 2013

The minutes of the meeting held on 5th March 2013 were accepted as a correct record of decisions taken, subject to an amendment to application KJC2 on

page 6, to correct the application number to read S12/0873, not S12/0875 as shown; and to an amendment to the penultimate line on page 14, to read "Noting objections from Bourne Town Council and no objection....".

96. PLANNING MATTERS

Decision:-

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

SB1

Application ref: S12/3277/FULL

Description: Change of use from residential dwelling (Class C3) to day centre for young adults with learning disabilities (Class D1)

Location: 4, St Gilberts Road, Bourne, Lincolnshire, PE10 9XB

Decision: Approved

Noting comments made during the public speaking session from:-

Anthony Baxter – objecting
Mr McLean – in support
Mrs M Avis – applicant

together with no objection from Bourne Town Council or Environmental Health, comments from two local Ward Members and the Highway Authority and objections and support from local residents; late information report circulated to Members before the meeting, including a note that a further seven letters in support had been received, and comments made by Members at the meeting.

It was proposed and seconded that the application be approved, subject to the conditions in the report.

During further discussion it was suggested by Members that, although the applicant had stated that there would be no more than 8 young adults with learning disabilities at the premises at any one time, it would be appropriate to restrict this to 8 by the imposition of a condition. Comment was also made about the possibility of signage being erected. The Head of Development and Growth said that signage was controlled by the advertisements regulations. Some types of signs came as of right with the application, depending on their size, but he recommended that the applicant discuss any proposals with Development Management. A condition restricting the numbers, as had been suggested, could be imposed and was reasonable and legitimate in the circumstances.

The proposer and seconded of the original proposal agreed to the addition of a condition to restrict numbers, as suggested, and on being put to the vote the application as amended by the addition of the condition as agreed above was 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 premises shall be used for a day centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
3. The premises shall not be used for the purposes authorised by this permission outside the hours of 09:00 and 16:00 from Monday to Friday.
4. The day care centre use hereby approved shall only be carried out in accordance with the Green Travel Plan (as amended) prepared by Mike Sibthorp Planning and submitted on 8 February 2013.
5. The arrangements shown on the approved plan MSP.912/003 Option 1 for the parking/turning/manoeuvring of vehicles shall be available at all times that the premises are in use.
6. The development hereby permitted shall be carried out in accordance with the following list of approved plans and documents submitted as part of the application:

Block Plan MSP.912/002
Alternative Car Parking Options MSP.912/003
Block Plan MSP.912/004
Floor Plan and Proposed Use of Rooms MSP.912/005
Green Travel Plan (as amended) prepared by Mike Sibthorp Planning on 8 February 2013
7. There shall be no more than 8 clients present at the premises hereby approved as a day centre at any one time.

NB1

Application ref: S12/3181/MJNF

Description: Erection of hotel (including 36 bedrooms and 18 parking spaces)
Location: Former Salvation Army site, East Street, Stamford, Lincolnshire, PE9 1QD

Decision: Withdrawn

(1.54pm – Councillor Higgs left the meeting).

SP1

Application ref: S12/2429/FULL

Description: Pig rearing and finishing building (unit 1) EIA development

Location: Land East of Keisby House, Keisby, Bourne, PE10 0RZ

Decision: Approved

Noting comments made during the public speaking session from:-

Ian Pick – agent

together with comments from Natural England, Lincolnshire Wildlife Trust, the Environment Agency, District Archaeologist, Environmental Health, Ramblers' Association and the Highway Authority, and objections from local residents and a letter in support from the National Pig Association; late information report circulated to Members before the meeting including a note regarding seven letters in support, report of site inspection and comments made by Members at the meeting.

The Development Management Service Manager advised that the objection from Lenton, Keisby and Osgodby Parish Meeting had been incorporated into the representation as a result of publicity section of the report, but without specific reference to that Parish Meeting.

(1.57pm – Councillor Higgs 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, to the condition recommended by Environmental Health on page 18 of the report, and subject also to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be commenced until details of a

scheme to install the underground tank has been submitted to and approved by the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved scheme, or any changes as may be subsequently be agreed, in writing, by the local planning authority.

