

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 10 DECEMBER 2013



COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry
Councillor Michael Cook
Councillor Reginald Howard
Councillor Mrs Rosemary Kaberry-Brown
Councillor Vic Kerr
Councillor Michael King
Councillor Charmaine Morgan
Councillor Alan Parkin

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

OFFICERS

Head of Development Services (Mark Williets)
Development Management Service Manager (Pat Reid)
Principal Planning Officer (Justin Johnson)
Area Planning Officers (Nigel Bryan, Alan Harvey and Paul Milne).
Systems Support Officer (Gavin Hutchinson)
Committee Support Officer (Malcolm Hall)
Solicitor (Paul Rushworth)

OTHER MEMBERS

Councillor Harrish Bisnauthsing
Councillor Raymond Wootten

(In accordance with Council Procedure Rule 16.5, Councillor Bisnauthsing spoke in connection with applications S13/3045 (AH1) and S13/2827 (RV1), and Councillor Wootten spoke in connection with application S13/2448 (PJM1))

198. 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 Higgs for this meeting only.

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199. DISCLOSURE OF INTERESTS

There were none declared.

200. MINUTES OF MEETING HELD ON 19 NOVEMBER 2013

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

201. PLANNING MATTERS

Decision:-

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

AH1

Application ref: S13/3045/FULL

Description: Variation of condition 11 of planning permission reference: S13/0232 so that -

'The hours of use of 'courtyard area 1' (as delineated on Drawing No.7027-358-F) as a beer garden or sitting out area shall be limited to between 08.00 hours and 23.00 hours on Sundays and 08.00 hours and 23.30 hours on Monday to Saturdays.

The hours of use of 'courtyard area 2' (as delineated on Drawing No. 7027-358-F) as a beer garden or sitting out area shall be limited to between 08.00 hours and 23.00 hours on Sundays and 08.00 hours and 23.30 hours on Monday to Saturdays and the hours of use of 'courtyard area 2' as a means of pedestrian access/egress to the public house premises shall be limited to between 08.00 hours and 00.00 hours on Sundays to Thursdays and 08.00 hours and 01.00 hours on Fridays and Saturdays.

The hours of use of the public house premises (as delineated on Drawing No. 7027-201-F) shall be limited to between 08.00 hours and 00.00 hours on Sundays to Thursdays and 08.00 hours and 01.00 hours on Fridays and Saturdays'.

Location: Mercury House, 7, Sheep Market, Stamford

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor Harrish Bisnauthsing – local Member
Julian Sutton – applicants' agent

together with statement in support from the applicant, including an associated noise impact assessment, and further comments from the applicants' agent, comments from the Heritage Trust of Lincolnshire and no objection from the Highway Authority, Environmental Protection or the SKDC Principal Conservation Officer and a representation from a neighbouring resident, report of site inspection and comments made by Members at the meeting.

In introducing the report, the Case Officer reported on three further objections from nearby residents and no objection from Stamford Town Council.

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 6 June 2013.
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(s):

Drawing No. 7027-001-A
Drawing No. 7027-110-B
Drawing No. 7027-111-B
Drawing No. 7027-112
Drawing No. 7027-201-F
Drawing No. 7027-202-C
Drawing No. 7027-203-C
Drawing No. 7027-358-F
3. No development shall commence on the site until drawings showing full details (including cross-sections and external finishes) of the proposed new and replacement window units, the proposed new and replacement external door units and the proposed new atrium at a scale of 1:1/1:2/1:10/1:20 (or another scale first agreed in writing by the Local Planning Authority) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details.
4. No development shall commence on the site until samples of all new

external materials and external finishes to the premises (including to all external services such as vents/flues), samples of the proposed paving stones/slabs to be used to the open courtyard area and samples of the bricks to be used to the plinth to the railings along Sheep Market have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details.

