

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 25 JUNE 2013



COMMITTEE MEMBERS PRESENT

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

Councillor Mrs Judy Smith
Councillor Jacky Smith (Vice-Chairman)
Councillor Stevens
Councillor Adam Stokes
Councillor Mrs Brenda Sumner
Councillor Wilkins (Chairman)
Councillor Woolley

OFFICERS

Head of Development Services (Mark Williets)
Development Management Service Manager (Pat Reid)
Principal Planning Officer (Justin Johnson – accompanying Peer Review Group)
Area Planning Officers (Alan Harvey, Nigel Bryan and Sylvia Bland)
Environmental Protection Team Leader (Pete Rogers)
Systems Support Officer (Gavin Hutchinson)
Committee Support Officer (Malcolm Hall)
Solicitor (Paul Rushworth)

OTHER MEMBERS

Councillor Mrs Cartwright
Councillor Miss Channell

(In accordance with Council Procedure Rule 16.5, Councillor Channell spoke in connection with application S13/0681 (NB1)).

133. 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 Woolley for Councillor King, for this meeting only.

134. APOLOGIES

Apologies for absence were received from Councillor Parkin.

135. DISCLOSURE OF INTERESTS

Councillor Woolley disclosed an interest in applications S13/9681 (NB1) and S13/1124 (SB1) as Clerk to both Parish Councils. She had no pre-determined views and intended, in the case of application SB1, to give the views of the Parish Council by taking part in the debate.

136. MINUTES OF MEETING HELD ON 4TH JUNE 2013

The minutes of the meeting held on 4th June 2013 were accepted as a correct record of decisions taken.

137. PLANNING MATTERS

Decision:-

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

NB1

Application ref: S13/0681/MJNF

Description: Change of Use to motorcycle dirt track, retention of portacabins and earthworks. Use for 24 events during a 12 month period (retrospective) (amendments to application S12/1350)

Location: Warren Farm, Main Street, Witham On The Hill, Bourne

Decision: Deferred

Noting comments made during the public speaking session from:-

- Councillor Channell – local ward representative
- Sue Pennant-Jones - objecting
- Jonathan Booty – Chairman of Careby, Aunby & Holywell Parish Meeting, objecting
- Paula Smith – Clerk to Little Bytham Parish Council, objecting
- Sean Bashforth – objecting
- Barbara Cooper – objecting
- Andrew Greenwood – objecting
- Warwick Banks – objecting
- Jonathan Hill – objecting

Marie Turpin – objecting
Richard Turpin – objecting
Kieran Gibbons – in support
Carol O’Prey – in support
Bill Wright – in support (statement read by Carol O’Prey)
Ben Jackson – in support
Will Stanton – in support
Nik Willerton – in support
Clyde Thompson – applicant

together with no objection from the Highway Authority (full observations reproduced in the report), comments from Natural England, Environmental Protection and Planning Policy, observations from Lincolnshire Wildlife Trust, reproduced in the report, an objection from Careby, Aunby and Holywell Parish Meeting, reproduced in the report, objections from Little Bytham and Clipsham Parish Councils, comments from Heritage Lincolnshire, and a large number of objections and letters in support, including a petition of over 300 signatures in support; late information report circulated to Members before the meeting, including a note of a further large number of letters in support, objections (in full) from Witham on the Hill Parish Council, and observations from the Environment Agency, officer comment thereon, and a suggested reason for refusal; report of site inspection and comments made by Members at the meeting.

(1.11pm – Councillor Ashberry entered the meeting, sat at the rear of the room, and did not take any part in the discussion or voting on the application).

(1.15pm – Councillor Morgan entered the meeting, but did not take any part in the discussion or voting on the application).

It was proposed and seconded that the application be refused for the reason in the late information report. On being put to the vote the proposition was lost.

It was then proposed, seconded and agreed that the application be deferred to enable the applicant to produce a further sound check/noise assessment, with the parameters being set by the District Council’s Environmental Protection section.

NB2

Application ref: S13/0369/MJNF

Description: Erection of 39 no. bedroom care home facility (Class C2 Use)

Location: Holland House Nursing Home, 35, Church Street, Market Deeping, Peterborough, Lincolnshire, PE6 8AN

Decision: Approved

Noting comments made during the public speaking session from:-

Mr A Kachra – applicant

together with no objection from the Consultant Architect, Environmental Protection, Highway Authority or the Environment Agency, an objection from Market Deeping Town Council in respect of the original and amended applications, and comments from Heritage Lincolnshire, SKDC Property Development and English Heritage, together with a number of letters of objection from nearby residents; late information report circulated to all Members before the meeting, including observations from the Consultant Arboriculturalist, and confirmation from Market Deeping Town Council that they maintain their objection to the application as amended, officer comment thereon and a suggested additional condition, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be approved.

Members suggested that the proposed step access to the sunken courtyard area was not satisfactory, and following discussion, an amendment to include a suitable condition and note was proposed as follows:-

“No development shall take place until full details, including sections, of the access to the sunken garden courtyard area are submitted to and approved by the local planning authority and thereafter implemented and maintained throughout the lifetime of the development.

Note:- These details, having been submitted to Development Management, shall be submitted to the committee for approval.”

The proposer and seconder agreed to include this within the proposition.

The proposition as amended by the condition in the late report, and as above, was then put to the vote and agreed, 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. 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.
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 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.
5. The arrangements shown on the approved plan 0141/(10)002 REv A03 dated 08 May 2013 for the parking/turning of vehicles shall be available at all times when the premises are in use.
6. 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 hard surfacing materials, planting plans with 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.
7. 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.
8. Construction work shall only be carried out between the hours of 07:30 and 18:00 Monday to Friday and 09:00 to 13:00 on a Saturday. No construction shall be carried out on Sundays or Public Holidays.
9. Only timber doors and windows shall be used in the external elevations of the building.
10. 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.
11. No development shall take place until full details, including sections, of

the access to the sunken garden courtyard area are submitted to and approved in writing by the local planning authority and thereafter implemented and maintained throughout the lifetime of the development.

12. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

- (10)002 rev A03
- (20)001 rev A03
- (20)002 rev A03
- (20)003 rev A03
- (21)001 rev A03
- (21)002 rev A03

Note(s) to Applicant

1. Construction shall include mobile and fixed plant/machinery, e.g. generators, radios and the delivery of construction materials.
2. The details submitted to discharge condition 11 shall be approved at the Development Control Committee.

NB3

Application ref: S13/0361/LB

Description: Demolition of conservatory and increase height of boundary wall to 2.5m

Location: Holland House Nursing Home, 35, Church Street, Market Deeping, Peterborough, Lincolnshire

Decision: Approved

Noting no objection from the Consultant Architect and comments from Heritage Lincolnshire and Market Deeping Town Council, together with letters of objection from nearby residents, 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 works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
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. The stone work where the conservatory has been removed shall be made good with appropriate repair and mortar detail, a method statement detailing the works to be completed shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented.
4. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

(21)005 rev A00
(21)006 rev A00

Note(s) to Applicant

1. Please note that this grant of Listed Building Consent does not override civil legal matters with regard to development on or over a boundary or the Party Wall etc Act.
2. * The wall shall have a coping detail that will also be submitted and approved in writing.

(The meeting adjourned from 3.15pm to 3.30pm).

SB1

Application ref: S13/1124/MJRF

Description: Development of 49 dwellings for occupiers aged 55 and over, communal hall, vehicular access, amenity open space, landscaping, allotments and associated works

Location: Land Off Chesham Drive, Baston

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

Noting comments made during the public speaking session from:-

David Bainbridge – agent

together with an objection from the Parish Council, no objection from the Environment Agency, NHS Property Services, LCC Drainage, the Highway

Authority and LCC Rights of Way, comments from Natural England, Anglian Water, Lincolnshire Fire and Rescue, Lincolnshire Wildlife Trust, Heritage Trust of Lincolnshire, LCC Minerals and Waste, LCC Education, SKDC Planning Policy, SKDC Partnerships Project Officer and SKDC Community Leisure Officer, together with objections from nearby residents, and a note of the proposed Section 106 Heads of Terms; late information report circulated to Members before the meeting, including further comments from the Parish Council and officer comment thereon, report of site inspection and comments made by Members at the meeting.

During discussion, it was suggested and agreed that a suitable condition regarding the management of the allotments should be added, should the application be agreed, as follows:-

“No development shall commence until a landscaping scheme and management plan for the allotments shown on drawing no. SK-05 Rev G (received on 20/05/2013) have been submitted to and approved in writing by the local planning authority. The allotments shall be provided in accordance with the approved details prior to the completion of the 25th dwelling on the site.”

It was proposed and seconded that the application be approved.

A Member suggested that it would be appropriate to include a condition requiring a street lighting plan to be submitted, and the Chairman suggested a condition as follows:-

“No development shall be commenced until a street lighting scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwellings.”

The proposer and seconder agreed to include the proposed condition regarding allotments and the above condition regarding street lighting within the proposition.

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, and in relation to allotments and a street lighting plan as mentioned 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.

AH1

Application ref: S13/0150/MJRF

Description: Erection of 15 no.dwellings with access (off Belvoir Close), parking, landscaping and associated works

Location: Land off Belvoir Close, Stamford

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

(The Chairman advised Councillors Cook and Morgan that as they had not been present at the meeting on 14th May, when this application had last been discussed, they should not take part in the discussion or voting at this meeting).

Noting an addendum to the report, explained by the Case Officer, in relation to the matters raised at the previous meeting, when the application had been deferred for consideration of various matters by the applicant; together with no objection from Planning Policy, and further comments in relation to the DPD, the Highway Authority, Consultant Arboriculturalist, Lead Local Flood Authority, Property and Facilities, Anglian Water and Environment Agency, comments from Stamford Town Council, Environmental Health, LCC Children's Services, SKDC Leisure and Communities, Heritage Trust of Lincolnshire, Affordable Housing Officer, Crime Prevention Design Advisor and Natural England, together with representations from local residents and a note of the proposed Section 106 Heads of Terms; and comments made by Members at the meeting.

During the discussion a Member suggested that condition 4 be amended, at line 11, with the addition of the word "native" between the words "any" and "trees", to ensure continuation of appropriate species, and that the reason be amended to add "and bio-diversity provision".

It was then proposed and seconded that the application be approved, subject to the conditions in the report, to include the amendment to condition 4 and reason referred to above.

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, 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.

AH2

Application ref: S13/1332/HSB

Description: Erection of single storey side extension

Location: 10, Glen Crescent, Stamford, Lincolnshire

Decision: Approved

Noting comments from the Heritage Trust of Lincolnshire and late information report circulated to Members prior to the meeting including comments from Stamford Town Council and officer comment thereon, together with comments made by Members at the meeting.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development shall be undertaken in strict accordance with the details shown on the following approved drawing numbers :-

Location Plan (Scale 1:1250) received on 20 May 2013
Proposed Layout Plan (Scale 1:500) received on 20 May 2013
Existing Layouts (Scale 1:50) received on 20 May 2013 (Drawing No. DFA/MB10/01)
Proposed Layouts (Scale 1:50) received on 20 May 2013 (Drawing No. DFA/MB10/02).

3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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.

138. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report 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 7th June 2013 was also submitted, together with a schedule showing planning applications performance as at April/May 2013.

139. CLOSE OF MEETING

The meeting closed at 4:48pm