

MINUTES

DEVELOPMENT MANAGEMENT COMMITTEE TUESDAY, 12 DECEMBER 2017



COMMITTEE MEMBERS PRESENT

Councillor Ashley Baxter
Councillor Mrs Rosemary Kaberry-Brown
Councillor Michael King
Councillor Charmaine Morgan
Councillor Robert Reid
Councillor Nick Robins
Councillor Jacky Smith

Councillor Mrs Judy Smith
Councillor Judy Stevens
Councillor Ian Stokes (Vice-Chairman)
Councillor Brian Sumner
Councillor Mrs Brenda Sumner
Councillor Rosemary Trollope-Bellew
Councillor Martin Wilkins (Chairman)

OFFICERS

Strategic Director, Growth (Steve Ingram)
Service Manager, Development and Implementation (Sylvia Bland)
Principal Planning Officer (Phil Moore, Kevin Cartwright)
Planning Officer (Abiola Labisi, Paul Milne, Joe Mitson)
Legal Advisor (Colin Meadowcroft)
Principal Democracy Officer (Jo Toomey)

External Legal Support– Peter Seaborn, Mills and Reeve (minutes 58a only)

OTHER MEMBERS

Councillor George Chivers
Councillor Kelham Cooke
Councillor Nick Craft
Councillor Matthew Lee

(In accordance with Article 9.1.9 of the Council's Constitution, Councillor Chivers spoke in connection with application S17/1378)

As a number of members had been delayed because of the inclement weather, the meeting commenced at 10:29.

55. MEMBERSHIP

The Committee was notified that under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, notice had been received appointing: Councillor Morgan for Councillor Dilks, Councillor Judy Smith for Councillor Adam Stokes, Councillor Baxter for Councillor Wood and Councillor Rosemary Trollope-Bellew for Councillor Exton.

56. DISCLOSURE OF INTERESTS

No interests were disclosed.

57. MINUTES OF THE MEETING HELD ON 14 NOVEMBER 2017

The minutes of the meeting held on 14 November 2017 were agreed as a correct record.

58. PLANNING MATTERS

(a) **Application Ref:** S17/1262

Description: Hybrid planning application for the Grantham Designer Outlet Village, comprising:

Phase 1 - Full planning permission for erection of up to 20,479 sqm (GEA) of floorspace comprising retail units (A1), restaurants and cafes (A3), management suite and tourism unit, play areas, and only storage at first floor level (1,267 sqm). New access road and access points, parking for up to 1,675 cars, 13 coaches, 90 bicycle spaces and a bus stop. Land remodelling, drainage works, hard and soft landscaping and all ancillary works.

Phase 2 - outline planning application for up to 12,550 sqm (GEA) of floorspace comprising retail units (A1), restaurants and cafes (A3) and only storage at first floor level (2,288 sqm); up to 709 car parking spaces (315 net additional), including a decked parking area; 65 bicycle spaces; and an hotel (85 rooms 2,778 sqm GEA) with 80 car parking spaces; hard and soft landscaping (all matters reserved with the exception of Access

Location: Land off Tollemache Road, North Spittlegate, Grantham

Decision:

Subject to the application not being called in by the Secretary of State, to grant the application subject to conditions and completion of a Section 106 Agreement

Noting comments made during the public speaking session by:

**Parish Council
Against**

Peter Armstrong
Richard Broadhead
Marcus Meadows
Ian Anderson

For

Peter Isaac
Stephen Vickers
Jenni Cussell

Applicant

Neil Thompson

Together with:

- No objection from Highway England subject to conditions
- No objection from Lincolnshire County Council Highways subject to conditions and Section 106 contributions
- Comments from Lincolnshire County Council Footpaths
- No objection from Lincolnshire County Council minerals
- No objection from Environmental Health subject to a condition
- No objection from the Environment Agency subject to a condition