5. Notwithstanding the details shown on the approved drawings no development shall commence on the site until details of the siting and appearance of the proposed outdoor furniture and associated structures to be located within the sitting out area(s)/beer garden(s), along with their means of storage when not in use, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.
6. No development shall commence on the site until the building has been modified to provide sound insulation/attenuation against internally generated noise in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The approved sound insulation/attenuation scheme shall be installed before the premises are first brought into use as a public house and shall thereafter be retained in situ at all times.
7. Notwithstanding the details shown on the approved drawings no flues, extract grills, air condition systems or any other means of ventilation/extraction shall be installed to the premises and operated until details of equipment for the suppression of fumes, odours and/or dust including details of the noise attenuation together with a maintenance schedule for the future operation of that equipment have been submitted to and approved in writing by the Local Planning Authority. The approved scheme(s) shall be installed in accordance with the approved details and brought into operation before the premises are first brought into use as a public house. The approved scheme(s) shall thereafter be maintained in accordance with the approved maintenance scheme and retained in use at all times during the hours of operation of the premises.
8. There shall be no live or recorded music played on the premises including the sitting out area(s)/beer garden area(s) unless otherwise agreed in writing by the Local Planning Authority
9. No development shall commence on the site until details of a scheme for the means of the collection of litter to the sitting out area(s)/beer garden area(s) have been submitted to and approved by the Local Planning Authority. Upon the first commencement of the public house use the scheme shall be implemented in strict accordance with the agreed details and shall thereafter be retained at all times.

Reason: In the interests of the amenities of local residents and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

10. All fire exit doors as notated on the approved drawings shall be retained in a closed position at all times unless they are in use for the purposes of providing a means of escape in the case of an emergency/emergency fire drill.
11. The hours of operation/use of the public house premises and its associated beer garden(s)/sitting out area(s) shall be as follows :-
 - (a) The hours of use of 'courtyard area 1' (as delineated on Drawing No.7027-358-F) as a beer garden or sitting out area shall be limited to between 08.00 hours and 23.00 hours on Sundays and 08.00 hours and 23.30 hours on Monday to Saturdays.
 - (b) The hours of use of 'courtyard area 2' (as delineated on Drawing No. 7027-358-F) as a beer garden or sitting out area shall be limited to between 08.00 hours and 23.00 hours on Sundays and 08.00 hours and 23.30 hours on Monday to Saturdays and the hours of use of 'courtyard area 2' as a means of pedestrian access/egress to the public house premises shall be limited to between 08.00 hours and 00.00 hours (midnight) on Sundays to Thursdays and 08.00 hours and 01.00 hours on Fridays and Saturdays.
 - (c) The hours of use of the public house premises (as delineated on Drawing No. 7027-201-F) shall be limited to between 08.00 hours and 00.00 hours (midnight) on Sundays to Thursdays and 08.00 hours and 01.00 hours on Fridays and Saturdays.
12. There shall be no deliveries to the premises outside the hours of 0800 hours to 18.00 hours Monday to Sunday.
13. Notwithstanding the details shown on the submitted plans no part of any solar panel or its associated fixings/equipment shall exceed the height of any part of the parapet to the main entrance of the public house premises facing onto Sheep Market.
14. The window unit(s) to the southern elevation of the premises shall have obscure glazing to level 4 standard along with fixed lights (i.e. non-opening window units) at all times.
15. The railings and gates (with a black paint finish) to Courtyard Areas 1 and 2 (as shown on Drawing No. 7027-358-F) shall be erected/installed

in accordance with approved scheme prior to the public house premises being first brought into use and thereafter retained in situ at all times. No alterations to the approved railings/gates (including the creation of new openings) shall be undertaken at any time unless approval is first given in writing by the Local Planning Authority.

16. No customers shall be on the public house premises (as delineated on Drawing No. 7027-201-F) outside the approved hours of operation set out in condition 11 of this approval.
17. Courtyard Area 1 and Courtyard Area 2 (as delineated on Drawing No. 7027-358-F) shall not be used for the purpose(s) of a sitting out area/beer garden area(s) outside the approved hours of use for the respective Courtyard Areas set out in condition 11 of this approval.
18. The pedestrian access gates between Courtyard Areas 1 and 2 (as shown on Drawing No. 7027-358-F) shall be locked at all times outside the approved hours of use of Courtyard 1 as set out in condition 11 of this permission and Courtyard Area 1 shall not be accessed by any person(s) outside those approved hours of use.
19. Upon the cessation of use of Courtyard Area 2 (as delineated on Drawing No. 7027-358-F) as a sitting out area/beer garden area Courtyard Area 2 shall only be used for the purpose of providing pedestrian access/egress between the public house premises (as delineated on Drawing No. 7027-201-F) and the public highway on Sheep Market in accordance with the permitted hours of use for access/egress to the premises set out in condition 11 of this permission.
20. Courtyard Area 2 (as delineated on Drawing No. 7027-358-F) shall not be utilised by any customers for access and egress to the public house premises from Sheep Market outside the approved hours of use for this purpose set out in condition 11 of this permission.
21. No outside furniture shall be retained on Courtyard Area 2 (as delineated on Drawing No. 7027-358-F) outside the approved hours of use of Courtyard Area 2 for the purpose of its use as a sitting out area/beer garden area as set out in condition 11 of this permission.
22. With the exception of the purpose(s) of securing access/egress for staff employed at the application site/premises the pedestrian access gate(s) between Courtyard Area 2 and the public highway on Sheep Market (as shown on Drawing No. 7027-358-F) shall be locked at all times outside the approved hours of use of Courtyard Area(s)/the public house premises as set out in condition 11 of this permission.
23. There shall be no vehicular access into Courtyard Areas 1 and 2 (as shown on Drawing No. 7027-358-F) at any time.

