

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 10 JANUARY 2012



COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry
Councillor Michael Cook
Councillor David Higgs
Councillor Reginald Howard
Councillor Vic Kerr
Councillor Michael King
Councillor Charmaine Morgan

Councillor Alan Parkin (Chairman)
Councillor Helen Powell
Councillor Mrs Judy Smith
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Brenda A Sumner
Councillor Martin Wilkins (Vice-Chairman)

OFFICERS

Head of Development and Growth (Mark Williets)
Development Management Service Manager (Pat Reid)
Principal Planning Officer (Justin Johnson)
Area Planning Officer (Peter Lifford and Nigel Bryan)
Planning Technician (Tim Robertson)
Committee Support Officer (Malcolm Hall)
Assistant Solicitor (Paul Rushworth)

61. APOLOGIES

Apologies for absence were received from Councillors Mrs Kaberry-Brown, Jacky Smith and Wren.

62. DECLARATIONS OF INTEREST

Councillor Judy Stevens declared a personal interest in Application JJ1 as she was particularly well acquainted with the premises that were the subject of the application.

63. MINUTES OF MEETING HELD ON 13TH DECEMBER 2011

The minutes of the meeting held on 13th December 2011 were approved as a

correct record of decisions taken.

64. PLANNING MATTERS

Decision: -

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

KJC1

Application ref: S11/0967/MJRF

Description: Demolition of 49 St Catherine's Road and 1A Dudley Road and construction of retirement accommodation for the elderly including provision of communal facilities, landscaping and car parking.

Location: 49 St Catherine's Road, Grantham, NG31 9DE

Decision: Deferred.

Noting receipt by English Heritage of an application for the listing of 49 St Catherine's Road, Grantham, pending further consideration at a future meeting.

JJ1

Application ref: S11/2347/FULL

Description: Erection of bungalow in connection with exotic pet refuge.

Location: 102 Station Road, Deeping St James, Peterborough, Lincolnshire, PE6 8RH.

Decision: Deferred

Noting comments made during the public speaking from:-

Darren Mansfield- in support

together with comments from the Lincolnshire Wildlife Trust, no objection from the Environment Agency or Highway Authority, and comments from a nearby resident; late information report circulated to members present at the meeting including additional information in support from the applicant and no objection from Heritage Lincolnshire or Natural England, report of site inspection and comments made by members at the meeting.

The Chairman said that in view of what had been said during the public

speaking, there was clearly more information to be obtained in regard to this application and he accordingly proposed that it be deferred for further information. This proposal received no seconder.

A further proposal was made, and seconded, that the application be approved subject to a condition that the development would only be occupied by a worker (and family members) who are essentially engaged in the direct care of the animals at the exotic pet refuge, being the land upon which the dwelling stands, and is not to be used as an independent dwelling.

The Development Management Service Manager advised members that planning reasons for overturning the case officer's recommendations must be recorded, although he was not unhappy with the suggested condition brought forward earlier. For the guidance of Members the Assistant Solicitor referred to the six tests which must apply to the consideration of all applications, and he suggested that the Committee should have regard to annex "A" of PPS7, which indicated that any condition should confirm that the dwelling was essential to the needs of the enterprise concerned. The proposer of the motion indicated that he would be happy if consideration at this meeting was deferred, with authority given to the Chairman or Vice Chairman to approve the application subject to standard conditions and incorporating an appropriately worded condition, along the lines noted below:-

"That the development is only to be occupied by a worker (and family members) who is essentially engaged in the direct care of the animals at the exotic pet refuge, being the land upon which the dwelling stands, and is not to be used as an independent dwelling."

The Development Management Service Manager advised the Committee that it would be necessary to advertise the application and the intention to approve it as a departure from the Local Plan. This would also form part of the Chairman or Vice Chairman's decision, if the proposal was finally approved.

On being put to the vote the proposition to defer for approval by the Chairman or Vice Chairman was agreed, subject to the imposition of appropriate conditions and a condition along the lines of that referred to above, and also for the application to be referred to the Secretary of State as a departure from the Local Plan.