- No objection from Heritage Lincolnshire subject to a condition
- Comments of the Conservation Officer
- No objection from Anglian Water
- Responses from the Upper Witham Internal Drainage Board and the Welland and Deeping Internal Drainage Board
- No objection and comments from Natural England
- Comments submitted by the Tree Officer
- Comments from the Woodland Trust
- No objection in principle, comments and request for an informative from Network Rail
- Comments from Virgin Trains East Coast
- No objections and comments from the Crime Prevention Design Advisor
- Comments from Loundthorpe and Harrowby Without Parish Council
- No objection subject to conditions from Newark and Sherwood District Council
- Objection from Peterborough City Council because of claimed impact on the viability of Peterborough city centre
- Concerns from the City of Lincoln Council over impact on Lincoln city centre and the proposed redevelopment of St. Mark's Shopping Centre
- Comments from Lichfields on behalf of "Intu" developments in Nottingham
- A representation made on behalf of Oldrids and Downtown Company Forum expressing serious concerns
- Representations made by Fisher German as agent for the promoter of the Downtown proposal highlighting what they consider to be its relative merits over the Rioja proposal
- Representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- The additional information report issued on 11 December 2017
- Comments made by members at the meeting

It was proposed, seconded and agreed that the application be approved for the reasons set out in the case officer's report and subject to:

- (i) The application not being called in by the Secretary of State
- (ii) The conditions set out on pages 49 to 58 of the case officer's report and pages 4 and 5 of the additional information report issued on 11 December 2017 (the final wording being delegated to the Executive Manager, Development and Growth after consultation with the Chairman or Vice-Chairman of the Development Management Committee) and
- (iii) The prior completion of a Section 106 Agreement to secure the requirements set out in Appendix 3 of the main report and updated by the additional information report. Provided that if the Section 106 has not been completed within three months of the date of this

meeting and the Executive Manager for Development and Growth, after consultation with the Chairman or Vice Chairman of the Development Management Committee, considers there are no extenuating circumstances which would justify an extension (or further extension) of time, the Executive Manager for Development and Growth be authorised to refuse the application on the basis that the necessary infrastructure or community contributions essential to make the development acceptable have not been forthcoming.

The meeting was adjourned from 13:01 until 14:04.

(b) **Application Ref:** S17/1728

Description: Conversion of existing public house and motel and erection of 2 buildings to create 29 dwellings, with access, car parking and landscaping

Location: The Towngate Inn, 3 Towngate East, Market Deeping, Lincolnshire, PE6 8DP

Decision:

To grant the application subject to conditions and completion of a Section 106 Agreement

Noting comments made during the public speaking session by:

Against	Marcus Worsdall
Applicant's Agent	David Shaw

Together with:

- Objections from Market Deeping Town Council and a query submitted by a Market Deeping Town Councillor
- No objections subject to conditions and a developer contribution towards a Traffic Regulation Order from Lincolnshire County Council Highways and SUDS Support
- Comments from the SKDC Affordable Housing Officer including details for a commuted sum to be paid in lieu of affordable housing on site
- No objection from NHS England subject to a Section 106 contribution
- No requirement for a Section 106 contribution from Lincolnshire County Council's Education and Cultural Services
- No objections from the Environment Agency subject to a condition
- Comments from SKDC's Environmental Protection Team
- No objection from Anglian Water Services subject to conditions
- No comment from the Welland and Deeping Internal Drainage Board
- 13 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations

- Comments made by members at the meeting

Members of the Committee were given an option about whether the top of the window at the front of the building should be straight or whether it should be curved, which would match the frontage of the development opposite. Members agreed that their preference was for the top of the window to be curved.

It was proposed, seconded and agreed that the application be approved for the reasons set out in the case officer's report and subject to the conditions set out on pages 119 to 123 of the case officer's report and amended by the additional items report that was issued on 8 December 2017 in respect of conditions 2 and 23 and subject to prior completion of a Section 106 agreement to secure the requirements specified in paragraph 11. Provided that if the Section 106 has not been completed within 6 weeks of the date of this meeting and the Executive Manager for Development and Growth, after consultation with the Chairman or Vice Chairman of the Development Management Committee, considers there are no extenuating circumstances which would justify an extension (or further extension) of time, the Executive Manager for Development and Growth be authorised to refuse the application on the basis that the necessary infrastructure or community contributions essential to make the development acceptable have not been forthcoming.

