

# MINUTES

DEVELOPMENT CONTROL  
COMMITTEE  
TUESDAY, 6 AUGUST 2013



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## COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry	Councillor Mrs Judy Smith
Councillor Harrish Bisnauthsing	Councillor Jacky Smith (Vice-Chairman)
Councillor Michael Cook	Councillor Judy Stevens
Councillor David Higgs	Councillor Adam Stokes
Councillor Mrs Rosemary Kaberry-Brown	Councillor Martin Wilkins (Chairman)
Councillor Vic Kerr	Councillor Rosemary H Woolley
Councillor Michael King	Councillor Debbie Wren
Councillor Alan Parkin	

## OFFICERS

Development Management Service Manager (Pat Reid)  
Principal Planning Officer (Kevin Cartwright)  
Area Planning Officers (Alan Harvey, Phil Moore, Nigel Bryan and Louise Parker).  
Principal Conservation Officer (Ian Wright)  
Systems Support Officer (Gavin Hutchinson)  
Committee Support Officer (Malcolm Hall)  
Solicitor (Paul Rushworth)

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### 148. 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 Bisnauthsing for Councillor Howard and Councillor Woolley for Councillor Mrs Brenda Sumner, for this meeting only.

### 149. APOLOGIES

Apologies for absence were received from Councillors Morgan and Powell.

### 150. DISCLOSURE OF INTERESTS

There were none declared.

**151. MINUTES OF MEETING HELD ON 16TH JULY 2013**

The minutes of the meeting held on 16<sup>th</sup> July 2013 were accepted as a correct record of decisions taken.

**152. PLANNING MATTERS**

*Decision:-*

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

AH1

Application ref: S13/1217/FULL

Description: Demolition of existing builders office/yard and erection of 4 No. detached dwellings and associated garaging and new double garage with room over to No. 19 Horsegate

Location: 23, Horsegate, Deeping St James

Decision: Approved

Noting comments made during the public speaking session from:-

Paul Sharman – agent

together with no objection from the Parish Council and the Highway Authority \*(Original and amended proposals), comments from Environmental Protection, Heritage Trust of Lincolnshire, Consultant Arboriculturalist (original and amended proposals), and the Welland and Deepings Internal Drainage Board, objections from and on behalf of adjoining residents; late information report circulated to Members before the meeting, including additional comments from the Consultant Arboriculturalist, further objections from nearby residents and officer comment thereon, together with 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, subject to the conditions in the report, and to the condition in the late report.

The Chairman reminded Members that it had been suggested that proposed condition 12 in the report be removed and replaced with two conditions requiring a land contamination survey and verification report, as follows:-

“1. No development shall take place until a full land contamination survey has been carried out to the satisfaction of the Local Planning Authority. This report shall detail the ground conditions, the location and type of any contamination

found. Details of any remedial works required are to be submitted to and agreed in writing with the Local Planning Authority and are to be carried out in full and approved by the Local Planning Authority prior to any construction work in connection with the dwellings being commenced.

2. The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall be submitted by the agreed competent person and identify that approved remedial works have been implemented. The report shall include

- (a) A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;
- (b) As built drawings of the implemented scheme;
- (c) Photographs of the remediation works in progress; and
- (d) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter if required the scheme shall be monitored and maintained in accordance with the approved remediation scheme.”

The Chairman read the proposed conditions to the committee.

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

The Development Management Service Manager commented on the implementation of the proposed additional conditions, in particular monitoring, and after further discussion it was agreed to add the words “if required” into the condition requiring the verification report, after the word “Thereafter” in the last paragraph. The proposer and seconder agreed to this amendment.

The proposition was put to the vote and agreed, 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. Unless otherwise required by another condition of this permission the development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing No. PB/02/B (Site Location Plan) received on 29 May 2013