3. The development hereby permitted shall not be commenced until a scheme for surface water disposal shall be submitted to and approved by the local planning authority. Thereafter the approved scheme shall be implemented in accordance with the agreed details.
4. The development hereby approved shall not be commenced until details of vehicle passing places on the highway approaches to the site have been provided and approved by the local planning authority. The agreed works shall thereafter be fully implemented before the commencement of the development.
5. The arrangements shown on the approved plan IP/KE/01 dated September 2012 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 until details 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.
7. The development shall be carried out in accordance with following list of approved plans submitted as part of the application.
 - Drawing No IP/KE/01 Dated September 2012 and received on 25.09.2013.
 - Drawing No IP/KE/02 Dated February 2012 and received on 1.03.2013.
8. The development hereby approved shall not be commenced until details of the methods of controlling and managing odour and waste have been submitted to and approved by the local planning authority. The agreed control and management systems shall thereafter be retained for the duration of the use of the unit for housing livestock.

Note(s) to Applicant

1. The site is crossed by a public right of way which shall remain unobstructed.
2. Due to the presence of watercourses and a aquifer in the area, as part of discharging the planning conditions the applicant will be required to

demonstrate that these features will not be at risk of contamination before the commencement of any development.

3. The site is located within an Nitrate Vulnerable Zone (NVZ). The activities will need to be in compliance with The Nitrate Pollution Prevention Regulations 2008 (amended 2009).
4. The applicant should be aware that an environmental permit would be required if livestock capacity exceeds:
 - o 750 sows.
 - o 2,00 production pigs over 30 kg.The Environment Agency must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use.
5. The applicant is advised to refer to the Code of Good Agricultural practice (COGAP), published by DEFRA, particularly section 1.5 on incident and accident planning and 3.2 on manure management.
6. The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

SP2

Application ref: S12/2428/EIAFP

Description: Pig rearing and finishing building (unit 2) EIA development

Location: Land East of Keisby, Bourne, PE10 0RZ

Decision: Approved

Noting comments made during the public speaking session from:-

Ian Pick – agent

together with comments from Natural England, Lincolnshire Wildlife Trust, the Environment Agency, District Archaeologist, Environmental Health, Ramblers' Association and the Highway Authority, and objections from local residents and a letter in support from the National Pig Association; late information report circulated to Members before the meeting including a note regarding seven letters in support, 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, to the condition recommended by Environmental Health on page 28 of the report, and subject also to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be commenced until details of a scheme to install the underground tank has been submitted to and approved by the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved scheme, or any changes as may be subsequently be agreed, in writing, by the local planning authority.
3. The development hereby permitted shall not be commenced until a scheme for surface water disposal shall be submitted to and approved by the local planning authority. Thereafter the approved scheme shall be implemented in accordance with the agreed details.
4. The development hereby approved shall not be commenced until details of vehicle passing places on the highway approaches to the site have been provided and approved by the local planning authority. The agreed works shall thereafter be fully implemented before the commencement of the development.
5. The arrangements shown on the approved plan IP/KE/01 dated September 2012 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 until details 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.
7. The development shall be carried out in accordance with following list of approved plans submitted as part of the application.
 - Drawing No IP/KE/01 Dated September 2012 and received on 25.09.2013.
 - Drawing No IP/KE/02 Dated February 2012 and received on 1.03.2013.
8. The development hereby approved shall not be commenced until details of the methods of controlling and managing odour and

waste have been submitted to and approved by the local planning authority. The agreed control and management systems shall thereafter be retained for the duration of the use of the unit for housing livestock.

Note(s) to Applicant

7. The site is crossed by a public right of way which shall remain unobstructed.
8. Due to the presence of watercourses and a aquifer in the area, as part of discharging the planning conditions the applicant will be required to demonstrate that these features will not be at risk of contamination before the commencement of any development.
9. The site is located within an Nitrate Vulnerable Zone (NVZ). The activities will need to be in compliance with The Nitrate Pollution Prevention Regulations 2008 (amended 2009).
10. The applicant should be aware that an environmental permit would be required if livestock capacity exceeds:
 - o 750 sows.
 - o 2,00 production pigs over 30 kg.The Environment Agency must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use.
11. The applicant is advised to refer to the Code of Good Agricultural practice (COGAP), published by DEFRA, particularly section 1.5 on incident and accident planning and 3.2 on manure management.
12. The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

JJ1

Application Ref: S12/3246/MJRF

Description: Construction of 34 residential dwellings

Location: Land off, Bourne Road, Morton

Decision: Refused

Noting comments made during the public speaking session from:-

Councillor Scott – on behalf of Morton and Hanthorpe Parish

Council

Andy Ashton – objecting

Mrs M Harris – objecting

David Bainbridge – in support

(2.46pm – Councillor Adams entered the meeting).

together with no objection from Anglian Water, comments from the Lead Local Flood Authority, SKDC Assets and Facilities (Drainage), the Highway Authority, Lincolnshire PCT, LCC Education, Community Leisure Officer, Partnerships and Projects Officer (Affordable Housing) and Planning Policy, objections from the Conservation Officer and Morton and Hanthorpe Parish Council, comments from Natural England and Heritage Lincolnshire, and objections from local residents and the Headteacher of the local school; late information report circulated to Members prior to the meeting, including comments from the Highway Authority and a suggested additional reason for refusal, and comments made by Members at the meeting.