NB1

Application ref: S13/2242/MJNF

Description: Installation of a 13MW solar photovoltaic farm and associated infrastructure

Location: Land adj. Deeping Gate Tree Nurseries, Northfield Road, Market Deeping

Decision: Refused

Noting comments made during the public speaking session from:-

Mrs J Wall - applicants

together with no objection from Market Deeping Town Council, the Highway Authority, Planning Policy, Welland and Deepings Internal Drainage Board, Environment Agency or the SKDC Principal Conservation Officer and comments from Heritage Lincolnshire, English Heritage, Natural England and the Lincolnshire Wildlife Trust, together with representations from a nearby resident; late information report circulated to Members before the meeting, including a request from the agent for a 5 year consent, no objection from Heritage Lincolnshire, comments from Natural England (reproduced in full in the report), officer comment thereon, a proposed alteration to a condition and a change in the recommendation, report of site inspection and comments made by Members at the meeting.

The Case Officer advised that comments had not yet been received from DEFRA, and therefore if Members were to approve, the decision should be to defer to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman, subject to DEFRA not raising any objection, and subject also to a condition in regard to noise levels.

In reporting on the site inspection, a Member made detailed comments on the application, particularly in regard to the loss of agricultural land, and its classification by MAFF in 1988 as Grade 2 and more recently by the applicant as Grade 3A. Even if this was accepted, Grades 1, 2 and 3A were classified in the NPPF as being the "best and most versatile agricultural land". He went on to suggest that solar farms should be situated on inferior land for food production or brownfield land. Reference was then made to recent comments from the Minister for Energy and Climate Change which supported this, together with a reference to a commitment from the Solar Trade Association in August which promised a focus on non-agricultural land or lower grade agricultural land. Following references to the consultations carried out, and responses received, the Member drew the attention of Members to the DCLG Planning Practice Guidance for Renewable and Low Carbon Energy, which again suggested the use of previously developed land, and if on Greenfield

land, that it allowed for continued agricultural use and/or bio-diversity improvements around arrays.

In summary, the Member suggested that it was not possible to mitigate against the loss of this “best and most versatile agricultural land” by employing two such totally unrelated measures, such as peripheral planting and sheep grazing. He then proposed:-

- “1. That it would represent the loss of a considerable area of farmland classified as “the best and most versatile agricultural land” and that such large solar power developments should be sited instead on brownfield land or inferior farmland as indicated in the NPPF and in ministerial statements.
2. That the proposed mitigation in the form of unlikely sheep grazing and peripheral planting for bio-diversity do not offset this loss to the economy.”

The proposal was seconded.

The Head of Development Services commented on the reasons, and requested time to consider the proposal.

(The meeting adjourned from 2.50pm to 3.17pm).

On the resumption of the meeting, the Chairman read a revised proposal as follows:-

“The proposed development involves the use of a considerable area of farmland classified as “the best and most versatile agricultural land” contrary to the provisions of paragraph 112 of the National Planning Policy Framework and ministerial statements which direct that such developments are more appropriately sited on either brownfield land or on low quality/degraded agricultural land. The mitigations proposed including biodiversity enhancements and the continued availability of the land for grazing do not outweigh the significant economic impact from the loss of the best and most versatile agricultural land in this case.”

The proposer and seconder of the original motion indicated their acceptance of the revision above.

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

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

“ The proposed development involves the use of a considerable area of farmland classified as “the best and most versatile agricultural land” contrary to the provisions of paragraph 112 of the National Planning Policy Framework and ministerial statements which direct that such developments are more appropriately sited on either brownfield land or on low quality/degraded agricultural land. The mitigations proposed including biodiversity enhancements and the continued availability of the land for grazing do not outweigh the significant economic impact from the loss of the best and most versatile agricultural land in this case.

(3.22pm – Councillor Adam Stokes left the meeting).