Drawing No. PB/04/A (Site Survey) received on 26 April 2013

Drawing No. PB/SK/04 Revision P received on 11 July 2013

Drawing No. PB/SK/10D received on 13 May 2013

Drawing No. PB/SK/11C received on 26 April 2013  
Drawing No. PB/SK/12B received on 2 July 2013  
Drawing No. PB/SK/13C received on 2 July 2013  
Drawing No. PB/SK/14D received on 11 July 2013  
Drawing No. PB/SK/15E received on 11 July 2013  
Drawing No. PB/SK/16A received on 26 April 2013  
Drawing No. PB/SK/17B received on 8 July 2013  
Drawing No. PB/SK/18C received on 13 May 2013  
Drawing No. PB/SK/19C received on 13 May 2013  
Drawing No. PB/SK/20C received on 29 May 2013  
Drawing No. PB/SK/21A received on 13 May 2013  
Drawing No. Stafford IE - 8670-107B received on 19 July 2013  
Drawing No. Stafford IE - 8670-109B received on 19 July 2013

3. No development shall commence on the site until a schedule of materials to be used to the external elevations of the proposed development are submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
4. No development shall commence on the site until details of the proposed finished floor levels of the proposed dwellings and proposed finished ground levels within the site (in comparison to a fixed datum point and the existing ground levels) are submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
5. Notwithstanding the details shown on the submitted plans no development shall be commenced on the site until details of hard and soft landscape works, together with a programme of implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also identify all trees and shrubs to be retained on the site as part of the development. The landscaping scheme shall be implemented in accordance with the approved details and the approved programme of implementation. Any trees that die, are removed or become seriously damaged or diseased within a period of five years from the date of the completion of the scheme shall be replaced in the next available planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
6. Notwithstanding the submitted details no development shall commence on the site until details of a tree protection plan/method statement in respect of activities during the building works in relation to the Ash tree/other trees and shrubs to be retained as part of the development are submitted to and approved in writing by the Local Planning Authority. The details shall include timings of work, the erection of scaffolding inside the Root Protection Area (RPA), temporary ground protection and

protective barriers. The protection scheme shall be implemented in accordance with the approved details and shall be retained in situ until the development is completed.

7. No development shall commence on the site until a plan(s) indicating the positions, design, materials (including finishes) and type of boundary treatments (including plot boundaries) to be erected, together with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. The scheme should also identify any existing boundary treatments to be retained to serve the development. The scheme shall be implemented in strict accordance with the agreed details.
8. No development shall commence on the site until a programme of works (including a timetable for those works) for the removal of trees and other vegetation on the site taking into account the presence of nesting birds is submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
9. No development shall commence on the site until details of a scheme for the provision of bat roosts and bird boxes within the development site are submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
10. No development shall commence on the site before the detailed design of the arrangements for foul water drainage and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented in strict accordance with the agreed details and no dwelling shall be occupied before it is first connected to the agreed drainage system(s).
11. No development shall commence on the site until details of any street lighting/lighting to be provided on the development site are submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
12. Notwithstanding the submitted details no development shall commence on the site until the following details are submitted to and agreed in writing by the Local Planning Authority :-
  - (i) The means of construction of the new hard surfacing proposed inside the Root Protection Area (as defined on Drawing No. PB/SK/04 Revision P received on 11 July 2013).
  - (ii) The means of construction of the footings to the proposed dwelling (on Plot 2) inside the Root Protection Area (as defined on

Drawing No. PB/SK/04 Revision P received on 11 July 2013).

The development shall be implemented strictly in accordance with the approved details.

13. No construction works in relation to the development hereby permitted shall be undertaken outside the hours of between 07:30 to 18:00 Monday to Friday and between 09:00 to 13:00 on a Saturday. No construction work shall be carried out on Sundays or Public Holidays. Construction works shall include the use of mobile and fixed plant/machinery, (e.g. generators) and the delivery of construction materials.
14. No dwelling on the development hereby permitted shall be first occupied until such time as the visibility splays to the new shared access drive from its junction with the public highway on Horsegate have been completed. The visibility splays shall have an 'x' distance of 2.4 metres and a 'y' distance of 43 metres in the north-eastward and south-westward directions along Horsegate as shown on Drawing No. PB/SK/04 Revision P received on 11 July 2013.
15. Before the new shared access drive is first brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the visibility splays indicated on drawing number PB/SK/04 Revision P received on 11 July 2013 and thereafter the visibility splays shall be kept free of obstacles exceeding 0.6 metres in height at all times .
16. The approved parking and garaging facilities to each dwelling shown on Drawing No. PB/SK/04 Revision P received on 11 July 2013 shall be provided before the relevant dwelling is first occupied and shall thereafter be retained as being available for the parking of vehicles at all times.
17. The approved arrangements for the turning/manoeuvring of vehicles as shown on Drawing PB/SK/04 Revision P shall be provided before any dwelling is first occupied and shall thereafter be retained as being available for the turning/manoeuvring of vehicles at all times.
18. The construction and surfacing of the private shared access drive as shown on Drawing No. PB/SK/04 Revision P received on 11 July 2013 shall be undertaken in accordance with a phased programme of works to be first agreed in writing with the Local Planning Authority prior to the commencement of works on the site. The construction and surfacing works shall be undertaken on the site in accordance with the agreed phasing programme (unless otherwise agreed in writing with the Local Planning Authority).