IVW1

Application ref:	S07/0818/OUT
Description:	Erection of Community Health Centre
Location:	The Old Quarry Site, Castle Bytham
Decision:	Approved

Noting comments from the Highway Authority and Community Archaeologist, no objection from Natural England, comments from Lincolnshire Wildlife Trust and no objection from the Parish Council together with a representation from a nearby resident and an update from the Planning Policy team in relation to the policy position, and comments made by the Members at the meeting, including comments from the Parish Council read to the Committee by the Vice Chairman.

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 or two years from the approval of the last of the reserved matters, whichever is the later.
2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (a) layout;
 - (b) scale;
 - (c) appearance;
 - (d) access; and
 - (e) landscaping.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

3. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
4. When application is made to the District Planning Authority for approval of the 'reserved matters', that application shall be accompanied by a scheme of landscaping and tree planting (indicating inter alia, the number, species, heights on planting and positions of all the trees) in respect of the land to which that application relates; and such scheme shall require the approval of the District Planning Authority before any development is commenced. Such scheme as may be agreed shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority

gives written consent to any variation.

5. The development hereby permitted shall not be commenced until a working method statement, to include details of plant, equipment, spoil and materials, as well as methods of working, has been submitted to and approved in writing by the Local Planning Authority. The method statement will demonstrate how the works will be undertaken in order to protect the features for which the SSSI is so designated.
6. Before the development hereby permitted is commenced a plan shall be submitted to the Local Planning Authority showing areas of stand-off from the faces of former quarry which are to be protected from damage during the development period and for access in the event that it is required for the management of the features of interest.
7. The vehicular access shall incorporate 10 metres radii tangential to the nearside edge of the carriageway of Station Road and the minimum width of the access shall be 5.0 metres.
8. Before each dwelling (or other development as specified) is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a *specification to enable them to be adopted as highways maintainable at the public expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

*Note to Applicant: You are advised to contact Lincolnshire County Council, as the local highway authority, for approval of the road construction specification and programme before carrying out any works on site.

9. 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.
10. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.

RCL1

Application ref: S11/2646/FULL

Description: Demolition of existing building and erection of dwelling (Plot 4) and the extension of gardens to Plots 1 and 2 (Revised submission)

Location: Plot to r/o land between, 2, Coggles Causeway and 2 South Road, Bourne

Decision: Deferred

Noting comments made during the public speaking session from:-

Trevor Holmes – objecting
Mike Sibthorp – agent

together with no objection from the Highway Authority, comments from Natural England and Heritage Trust, no objection from the Lincolnshire Wildlife Trust, comments from the Property and Facility and Healthy Communities Teams, and an objection from a nearby resident, report of site inspection and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be deferred for determination by the Development Management Service Manager, after consultation with the Chairman or Vice Chairman, subject to the summary of reasons referred to in the case officer's report, and subject to the application being referred to the Secretary for State as a departure from the local plan, and to appropriate conditions as listed in the report.

*(The meeting adjourned from 3.11pm to 3.30pm).
(Councillors Vic Kerr and Morgan did not return to the meeting on its resumption).*

PL1

Application ref: S11/1525/FULL

Description: Single storey extension to sports pavilion to form store and temporary storage container (3 years)

Location: Barrowby Sports Pavilion, Low Road, Barrowby.

Decision: Approved

Noting no objection from the Highway Authority, and representations from nearby residents, together with comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved, subject to the summary of reasons set out by the case officer in the circulated

report, and subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development shall be built in accordance with the materials detailed on the submitted application forms unless otherwise agreed in writing by the local planning authority.
3. The storage container hereby approved shall be removed from the site within 3 years from the date of this permission.

PL2

Application ref: S11/1526/FULL

Description: Application under section 73 of Town and Country Planning Act 1990 to vary condition 4 of SO9/0805 to allow childcare use between 09.00 and 15.30

Location: Barrowby Sports Pavilion, Low Road, Barrowby

Decision: Approved

Noting comments made during the public speaking session from:

Julie Jones - Objecting.
Mike Sibthorp – Agent

together with comments from the Highway Authority and representations from nearby residents, 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. The track connecting the car park to the area adjacent to the pavilion shall be surfaced in rubber granules. This surfacing material shall be retained thereafter at all times that the premises are operated under the terms of this planning permission.
3. The area of the premises available for the Mixed Use (Sports Pavilion and Childcare Provision) shall relate solely to the area as outlined on plan G/1368-30 Rev A.