PJM1

Application ref: S13/2448/FULL

Description: Section 73 Application to Vary Conditions 4 (Landscaping), 5 (Boundary Treatments), 7 (Access and Turning) & 9 (Amended Drawing) of S09/2454 for the erection of 5 dwellings with associated access roads

Location: Land R/o 13 - 23 Gladstone Terrace, Grantham

Decision: Deferred

Noting comments made during the public speaking session from:-

Councillor R Wootten – local representative
Jane Newman – objecting
Peter Mc Quillan – in support

together with no objection from the Highway Authority or SKDC Principal Conservation Officer, comments from the Community Archaeologist and objections from a number of local residents, report of site inspection and comments made by Members at the meeting.

It was proposed that the application be refused for reasons of the dangerous access and junction with Prospect Place and the A607, and also for reasons of road safety.

The Head of Development Services reminded Members of the Highway Authority’s comments on page 29 of the report, and drew attention to the recommendation of no objection. There was a clear reason for no objection, in full, and the committee would need to substantiate a clear reason for refusal. He was therefore cautious about a refusal on highway grounds, and reminded Members that if this application was refused the applicant could revert to the previous approval.

Following a request for advice from Members, the Solicitor said that he could not suggest a reason and again referred the committee to the Highway Authority report on page 29. He also drew the attention of Members to the procedure if the committee were to wish to go against a recommendation from the officers.

The Chairman suggested that the application might be better deferred to allow the Highway Authority officer who had inspected the site and made the recommendation to attend the next meeting and answer questions from Members, and it was accordingly proposed and seconded.

A Member asked if the reason for deferral could also include a reference to personal reasons, as expressed by the objector. The proposer agreed to include this within the motion, but the Head of Development Services reminded Members that personal circumstances were only taken into account when they were those of an applicant, not objectors. Any deferral would in any event pick up on these issues, as they were material.

On being put to the vote, the proposal was agreed, and the application was deferred to enable the Highway Authority officer to attend the next meeting to answer questions from Members.

(4.27pm – Councillor Morgan left the meeting).

SP1

Application ref: S13/2101/FULL
Description: Build 2 no. one bedroom flats and associated parking
Location: Between 53 and 55, Thames Road, Grantham
Decision: Approved

Noting no objection from Planning Policy, the District Archaeologist or the Highway Authority, and representations 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 development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the

agreed materials shall be used in the development.

3. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:
 1. Drawing No: 1807/3/PO1 Rev A received on 22 October 2013.
 2. Drawing No: 1807/3/PO2 Rev A received on 21 October 2013.
 3. Drawing No: 1807/3/PO3 Rev A. received on 21 October 2013
 4. Drawing No: 1807/3/PO1 Rev A.
4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.
5. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved drawing number 1807/3/PO2 Rev A dated 21 October 2013, and retained for that use thereafter.
6. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.

Note(s) to Applicant

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.

SP2

Application ref: S13/1640/FULL

Description: Demolition of existing factory units and erection of 4 two bed terraced houses and a three storey office development

Location: 38, East Street, Grantham

Decision: Deferred

Noting no objection from the Highway Authority, comments from Environmental Health, Principal Conservation Officer, District Archaeologist and Planning

Policy, representations from nearby residents and an addendum to the previous committee report, to include information required at the meeting on 29th October 2013, report of further site inspection and comments made by Members at the meeting.

The Chairman expressed concern, echoed by the committee, that not all of the information requested at the last meeting had been provided, in particular details as to how cars could enter and exit the site, as there was no room to turn unless one of the office accommodation spaces was left free.

It was proposed, seconded and agreed that the application be again deferred for the information requested in regard to the entrance, exit and turning area to be provided as requested at the last meeting.

RV1

Application ref: S13/2827/LB

Description: Installation of two roof lights to rear roof slope and sliding doors replaced with conventional french doors with side lights.

Location: Reedmans Court, 9, St Georges Street, Stamford

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor Harrish Bisnauthsing - applicant

together with no objection from Stamford Town Council, the SKDC Principal Conservation Officer and Stamford Civic Society, and comments made by Members at the meeting.

The Solicitor advised that Councillor Bisnauthsing, as a Member and also the applicant, should leave the room while the application was being discussed, as his presence might prevent a free and frank discussion on the application.

(Councillor Bisnauthsing left the room).

During discussion, it was suggested that for the avoidance of doubt conservation rooflights, which were proposed, should be specifically referred to in a condition.

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

Drawing Ref No: DH 13-8-04 Proposed Elevation and Section.
Drawing Ref No: DH-13-8-05 Propose Floor Plan and Roof Section.
3. The rooflights in the approved development shall be of conservation style fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

(As the meeting had lasted for three hours, in accordance with Council Procedure Rule 9, the committee agreed to continue).