14:42 – As the meeting had been in progress for 3 hours, the Chairman asked for Members' consent to continue. Members agreed

(c) **Application Ref:** S17/1378

Description: Change of use of paddock and hardstanding to travellers site for 2 static caravans with additional screening

Location: Land between nos. 2 and 3 Harrowby Lane, Harrowby, Grantham, NG31 9HB

Decision:

To grant the application subject to conditions

Noting comments made during the public speaking session by:

District Councillor	Councillor George Chivers
Parish Council	Peter Armstrong
Against	John Bradley
Applicant's Agent	Mike Hardy

Together with:

- Comments and concerns from Londonthorpe and Harrowby Without Parish Council
- No objection from Lincolnshire County Council Highways and SUDS Support
- No objection from SKDC's Environmental Protection Team
- Comments from Minerals and Waste Planning at Lincolnshire

County Council

- 16 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by members at the meeting

In discussing the application some members expressed concerns about the site occupants' access to amenities. It was proposed and seconded that the application be refused contrary to officer recommendations because the application site was not accessible to shops, schools and health facilities and did not, therefore, comply with policy H4 of the Council's Core Strategy. This was challenged by a member who maintained that access to those facilities was available within walking distance of the site (approximately 0.7 miles).

The Service Manager, Development Management and Implementation stated that she was not able to accept the reasons for refusal as defensible planning reasons. As the proposition to refuse the application was contrary to officer recommendations and the Service Manager, Development Management and Implementation did not consider the proposed reasons for refusal were sufficient, the cooling off period set out in Article 9.1.9 (c) of the Council's Constitution was invoked. In accordance with the Constitution, a recorded vote was taken:

For	Against	Abstain
Councillor Mrs Kaberry-Brown Councillor Reid Councillor Robins Councillor Stokes	Councillor Baxter Councillor Morgan Councillor Jacky Smith Councillor Judy Smith Councillor Stevens Councillor Brenda Sumner Councillor Brian Sumner Councillor Trollope-Bellew Councillor Wilkins	Councillor King
4	9	1

The proposition was lost.

A new proposition was made and seconded that the application be approved for the summary of reasons set out in the case officer's report and subject also to the following conditions:

Time Limit for Commencement

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Approved Plans

- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - i. Drawing Number: 137381/1/GM1 Site Location Plan received on 19th September 2017
 - ii. Drawing Number: 137381/2/GM2 Site Layout Plan received on 19th September 2017

Unless otherwise required by another condition of this permission.

Before the Development is Commenced

- 3 Prior to commencement of development schemes for (a) to (c) below (hereafter referred to as the Site Development Scheme) shall have been submitted for the written approval of the local planning authority and the said schemes shall include a timetable for their implementation:
 - (a) the means of foul and surface water drainage of the site
 - (b) proposed and existing external lighting on the boundary of and within the site, including means of orientating and shielding the lighting so that it does not illuminate areas outside the site
 - (c) details of tree, hedge and shrub planting, including details of species, plant size, proposed numbers and densities

The whole of the approved Site Development Scheme shall have been carried out and completed in accordance with the approved details and timetable.

Ongoing Conditions

- 4 There shall be no more than 4 touring caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, stored on the site as shown on the site layout plan, of which none shall be occupied for residential purposes.
- 5 There shall be no more than 2 pitches on the site as shown on the site layout plan. No more than 1 static caravan, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at any one time on each pitch.
- 6 The landscaping scheme required by 3(i)(c) above shall include a schedule of maintenance for a period of 5 years of the proposed planting, commencing at the completion of the final phase of implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the

approved schedule.

- 7 No commercial activities shall take place on the land, including the storage of materials.
- 8 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 9 The site shall not be occupied by any persons other than gypsies and travellers as defined in the Planning Policy for Travellers' Sites 2015, annex 1.

(d) **Application Ref:** S16/0981

Description: Approval of reserved matters relating to access, appearance, landscaping, layout and scale following grant of outline permission under S14/2692 for new retail store and car park and 14 dwellings

Location: 139 Ermine Street, Ancaster, Lincolnshire, NG32 3QN

Decision:

To grant the application subject to conditions

Noting comments made during the public speaking session by:

Against Michael Worth

Together with:

- Comments from Ancaster Parish Council
- No objections from Lincolnshire County Council Highways and SUDS Support
- 1 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by members at the meeting

It was proposed, seconded and agreed that the application be approved for the summary of reasons set out in the case officer's report and subject also to the following conditions:

Approved Plans

- 1 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - i. Drawing Number: 091 received on 6th April 2016
 - ii. Drawing Number: 092 received on 6th April 2016
 - iii. Drawing Number: 093 received on 6th April 2016
 - iv. Drawing Number: 094 received on 6th April 2016
 - v. Drawing Number: 095 received on 6th April 2016

- vi. Drawing Number: 096 received on 6th April 2016
- vii. Drawing Number: 097 received on 6th April 2016

Unless otherwise required by another condition of this permission.