19. Obscure glazing to level 3 and fixed lights (i.e. non-opening window units) shall be installed to the proposed roof lights to the north-western side elevation of the proposed dwelling on Plot 2 (as identified on Drawing No. PB/SK/04 Revision P received on 11 July 2013 and Drawing Nos. PB/12/B and PB/13/C received on 2 July 2013) before the dwelling is first occupied and shall thereafter be permanently retained as such at all times.
20. Obscure glazing to level 3 and fixed lights (i.e. non-opening window units) shall be installed to the proposed first floor window unit to the north-eastern (rear) elevation of the two storey/single story outshot to the proposed dwelling on Plot 3 (as identified on Drawing No. PB/SK/04 Revision P received on 11 July 2013 and Drawing Nos. PB/14/D and PB/15/E received on 11 July 2013) before the dwelling is first occupied and shall thereafter be permanently retained as such at all times.
21. 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 (including the conversion of any roof spaces into habitable accommodation) shall be carried out above ground floor level to any of the dwellings or their associated garages on Plots 1, 2, 3 and 4 inclusive as identified on Drawing No. PB/SK/04 Revision P received on 11 July 2013 without Planning Permission having been first obtained from the Local Planning Authority.
22. No development shall take place until a full land contamination survey has been carried out to the satisfaction of the Local Planning Authority. This report shall detail the ground conditions, the location and type of any contamination found. Details of any remedial works required are to be submitted to and agreed in writing with the Local Planning Authority and are to be carried out in full and approved by the Local Planning Authority prior to any construction work in connection with the dwellings being commenced.
23. The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall be submitted by the agreed competent person and identify that approved remedial works have been implemented. The report shall include:
  - (a) A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;
  - (b) As built drawings of the implemented scheme;
  - (c) Photographs of the remediation works in progress; and
  - (d) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter if required the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

Note(s) to Applicant

1. The County Highway Authority advises that where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
2. The County Highway Authority advise that 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.
3. The County Highway Authority advises that the access should be undertaken under a Section 184 Agreement with the local highways authority and the footway construction to full specification.
4. The District Council's Consultant Arboriculturalist indicates that in relation to the condition above providing for a tree protection plan and method statement during the building works in relation to the Ash tree that sympathetic techniques are proposed for the construction of the driveway and the new dwelling on Plot 2 and recommends that to meet with the guidelines for best practice the applicant seeks specialist arboricultural advice and that the construction design for the house and driveway should be pile and beam (or similar) and no dig respectively.
5. The District Council's Environmental Services recommends that the applicant shall take all necessary steps to minimise dust emissions during site preparation works and construction.

KJC1

Application ref: S10/1805/FULL

Description: Residential Development for the creation of nine flats including demolition of the existing building

Location: 20b, Swinegate, Grantham

Decision: Deferred

Noting comments (in full) from the Conservation Officer, Community Archaeology, Partnerships and Projects Officer (Affordable Housing) and the Highway Authority, an objection from a neighbouring resident and supporting information from the applicant; late information report circulated to Members before the meeting, including comments from the Partnerships and Projects Officer, information in support from the applicants and officer comment thereon, report of site inspection and comments made by Members at the meeting.

Following comments from Members in regard to the financial appraisal/affordable housing issues, it was proposed, seconded and agreed that further consideration be deferred for a full financial appraisal.

NB1

Application ref: S13/1634/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 comments made during the public speaking session from:-

Mr A Copland – applicant

together with no objection from the Highway Authority and comments from the Communities Leisure Officer, Education Authority, Primary Care Trust, Drainage Project Officer, Heritage Lincolnshire and the Partnership project Officer, and an objection from a nearby resident, a note of the proposed Section 106 Heads of Terms, together with comments made by Members at the meeting.