(4.48pm – Councillor Woolley left the meeting).

(4.52pm – Councillor Woolley returned to the meeting).

NB2

Application ref: S13/2535/MJNF

Description: Erection of 2 non food retail units (amendments to application S12/1198)

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

Decision: Refused

Noting observations from Market Deeping Town Council, Heritage Lincolnshire, the local Member of Parliament, Welland and Deepings Internal Drainage Board, Property and Facilities and Environmental Protection, no objection from the tree consultant or the Highway Authority and support from Planning Policy together with a number of representations from local residents and comments made by Members at the meeting.

Considerable discussion took place in regard to the applicant's response to the committee's request for further information and amended plans, as made at the last meeting. It was pointed out that the applicant had not changed the siting, nor provided the amended plans showing cross sections which had been specified.

It was proposed that the application be refused for the reason as before, and as

set out on page 62 of the report.

Following further discussion, during which it was suggested that the applicant be advised that two units on the Witts site, rather than one there and one on the car park would be preferred, the proposal was seconded. On being put to the vote the proposal was agreed and the application refused for the following reason:-

1. The development by reason of the scale, height, massing and siting of unit 1 would have a significantly detrimental and dominating impact upon the residential amenity of nearby residents and harmful to the character of the area contrary to policy EN1 of the South Kesteven Core Strategy (2010) and the core principles of the National Planning Policy Framework (2012).

After debating the merits of the application at Development Control Committee, Members of the committee raised a fundamental objection to the application and considered that this could not be overcome. As such it is considered that the decision is in accordance with paragraphs 186 -187 of the National Planning Policy Framework

202. S08/1231 - MODIFICATION OF PLANNING OBLIGATION IN RELATION TO SECTION 106 AGREEMENT (DISTRIBUTION OF PLAY AREAS), POPLAR FARM, BARROWBY ROAD, GRANTHAM

Decision:-

That in relation to S08/1231, Modification of planning obligation in relation to the section 106 agreement (Distribution of play areas), Poplar Farm, Barrowby Road, Grantham, the proposed variation to the section 106 agreement be agreed and delegated for approval to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman.

Members had before them report PLA 1024 from the Development Management Service Manager in relation to a request to modify a section 106 agreement in respect of land at Poplar Farm, Barrowby Road, Grantham.

In June 2011, an outline approval was granted for residential development, subject to the section 106, requiring the provision of play areas. Following approval of the layout of the first phases, the developer had requested that the previously agreed layout of play areas be amended to provide an improved quality but reduced number of play areas across the site. The report explained the proposed changes in detail.

When the application had been reported to the committee in August 2013, the proposed amendments were not accepted owing to concerns about the significant reduction in the number of smaller play areas. This had been investigated further and it had been found that there had been an error in the

drafting of the original section 106 agreement. While the number of the smallest spaces was reduced, the total area for play on the development would be greater than currently proposed.

The report was explained by the Development Management Service Manager, who pointed out that the total area was increasing from 3,000 square metres to 3,500 – 4,500 square metres. The distribution and location of the areas was explained and the detail of the provision on each site was set out in an appendix to the report. It was noted that the Council's Community Leisure Office r supported the proposals.

It was then proposed and seconded that the request for a variation to the section 106 in relation to the distribution of play areas be approved. On being put to the vote the proposition was agreed.

203. 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 and a list of outstanding planning appeals, together with a schedule showing planning applications performance as at April/October 2013.

204. S13/1824 - APPLICATION UNDER SECTION 73 TO VARY THE WORDING TO CONDITIONS 27 AND 30 OF APPLICATION S13/0260 TO AMEND REQUIREMENTS RELATING TO THE TIMING OF ACCESS IMPROVEMENTS, LAND WEST OF RYHALL ROAD, STAMFORD

Decision:-

- (1) That, with regard to application S13/1824, condition 36, requiring the submission of a Construction Traffic Management Plan for approval within one month of the date of the permission be amended to require the submission of the plan within three working days (i.e. by Friday 13th December 2013), failing which action will be taken to issue a stop notice and commence enforcement action for breach of that condition; and*
- (2) That, with regard to application S13/1824, the remaining pre-commencement conditions, i.e. conditions 5, 9, 13, 26, 29 and 31, all requiring the submission of details or a scheme within one month of the date of the permission be amended to require the submission of the details/scheme by Friday 10th January 2014, failing which action will be taken to issue a stop notice and commence enforcement action for breach of the appropriate condition; and that the conditions attached to that permission be amended as follows:-*