4. The premises as identified in Condition 3 shall not be used for the purposes of Childcare, as authorised by this permission, outside the hours of 07:30 and 18:00 Monday to Friday, and between 07:30 - 18:00 Monday to Friday during school holidays for a maximum of eight weeks per year.
5. The access track and parking adjacent to the pavilion shall be limited in its use to match officials, team coaches, emergency collection, maintenance vehicles and those attending or working at the childcare facility.
6. The number of staff and child places shall not exceed 6 members of staff and 32 child places.
7. The permitted uses within the pavilion, i.e. childcare facility and sports changing facilities shall not take place simultaneously.
8. The pavilion shall be limited in its use to that of Sports Changing/Recreation facilities and a childcare facility and for no other purpose.
9. Within 6 months from the date of this permission, the submitted Travel Plan shall be amended/reviewed and submitted to the Local Planning Authority for approval in writing. Thereafter annually a staff survey shall be undertaken and analysed and its findings submitted to and approved in writing by the local planning authority. The submitted information shall provide details of the implementation of the Travel Plan.

The site shall operate in accordance with the approved travel plan arrangements unless the local planning authority agree, in writing to any variation.

PL3

Application ref: S11/2739/FULL

Description: Ground floor extension to east side, removal of 2 doors and replace with windows, 3 new windows to first floor on west and north side and new door and ramp to north side.

Location: Corn Exchange, 3 Abbey Road, Bourne, Lincolnshire, PE10 9EF

Decision: Approved

Noting no objection from the Conservation Officer, comments from the case officer in regard to an amended plan regarding windows, 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. The development shall be built in accordance with the materials detailed on the submitted application forms unless otherwise agreed in writing by the local planning authority.
3. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: J80090/10, J80090/11, Proposed South and East Elevation drawings received 16 November 2011.
4. Notwithstanding the window details shown on drawing “proposed 1st floor plan 2” this permission does not grant planning consent for the two new windows proposed on the west elevation serving the rooms marked Bourne Town Council.

PL4

Application ref: S11/2806/FULL

Description: Two storey front extension

Location: Block 1-22 Meadow Close, Bourne, Lincolnshire, PE10 9EL

Decision: Approved

Noting no objection from the Highway Authority, 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 in the case officer’s circulated report, and subject also to the following conditions.

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development shall be built in accordance with the materials detailed on the submitted application forms unless otherwise agreed in writing by the local planning authority.

3. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: HGE1003-PA03, HGE1003-PA04.

65. APPEAL AGAINST NON-DETERMINATION - S11/0902/MJRF - CREATION OF 3 FLATS FROM 12 BEDSITS AND ERECTION OF 12 DWELLINGS/FLATS WITH ASSOCIATED PARKING AT LAND TO REAR OF 51-58 SCOTGATE, STAMFORD AND S11/0903/LB - PARTIAL DEMOLITION OF LISTED BUILDING (ELEMENTS TO THE REAR), AND ALTERATIONS TO FORM 3 APARTMENTS, BLENHEIM COURT, 51 SCOTGATE, STAMFORD

Decision:-

To determine the two applications as listed below:-

NB1

Application ref:	S11/0902/MJRF
Description:	Creation of 3 flats from 12 bedsits and erection of 11 dwelling/flats with associated parking at land rear of 51-58 Scotgate
Location:	Blenheim Court, 51 Scotgate, Stamford, Lincolnshire, PE9 2YQ
Decision:	Minded to refuse.

Members noted the above application, which was before the Committee as an additional item following an appeal against non-determination. The application would now be considered by the Planning Inspectorate and could not be determined by the authority. However, Members were asked to support the proposed reason for refusing permission which would form part of the authority's case at the appeal.

The Committee noted the full standard report on the application, which had been submitted in July 2011, in particular the objection from Stamford Town Council and comments from Lincolnshire Heritage, Public Open Space Officer, Primary Care Trust, Education Authority, Stamford Civic Society, English Heritage, the consultant architect, Environmental Health, Highway Authority and Partnership Project Officer, together with a number of objections from nearby residents and, in the event of approval, a note of the proposed Section 106 Heads of Terms, and comments made by Members at the meeting.