Before the Development is Commenced

- 2 Before any construction work above ground is commenced, details of any soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - i. planting plans;
 - ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- 3 Before any development hereby approved commences final details of the retaining structure to the western boundary shall be submitted to and approved in writing by the local authority. The development shall be carried out in accordance with the approved details.

Before the Development is Occupied

- 4 Before any part of the development hereby permitted is occupied, all hard landscape works shall have been carried out in accordance with the approved hard landscaping details as shown on Drawing Number: 092 received on 6th April 2016.
- 5 Before any part of the development hereby permitted is occupied, the works to provide the surface and foul water drainage shall have been completed in accordance with the approved details as shown on Drawing Number: FW700 P2 400 received on 10th May 2016.
- 6 Before any part of the development hereby permitted is occupied, the works to provide the boundary treatments shall have been completed in accordance with the approved boundary treatment scheme as shown on Drawing Number: 092 received on 6th April 2016.
- 7 Before any part of the development hereby permitted is occupied, the external surfaces shall have been completed in accordance with the approved details as shown on the following drawing numbers:
 - i. Drawing Number: 093 received on 6th April 2016
 - ii. Drawing Number: 094 received on 6th April 2016
 - iii. Drawing Number: 095 received on 6th April 2016
 - iv. Drawing Number: 096 received on 6th April 2016
 - v. Drawing Number: 097 received on 6th April 2016

(e) **Application Ref:** S17/1646

Description: Modification of the Section 106 Agreement in relation to S14/2692 and the provision of affordable housing

Location: Co-op 139 Ermine Street, Ancaster, Lincolnshire, NG32 3QN

Decision:

To approve the removal of the requirement for an affordable housing contribution from the Section 106 Agreement relating to S14/0927

Noting comments made during the public speaking session by:

Against Michael Worth
Applicant/Applicant's Agent Kathryn Howard

Together with:

- Independent appraisal by DVS of the viability assessment submitted by the applicant
- 1 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by members at the meeting

A detailed appraisal by DVS of the viability assessment of the development was included in Committee members' paperwork. These papers were exempt because they contained commercially sensitive information. So that members could discuss the contents of those papers, it was proposed, seconded and agreed that the press and public be excluded from the meeting because the information was exempt under paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

16:50 – the press and public were excluded from the meeting

Members discussed the contents of the viability assessment.

17:25 – the meeting was re-opened to members of the press and public

It was proposed and seconded that the application be refused contrary to officer recommendations. As no reason for refusal was put forward, the Service Manager, Development Management and Implementation invoked the cooling off period set out in Article 9.1.9 (c) of the Council's Constitution. In accordance with that provision, a recorded vote was taken:

For	Against	Abstain
Councillor Mrs Kaberry-Brown Councillor Morgan Councillor Reid Councillor Robins	Councillor King Councillor Jacky Smith Councillor Stevens Councillor Brenda Sumner	Councillor Baxter Councillor Judy Smith

Councillor Stokes Councillor Brian Sumner	Councillor Trollope- Bellew Councillor Wilkins	
6	6	2

As there was an equality of votes, the Chairman used his casting vote and the proposition was lost.

A new proposal was put forward that the application be approved. This was seconded, and, on being put to the vote, carried.

17:45 – Councillors Stokes and Jacky Smith left the meeting and did not return

(f) **Application Ref:** S17/1882

Description: Section 73 application to vary condition 2 (opening hours) of planning approval S15/0837

Location: The Hub, Blackfriars Street, Stamford, Lincolnshire, PE9 2BW

Decision:

Delegated to chairman and vice-chairman to grant approval subject to conditions in the report plus additional conditions for which they are to agree the wording in consultation with the Service Manager for Development Management and Implementation, regarding screening of sound and vision, and an agreed management plan to be reviewed after 12 months

Noting comments made during the public speaking session by:

Against

Lynne Almond

For

Rob Shand

Scott Weavers-Wright

Together with:

- Comments from Stamford Town Council
- No objections from Lincolnshire County Council Highways and SUDS Support
- No comments from SKDC's Environmental Protection Team
- 18 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- The additional information report issued on 8 December 2017
- Comments made by members at the meeting

In discussing the application, Committee members considered the representations made by local residents on the impact of extended hours of use on their privacy. There was consensus amongst members that measures were required to safeguard local residents' privacy and protect them from the possibility of noise disturbance. A suggestion was made that

as the building was used by a number of different companies it would be helpful to have a management plan in place. This would help any local residents who had concerns know who they could contact and how to get those issues resolved. Comments made during the public speaking session indicated that there had been some breaches of the existing conditions association with the development. While it was recognised that enforcement action could be taken, committee members suggested that an alternative control mechanism that would provide the opportunity to review the permission was to grant it for a temporary period to be reviewed at the end of 12 months.