1. *The development hereby permitted shall be commenced within 3 years of the original grant of planning permission under application S13/0260, which was approved on 14th June 2013.*
2. *Notwithstanding the submitted information precise details including 1:50 scaled elevations of the proposed floodlighting columns shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences and the building(s) are occupied. The development shall be carried out in accordance with the approved details.*
3. *Bat and bird boxes shall be sited within the development in accordance with the details set out on drawings (08)031 Rev A00 and (08)032 Rev A00 received on 26 July 2013. The bat and bird boxes shall be installed prior to the completion of the development and maintained thereafter.*
4. *The development shall be undertaken in accordance with the written scheme of investigation for archaeological work prepared by the University of Leicester Archaeological Services received on 12 July 2013.*
5. *Prior to the 10 January 2014 full details of both hard and soft landscape works shall 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 [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].*
6. *A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.*
7. *All existing trees and hedgerows to be retained as part of the development shall be fenced off to the limit of their branch spread, in accordance with the tree protection measures detailed on drawing (08) 028 Rev A00 received on 19 July 2013. All tree works shall be carried out in accordance with the requirements of British Standard 3998 2010 and where trees are to be protected this shall in accordance with the*

requirements of British Standard 5837 2012.

8. *The development hereby approved shall be carried out in accordance with the scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and the proposals for future maintenance and monitoring as set out in the information received on 15 October 2013.*
9. *Prior to the 10th January 2014 precise details shall be submitted to and agreed in writing by the local planning authority showing the provision of a footpath linking the development hereby approved to the existing footpath located to the west of the application site running along the eastern boundary of Queen Eleanor School and linking in to Kesteven Road. The proposed footpath shall then be provided prior to the occupation of the buildings hereby approved and maintained available thereafter.*
10. *Notwithstanding the submitted details shown on drawing title Proposed Cycle Shelter precise details of the proposed cycle shelters shall be submitted to and approved in writing by the local planning authority. The details shall include a plan showing the precise dimensions including the length, width and height of the proposed shelter. The development shall only be carried out in accordance with the approved details.*
11. *Notwithstanding the submitted details shown on drawing title Proposed Dug Outs precise details of the proposed dug outs shall be submitted to and approved in writing by the local planning authority. The details shall include a plan showing the precise dimensions including the length, width and height of the proposed dug outs. The development shall only be carried out in accordance with the approved details.*
12. *The pitches and buildings hereby approved shall be constructed in accordance with the levels and finished floor levels specified on drawing number (08)008 Rev A00.*
13. *Prior to the 10th January 2013 a detailed surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority.*

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

14. *No development shall be commenced (apart from those works identified on drawing Proposed Construction Access Arrangements submitted on 3 September 2013 and the works required in relation to the re-contouring/grading of the land in the areas to accommodate the football pitches hereby approved) until:-*

(i) A detailed assessment of ground conditions of the land proposed for the new football pitches as shown on drawing number (08)008 Rev A00 shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

(ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate pitch drainage measures) shall be submitted to and approved in writing by the local planning authority.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the local planning authority.

- 15. The sports building (including sports hall, changing rooms and fitness suite) hereby permitted shall not be constructed other than substantially in accordance with Sport England's Technical Design Guidance Note 'Sports halls: design and layouts design guide February 2012'*
- 16. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the sports building (including the sports hall, fitness room, changing rooms and other ancillary facilities) and artificial and grass pitches and include details of pricing policy, hours of use, access by non college/football club users/members, management responsibilities and a mechanism for review, and anything else in which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.*
- 17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order amending, revoking or re-enacting that order), no buildings, moveable structures, works, plant, machinery, access, storage of vehicles (including car parking), equipment or materials or other use in connection with events or temporary uses shall be permitted or take place on the grass or artificial turf pitches.*
- 18. The development hereby permitted shall be fully implemented and operated at all times in accordance with Noise Management Plan scheme received 29 August 2013*
- 19. No external generators shall be used on site in connection with the car boot sales, unless otherwise agreed in writing by the local planning*

authority.