It was proposed, seconded and agreed that had the application been determined by the Committee, planning permission would have been refused for the following reasons (which should be the Councils' case at the forthcoming appeal):

1. The scale and height of parts of the scheme, in particular the 2½-storey element, would be taller rather than subservient to a number of Listed Buildings that front Scotgate. Furthermore, the proposed scheme would have a relatively uniform eave and ridge height which would not respect the established character of the surrounding area which is varied in terms of townscape. The proposed development is, therefore, considered to detrimentally affect the setting of adjacent Listed Buildings as well as not respect the character of the Conservation Area. The proposal is therefore deemed contrary to policies HE7, HE9 and HE10 of PPS5; with no other material planning considerations to indicate that the application should be determined otherwise.

NB2

Application ref: S11/0903/LB

Description: Partial demolition of Listed Building (elements to the rear) and alteration to form 3 apartments

Location: Blenheim Court, 51 Scotgate, Stamford, Lincolnshire, PE9 2YG

Decision: Minded to approve

Noting comments from Stamford Town Council, no objection from the Consultant Architect and comments from English Heritage together with a number of comments from nearby residents and comments made by Members at the meeting.

It was proposed, seconded and agreed, that, had the Committee determined the application it would have been approved, subject to the summary of reasons set out by the case officer and subject also to the following conditions (and that this is the Council's case at the forthcoming appeal):

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
2. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved

details.

3. No works shall take place until full details of the all proposed joinery works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
4. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

DR114B

DR110

DR109

DR107

5. Collyweston slates shall be retained on the roof of Blenheim Court, 51 Scotgate ,Stamford.

(As the meeting had lasted for three hours, in accordance with Council procedure rule 9, the Committee voted for the meeting to continue)

EXCLUSION OF THE PUBLIC

It was proposed and seconded that:-

IN ACCORDANCE WITH SECTION 100A OF THE LOCAL GOVERNMENT ACT 1972, THE PUBLIC BE EXCLUDED FROM THE MEETING BECAUSE OF THE LIKELIHOOD, IN VIEW OF THE NATURE OF THE BUSINESS TO BE TRANSACTED, THAT IF MEMBERS OF THE PUBLIC WERE TO BE PRESENT, THERE WOULD BE A DISCLOSURE TO THEM OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPHS 5 AND 7 OF PART 1 OF SCHEDULE 12A OF THE ACT.

This proposition was approved.

(16.29 – the press and public left the meeting).

66. ENFORCEMENT ACTION - FAILURE TO COMPLY WITH THE LISTED BUILDING ENFORCEMENT NOTICE ISSUED IN RESPECT OF THE INSTALLATION OF UPVC WINDOWS IN A LISTED BUILDING, THE BLACK BULL, LOBTHORPE

Decision: -

That the Development Management Service Manager be authorised to commence prosecution proceedings for failing to comply with the terms of the

listed building enforcement notice in respect of the installation of unauthorised UPVC and wooden windows at The Black Bull Lobthorpe.

Members had before them report PLA918 from the Planning Enforcement Officer in relation to ongoing enforcement action and prosecution proceedings in connection with the installation of UPVC windows in a listed building, The Black Bull, Lobthorpe. Authority to commence proceedings had initially been given to the Corporate Head of Sustainable Communities. However, this post no longer existed and it was considered necessary, to avoid future problems during the process, to obtain formal authority to be given to the Development Management Service Manager.

It was accordingly proposed, seconded and agreed, that the authority formally given to the Corporate Head of Sustainable Communities be amended to the Development Management Service Manager in regard to enforcement and prosecution proceedings with respect to the installation of unauthorised UPVC windows at The Black Bull, Lobthorpe.

67. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA921 listing details of applications not determined within the 8-week time period. Also submitted was a list of applications dealt with under delegated powers and a planning appeals update/summary, including copies of appeal decisions, as at the end of July 2011. Also included was a table showing the planning application performance figures as at November 2011.

68. CLOSE OF MEETING

The meeting closed at 16.35.