Following discussions on the Section 106 agreement, the applicant confirmed his agreement to the proposed Heads of Terms as set out in the report, and read out by the Chairman.

It was then proposed and seconded 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, including affordable housing, 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.

*(The meeting adjourned from 2.52pm to 3.13pm).*

PWM1

Application ref: S13/1286/FULL

Description: Single Storey Agricultural Dwelling (For Occupation in Connection with Adjacent Poultry Farm Granted Under S12/2038)

Location: Mill Farm, Caythorpe Heath Lane, Caythorpe, Grantham,

Decision: Approved, subject to conditions to be agreed by the Development Management Service Manager and Chairman/Vice-Chairman

Noting comments made during the public speaking session from:-

Mr Joe Ward – applicant

together with no objection from the Highway Authority, Caythorpe Parish Council or Fulbeck Parish Council, comments from the Community Archaeologist and comments (in full) from the South Kesteven Agricultural Consultant and comments made by Members at the meeting.

It was proposed and seconded that the application be approved.

Following further discussion in relation to the use of alternative accommodation or the conversion of existing buildings on the farm unit, the Chairman suggested that if the application was approved it should be subject to conditions to be drawn up by the Development Management Service Manager and agreed by himself and the Vice-Chairman.

The proposer and seconder agreed to this course of action, and on being put to the vote the proposition was agreed, and the application approved subject to conditions to be drawn up by the Development Management Service Manager and agreed by the Chairman and Vice-Chairman.

PWM2

Application ref: S13/1351/FULL

Description: Two storey agricultural dwelling (for occupation in connection with adjacent poultry farm granted under S12/2038)

Location: Mill Farm, Caythorpe Heath Lane, Caythorpe, Grantham

Decision: Approved, subject to conditions to be agreed by the

Development Management Service Manager and  
Chairman/Vice-Chairman

Noting comments made during the public speaking session from:-

Mr Joe Ward – applicant

together with no objection from the Highway Authority, Caythorpe Parish Council or Fulbeck Parish Council, comments from the Community Archaeologist and comments (in full) from the South Kesteven Agricultural Consultant and comments made by Members at the meeting.

It was proposed and seconded that the application be approved.

Following further discussion in relation to the use of alternative accommodation or the conversion of existing buildings on the farm unit, the Chairman suggested that if the application was approved it should be subject to conditions to be drawn up by the Development Management Service Manager and agreed by himself and the Vice-Chairman.

The proposer and seconder agreed to this course of action, and on being put to the vote the proposition was agreed, and the application approved subject to conditions to be drawn up by the Development Management Service Manager and agreed by the Chairman and Vice-Chairman.

**153. SERVICE OF URGENT WORKS NOTICE UNDER SECTIONS 54-55 OF THE LISTED BUILDINGS ACT 1990 IN RESPECT OF THE GRADE II LISTED BUILDING KNOWN AS TOLL HOUSE COTTAGE, BOURNE ROAD, FOLKINGHAM, SLEAFORD, NG34 0HA**

*Decision:-*

*That:*

- a) *authorisation be given to the service of an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the owner of the Toll House Cottage; and*
- b) *in the event of the Authority having to appoint contractors to undertake the works to recover the costs of the works specified in the Urgent Works Notice from the owner of Toll House Cottage.*

The Committee considered report PLA1002 from the Principal Conservation Officer, seeking authorisation for the service of an urgent works notice for works considered necessary to prevent the further deterioration of the Grade II listed building, Toll House Cottage, Folkingham. Also circulated to Members before the meeting was the late report which included, (in full), a letter from an agent acting for a prospective purchaser and officer comment thereon.

The report outlined the history of the building, and events leading up to the current request, and specified the works considered necessary to prevent further deterioration. It was estimated that the cost of the works specified would be no more than £10,000. If the owner did not comply with any notice served, then the Council could undertake the specified works and recover the costs from the owner. Failure to pay these costs could result in a charge on the property. Further options were outlined, as well as the resource implications and risks.

During the ensuing discussion, the Principal Conservation Officer clarified that he was only seeking authorisation to serve a notice, and that this would only be carried out if present discussions with the prospective purchaser and his agent did not result in action as recommended in the report now before the committee. The Principal Conservation Officer confirmed that he had spoken to the prospective purchaser and the person who had prepared the report referred to in the late report.