20. *The car boot sales hereby approved shall not take place outside the hours of 06:30 to 17:00.*
21. *The floodlights for the stadium and the training pitches shall not be used between 22:30 hours and 07:30 hours.*
22. *There shall only be a maximum of 30 Car boot sale events held at the site in any one calendar year.*
23. *Mechanical service plant noise levels shall adhere to the details contained in para 5.65 - 5.67 of the Noise Assessment prepared by Hepworth Acoustics dated February 2013. The cumulative LAr noise rating levels from any mechanical service plant at the nearest residence, including any acoustic penalty, shall be at least 10dB(A) below the lowest measured LA90 background noise level.*
24. *The development hereby approved shall be implemented and operated at all times in accordance with the PA noise management scheme contained within the Noise Management Plan received on 29 August 2013.*
25. *The acoustic bund located to the south of the proposed pitches shall be at least 10m high in relation to the pitch levels directly adjacent to the bund and at least 4m high in relation to the ground level of the adjacent housing development to the south of the site. The development shall be implemented in accordance with the details of the ground levels and acoustic bund, including the cross sections received on 19 July.*
26. *Prior to the 10th January 2014 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.*
27. *Prior to the commencement of the use of the site as a football stadium, education facility or for car boot sales the land between the highway boundary and the vision splays indicated on drawing number 10000/04/01 & 10000/04/02 received on 14/5/2013 shall be lowered so that it does not exceed 0.6 metres above the level of the adjacent carriageway Ryhall Road and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.*
28. *The arrangements shown on the approved plan LK606 (08)008 Rev A00 dated 29/01/13 for the parking/turning/manoeuvring of vehicles shall be available at all times when the premises are in use.*
29. *Prior to the 10th January 2014 a scheme shall be submitted to and agreed*

in writing by the local planning authority for the construction of a 2 metre wide combined footway/cycleway along the frontage of the site and linking the existing provision to the north of Borderville Cottages and extending southwards to Rutland Road, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before the development is occupied or in accordance with a phasing arrangement to be agreed in writing with the local planning authority.

30. *Prior to the commencement of the use of the site as a football stadium, education facility or for car boot sales the works to improve the public highway (by means of ghost island right turn facility together with all necessary lighting, drainage, marking and ancillary works as indicatively identified on drawing number 10000/04/01 received on 14/5/2013) or as specified shall have been certified complete by the local planning authority.*
31. *Prior to the 10th January 2014 a Travel Plan shall be submitted to, and approved in writing by the local planning authority that builds on the framework travel plan for the football ground and the existing college travel plan. Thereafter a 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.*
32. *The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:*
 - *Site Location Plan - (08)001 Rev A00 received 29/01/2013,*
 - *Existing Site Plan - (08)002 Rev A00 received 29/01/2013,*
 - *Existing Site Sections - (08)003 Rev A00 received 29/01/2013,*
 - *Comparison of Footprints - (08)004 Rev A00 received 29/01/2013,*
 - *Comparison of Floor Space - (08)005 Rev A00 received 29/01/2013,*
 - *Comparison of Floor Space Site Sections - (08)006 Rev A00 received 29/01/2013,*
 - *Proposed Site Context Plan - (08)007 Rev A00 received 29/01/2013,*
 - *Proposed Site Plan - (08)008 Rev A00 received 29/01/2013,*
 - *Proposed Site Sections - (08)009 Rev A00 received 29/01/2013,*
 - *Proposed Ground Floor Plan - (08)010 Rev A00 received 29/01/2013,*
 - *Proposed First Floor Plan - (08)011 Rev A00 received 29/01/2013,*
 - *Proposed Roof Plan - (08)012 Rev A00 received 29/01/2013,*
 - *Proposed Sections A-A & B-B - (08)013 Rev A00 received 29/01/2013,*
 - *Proposed Sections C-C & D-D - (08)014 Rev A00 received 29/01/2013,*
 - *Proposed North & East Elevation - (08)015 Rev A00 received 29/01/2013,*
 - *Proposed South & West Elevation - (08)016 Rev A00 received 29/01/2013,*
 - *Proposed Covered Seating Stand 1 - (08)017 Rev A00 received*

29/01/2013,

- *Proposed Covered Seating Stand 2 - (08)018 Rev A00 received 29/01/2013,*
- *Proposed Toilet Block - (08)019 Rev A00 received 29/01/2013,*
- *Proposed Turnstile Building 1, 2 & 3 - (08)020 Rev A00 received 29/01/2013,*
- *Proposed Dug Outs - (08)021 Rev A00 received 29/01/2013,*
- *Proposed Cycle Shelter - (08)022 Rev A00 received 29/01/2013,*
- *Proposed Site Entrance - (08)023 Rev A00 received 29/01/2013,*
- *Proposed Hard and Soft Landscaping Layout - (08)024 Rev A00 received 29/01/2013,*
- *Proposed Walls, Fences and Boundary Treatments - (08)025 Rev A00 received 29/01/2013,*
- *Proposed Enclosures to Grass Pitch & Artificial Grass Pitch - (08) 026 Rev A00 received 29/01/2013,*
- *Ghost Island Right Turn - 4309/01/30 received 29/01/2013*