It was proposed, seconded and agreed that the application be approved for the reasons in the case officer's report and subject to conditions on pages 148 and 149 of the case officers report and amended by the additional items paper issued on 8 December 2017, together with an additional condition relating to the screening of sound and vision the wording of which is to be agreed in consultation with the Chairman and Vice Chairman.

An amendment was proposed and seconded, which would add two further conditions: the creation and agreement of a management plan the operation of which should be reviewed at the end of 12 months and revised as necessary. A vote was taken on the amendment, which was carried and the additional conditions were added to the substantive motion. A vote was taken on the substantive proposition, which was carried.

18:42 – Councillors Trollope-Bellew and King left the meeting and did not return

As the meeting had been in progress in excess of six hours, the Chairman canvassed Councillors and members of the public who were present to find out whether their preference was to carry on with the agenda or to adjourn the meeting and consider the outstanding applications on another day. It was agreed that the meeting should continue.

(g) **Application Ref:** S17/0100

Description: Removal/variation of conditions

Location: Stamford Skatepark, The Recreation Ground, Recreation Ground Road, Stamford

Decision:

To grant the application subject to conditions

Noting comments made during the public speaking session by:

Applicant Patricia Stuart-Mogg

Together with:

- No objection from Stamford Town Council
- No objection from Lincolnshire County Council Highways and SUDS Support

- No comments or objections from SKDC's Environmental Protection Team
- 5 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Comments made by members at the meeting

It was proposed, seconded and agreed that the application be approved for the summary of reasons set out in the case officer's report and subject also to the following conditions:

Ongoing Conditions

- 1 All physical measures (bundling, noise barriers, acoustic fencing, etc.) for protecting the amenity of the occupiers of the dwellings of flats within 300 metres of the site from the noise of the users of the skate park, as shown on approved plans 1723-05A, 1723-07D, 1723-08B, 1723-09B, shall be retained in place at all times during the lifetime of the development.
- 2 An updated Management Plan based on the measures outlined in the submitted Draft Management Plan received 13 October 2017 shall be submitted within 3 months of this permission to the local planning authority for their approval in writing. This permission shall not take effect until the Management Plan has been approved.
- 3 The Management Plan approved under condition 2 above, shall be adhered to in full at all times during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

(h) **Application Ref:** S17/1635

Description: Outline permission for the demolition of existing building and the erection of 8 apartments with approval being sought for access and appearance

Location: 87 Norton Street, Grantham, NG31 6BY

Decision:

To refuse the application contrary to officer recommendations

Noting comments made during the public speaking session by:

Against	Alison Hunter
Applicant's Agent	Juliette Kerry

Together with:

- No objection from Lincolnshire County Council Highways and SUDS Support subject to a condition
- No objection from SKDC's Environmental Protection Team
- One representation received as a result of public consultation

- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by members at the meeting

19:01 – Councillor Brian and Brenda Sumner left the meeting and did not return

Members considered the application in the context of the different representations that they had heard during the public speaking session. They were mindful of the fallback position, which allowed the development of 6 apartments on site. Of particular concern for members was the massing of the proposed development and how it would fit in the context of existing properties in the vicinity. There were specific concerns about the residential amenity for existing residents and prospective residents, including access to parking and suitable community space.

It was proposed and seconded that the application be refused contrary to officer recommendations for the following reasons:

1. The proposal constituted over-development
2. Insufficient parking
3. Lack of suitable amenity space
4. The proposed development was detrimental to the amenity of future residents
5. The impact on neighbours' residential amenity
6. The proposal was contrary to paragraph 14 of the National Planning Policy Framework in that the adverse impacts of the development would demonstrably outweigh the benefits when assessed as a whole

The Service Manager, Development Management and Implementation confirmed that the reason for refusal was acceptable, permitting the Committee to make a decision outright without invoking the cooling-off period in accordance with the Council's Constitution.

A vote was taken on the proposition, which was carried and consequently the application was refused.

59. CLOSE OF MEETING

The meeting was closed at 19:40.