It was proposed, seconded and agreed that the recommendations set out on page 1 of report PLA1002 be accepted.

*(4.21pm – as the meeting had lasted for three hours, in accordance with Council Procedure Rule 9, the committee agreed to continue).*

**154. S13/1262 - MODIFICATION OF PLANNING OBLIGATION IN RELATION TO SECTION 106 AGREEMENT (LOCATION OF PLAY EQUIPMENT). LAND AT THE REAR OF 113-135 DYSART ROAD, GRANTHAM.**

*Decision:-*

*That the request to modify a Section 106 agreement in respect of land at the rear of 113-135 Dysart Road, Grantham, be refused.*

The Committee had before them report PLA1000 from the Development Management Service Manager in relation to a request to modify a Section 106 agreement in respect of land at the rear of 113-135 Dysart Road, Grantham, by the removal of the requirement for the provision of 5 pieces of play equipment and to provide in its place a commuted sum for off-site play equipment off Earlesfield Lane. Members also noted the late information report, circulated prior to the meeting, including comments from Financial Services and objections from nearby residents.

Details of the application site were set out, together with an extract of the relevant parts of the agreement, supporting information from the applicants and comments from the Community Leisure Officer. It was noted that it was considered that there was insufficient space within the development to meet the required buffer distances for the type of play area to be provided, and that the proposal to re-site the equipment, whilst retaining the relevant payments, was

supported.

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

**155. MODIFICATION OF PLANNING OBLIGATION - LAND AT POPLAR FARM, BARROWBY ROAD, GRANTHAM**

*Decision:-*

*That the request to modify a Section 106 agreement in respect of land at Poplar Farm, Grantham, be refused.*

The Committee considered report PLA1005 from the Development Management Service Manager, which had been circulated prior to the meeting, in relation to a request to modify a section 106 agreement in respect of land at Poplar Farm, Barrowby Road, Grantham.

Following the approval of the layout of the first phases of the site, the developers had requested that the previously agreed layout of a hierarchy of play areas be amended to provide an improved quality but reduced number of play areas across the site. The report explained the site, and set out the relevant parts of the section 106 agreement in full, as well as describing the types of play areas in an appendix to the report. A plan was also included, showing the location of the proposed new areas.

Members discussed the request, and it was proposed, seconded and agreed that the application be refused.

**156. 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 22<sup>nd</sup> July 2013 was also submitted, together with a schedule showing planning applications performance as at April/June 2013.

*(5pm – Councillor Kaberry-Brown left the meeting).*

**157. S13/0681 - USE OF LAND ON 24 OCCASIONS PER YEAR FOR A MOTOCROSS CIRCUIT, LAND AT WITHAM ON THE HILL**

*(Councillor Woolley asked that it be noted that she was Clerk to Witham on the Hill Parish Council, in which role she had undertaken correspondence, but had taken no part in decision making).*

For the information of Members, the Development Management Service Manager circulated a report to those present at the meeting in relation to the application for the use of land at Witham on the Hill for a motocross circuit. The Committee were reminded that they had agreed to defer the application at the meeting on 25<sup>th</sup> June to enable the Applicant to produce a further sound check/noise assessment, with parameters being set by Environmental Protection.

However, since the deferral decision, and following further representations, legal advice had been sought, and it was now considered that the application needed to be reported back to the committee for debate. In the interim an independent audit on the submitted information relating to noise was being sought, which would form part of the report, to a meeting in the near future.

The Development Management Service Manager and Solicitor answered questions from Members.

**158. WIND ENERGY SPD/PLANNING PRACTICE GUIDE FOR RENEWABLE AND LOW CARBON ENERGY**

The Committee received a short presentation from the Planning Policy and Partnerships Service manager on the recently approved Wind Energy SPD, and the Planning Practice Guide for Renewable and Low Carbon Energy. Copies of both documents were circulated to Members at the meeting.

**159. HOUSING LAND SUPPLY**

The Development Management Service Manager advised Members that a recently published District Council report showed that there was now a 5 year housing land supply within the District. This had been an issue in the determination of some applications recently, and it would be clearly and fully explained in subsequent reports to committee on applications for determination.

**160. CLOSE OF MEETING**

The meeting closed at 5.37pm.