33. *The proposed development shall be undertaken in strict accordance with the Assessment of spoil from the development undertaken by Waldeck and received on 29 January 2013. If any material is to be deposited outside of the application site area no development shall take place until a scheme detailing the method and arrangements for the deposition of soil on adjacent land, in the applicants control, and the removal of sub surface material off site has been submitted to and approved in writing by the local planning authority. The scheme shall include:*
- (i) details of the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform;*
 - (ii) details of any subsurface material to be removed from the site and precise details of where and how the material will be disposed of;*
 - (iii) details of the proposed routing arrangements for vehicles removing material from the site. The development shall be carried out in accordance with the approved details.*

The development shall only be carried out in accordance with the approved details.

34. *The development shall be carried out in accordance with the materials received on 22 July 2013 detailed on drawings (08)015 Rev A01 and (08)016 Rev A01. Only the agreed materials shall be used in the development.*
35. *Notwithstanding condition 14 above no development shall be commenced (apart from those works identified on drawing Proposed Construction Access Arrangements submitted on 3 September 2013) before the works to improve the construction traffic access arrangements and provision of a temporary haul road have been completed. Construction traffic shall only use the approved construction access arrangements during the construction of the development. Within 3 months of completion of the development the temporary haul road shall be removed and the land*

restored in accordance with the approved details.

36. *Within 3 days of the date of this permission the developer shall submit a Construction Traffic Management Plan for the approval of the Local Planning Authority. The Plan shall incorporate further detail in respect of anticipated daily vehicle movements; routing or sourcing materials in such a way as to minimise HGV movements through villages or roads unsuitable for such traffic; measures to provide adequate signing/warning to highway users of increased turning movements in and around the proposed point of temporary access; control and management of arrivals and departures to minimise risk of conflict or amassing of vehicles at the access and within the limits of highway; provision for a wheel wash; proposals and a timetable for the introduction of temporary speed restrictions; control of surface water run-off and a means of monitoring and ensuring compliance with the operations of the Plan. Once approved the Plan shall be maintained through the lifetime of the construction phase of the development.*

The Chairman explained that application S13/1824 was being considered as an urgent item today because there were special circumstances relating to a breach of planning control. Determination of the application would enable the construction to continue in accordance with planning controls.

The Committee considered a report, which had been circulated with the late report to Members prior to the meeting, in relation to application S13/1824, which had been considered by the committee on 8th October 2013. The report was introduced and explained by the Principal Planning Officer. He reminded Members that at that meeting they had resolved to defer approval to the Chairman and Vice-Chairman, subject to the completion of a section 106 agreement and subject to a number of conditions.

The section 106 agreement had been completed and signed, and the decision was ready for issue. However, the applicants had already submitted some of the information required by some of the conditions and work had already commenced on site. Some of the conditions as currently approved were pre-commencement conditions which required details to be submitted prior to any development taking place. Whilst some of the information had been provided, some elements were still outstanding.

Development had already commenced on site, and it was therefore no longer necessary to impose pre-commencement conditions. It was, however, necessary to amend the conditions to link the development to the details already submitted and approved since the application went to the committee, or in some cases to amend outstanding conditions to require details to be submitted within one month of the date of the consent.

Also circulated to Members present at the committee were letters from the applicants' agent, and from the Voice of Stamford in objection to the matter

being considered by the committee at this meeting.

(6.06pm – Councillor Parkin left the meeting).

Members discussed the report from the Principal Planning Officer, and the circulated documents in detail, and expressed concern that the decisions of the Development Control Committee were being disregarded with impunity. It was proposed:-

“That, with regard to application S13/1824, condition 36, requiring the submission of a Construction Traffic Management Plan for approval within one month of the date of the permission be amended to require the submission of the plan within three working days (i.e. by Friday 13th December 2013), failing which action will be taken to issue a stop notice and commence enforcement action for breach of that condition.”

The Chairman referred to other pre-commencement conditions and suggested that it would be wrong not to insist that these were discharged before the commencement of work. In seconding the proposition, a Member suggested that these conditions requiring the submission of details and/or a scheme should be amended to require the submission of the appropriate details within one month from today, i.e. by 10th January 2014, otherwise action would be taken as indicated above, and she asked that this be added to the proposal.

The proposer agreed to include this addition within the original proposal. On being put to the vote, the amended proposal was agreed.

205. CLOSE OF MEETING

The meeting closed at 6.29pm.