It was proposed and seconded that the application be refused.

During discussion, the Case Officer suggested that there was no need for the extra reason suggested in the late report to be included, as reason 3 on page 48 was of the same effect.

The proposition was put to the vote, and the application was refused for the following reasons:-

1. There are fundamental policy objections to the proposal and it is considered that these cannot be overcome. The applicant has been made aware of the situation in order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions which cannot resolve the reasons for refusal and a decision has been issued in a timely fashion.
2. This site is a Greenfield, in the open countryside, located outside of the existing built framework of the village and divorced from the majority of village facilities by the busy A15. As an unallocated greenfield site on the edge of the village the proposal is contrary to Policy SAP H1 of the emerging Site Allocation and Policies DPD Further development to the south of the village in this location would encroach upon the open countryside and fundamentally change the existing linear pattern of development of the village. The Landscape Character Assessment (LCA) (2007) identifies Morton as lying within the Fen Margins. The linear nature of villages is identified as a key characteristic of this area. The LCA identifies that large scale development proposals within the rural parts of this character area are unlikely to be successfully assimilated into this landscape. Policy EN1 of the Core Strategy requires development to be appropriate to the character of the landscape within which it is located, the policy also requires consideration to be given to local distinctiveness and sense of place and the historic character, pattern and attributes of the landscape.

The historic core of Morton is designated a Conservation Area although the site lies outside of the designated area. It is considered that the application site contributes to the open rural approach to the village from the south. An estate development of this type in the location proposed would be contrary to the established, and still prevailing, linear settlement pattern of Morton.

Furthermore, neither the submitted layout nor the proposed house types give any reassurance that local distinctiveness will be reinforced by the proposed development, which has a regimented layout and will not appear at all like a natural extension of the village. It is therefore considered that development in this location to the south of the village is contrary to the requirements of the National Planning Policy Framework and policy EN1 of the Core Strategy and Policy SAP H1 of the emerging Site Allocation and Policy DPD.

Notwithstanding the National Planning Policy Framework presumption in favour of sustainable development it is considered that the adverse impacts of this proposal in terms of its impact upon the open countryside and the existing form and pattern of development clearly outweigh any small benefit which might be achieved by the delivery of a small number of additional houses, which will have little overall effect on the supply of housing land in the district.

3. The Local highway authority has requested a Transport Assessment to be submitted in support of the application. The applicant has not submitted the requested Transport Assessment and therefore all relevant information has not been provided to enable the Council to fully assess the potential highway implications of the development. The development is therefore considered to be contrary to the requirements of the National Planning Policy Framework and policy SP3 of the adopted South Kesteven Core Strategy 2010.

EXCLUSION OF THE PUBLIC

It was proposed and seconded that:-

IN ACCORDANCE WITH SECTION 100A (4) OF THE LOCAL GOVERNMENT ACT 1972, THE PUBLIC BE EXCLUDED FROM THE MEETING BECAUSE OF THE LIKELIHOOD, IN VIEW OF THE NATURE OF THE BUSINESS TO BE TRANSACTED, THAT IF MEMBERS OF THE PUBLIC WERE PRESENT, THERE WOULD BE A DISCLOSURE TO THEM OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 2 OF PART 1 OF SCHEDULE 12A OF THE ACT.

This proposition was approved.

(3.09pm – the press and public left the meeting).

(3.09pm – Councillors Mrs Kaberry-Brown left the meeting).

97. UNTIDY STATE OF GARDEN AREA, BOURNE

Decision:-

That the Development Management Service Manager be given authority to arrange for default action to be undertaken with respect to clearing the land identified within the report.

The Planning Enforcement Officer gave a report (PLA953) in relation to the background to his request for authority to be given to the Development Management Service Manager to arrange for default action to be taken to clear an area of untidy land identified within the report.

During discussion it was proposed and seconded that the matter be deferred for further consideration and to enable an ecological assessment to be carried out prior to any work being carried out on the site. On being put to the vote the proposition was lost.

It was then proposed and seconded and agreed that the recommendation of the Planning Enforcement Officer be accepted.

98. CLOSE OF MEETING

The meeting closed at 3.41pm