

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 3 APRIL 2012



COMMITTEE MEMBERS PRESENT

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

Councillor Parkin (Chairman)
Councillor Powell
Councillor Mrs Judy Smith
Councillor Stevens
Councillor Stokes
Councillor Mrs Sumner
Councillor Wilkins
Councillor Wren

OFFICERS

Development Management Service
Manager (Pat Reid)
Principal Planning Officer (Kevin
Cartwright)
Area Planning Officers (Rob Vincent and
Satu Pardivalla)
Systems Support Officer (Gavin
Hutchinson)
Committee Support Officer (Malcolm
Hall)
Assistant Solicitor (Paul Rushworth)

OTHER MEMBERS

Councillor Craft

*(In accordance with Council Procedure
Rule 24.5, Councillor Craft spoke in
connection with application SP1).*

82. APOLOGIES

An apology for absence was received from Councillor Jacky Smith.

83. DECLARATIONS OF INTEREST

Councillor Morgan declared an interest in agenda item 6, as a member of Grantham Conservation Group, to avoid the impression of pre-determination or bias.

Councillor Wilkins declared a personal and prejudicial interest in application PJM1, as he worked for a company associated with the scheme.

Councillor Adam Stokes declared a personal interest in application PJM1, as a member of Lincolnshire County Council, the owners of the site.

84. MINUTES OF MEETING HELD ON 6TH AND 19TH MARCH 2012

It was proposed that the minutes of the meeting held on 6th and 19th March 2012 be approved as a correct record of decisions taken.

A member queried the accuracy of the minute in relation to application PWM1, and indicated that she had proposed a full site visit with the site being viewed from different locations. The Committee Support Officer said that he had not minuted this request, as he had considered it to be an administrative matter to be actioned as and when the application returned to the Committee. It could, however, be included as an amendment.

A member raised a query in regard to the minute on application KJC1, specifically about the accuracy of paragraphs 3 and 4 on page 3 of the minutes. He said that the word "aims" in paragraph 3 should read "areas", and that paragraph 4 should more accurately be amended as follows:

"That the application should be approved with the additional up front condition that within three months the applicant partners, including Network Rail, make available, either in whole or substantially, the areas of the two car parks in front of the station entrance within 24 months, in order to enable the pedestrian connection to the town centre to be completed up to the station front in similar fashion to the early Phase 1 works to the north".

The Vice-Chairman, who had proposed the amendment in paragraph 4 at the last meeting, indicated that he was happy with the change and that he had in fact misunderstood the precise wording which had been suggested and which had been included in the minute. The Development Management Service Manager said that the permission had been issued including conditions as per the suggested amendment above. The proposer of the motion to accept the minutes indicated that he was happy to include the amendments above, and the motion was then seconded.

Several members then queried the accuracy of the minute in relation to application PWM1, and indicated that matters which they had raised or propositions which they had made had not been recorded. A lengthy discussion ensued, during which the Committee Support Officer, Assistant Solicitor and Development Management Service Manager gave advice, and the Vice-Chairman pointed out that the type of issues raised were not, and never had been, included in minutes of the Committee. He was satisfied that the decisions recorded were correct. However, in regard to the surveys on noise and wildlife that it had been agreed should be carried out before the application returned to

Committee, the Development Management Service Manager and Vice-Chairman assured members that the fullest discussions would take place on the methodology before the surveys were taken and the results reported to the Committee.

The proposition that the minutes be accepted as a correct record of decisions taken, subject to the two amendments noted above was then put to the vote and carried.

85. PLANNING MATTERS

Prior to discussion on applications before the Committee, the Development Management Service Manager drew the attention of Members to the late report which had been circulated, and which referred to the National Planning Policy Framework (NPPF). This had been published on 27th March 2012, and took effect from that date, replacing all previous Planning Policy Statements (PPS) and guidance notes, the Circular on Planning Obligations and a number of Chief Planning Officer letters. However, companion guidance to PPSs remained extant.

He outlined the key elements of the NPPF and noted the effect of it on applications before the Committee at this meeting, setting out in detail which of the PPS had been superseded, and by which section of the NPPF. In his view there were no fundamental or significant changes. It was intended that future committee reports would refer to the relevant sections of the NPPF.

Discussion then took place on the planning applications on the agenda.

(1.32pm – Councillor Wilkins left the meeting, having declared an interest).

Decision:-

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

PJM1

Application ref: S12/0070/MJNF

Description: Redevelopment of existing tennis club to include the erection of building to incorporate 4 indoor tennis courts with associated changing, café, bar studios, education room and gym together with 13 outdoor tennis courts, formation of new access, car parking and landscaping

Location: Grantham Tennis Club, Gonerby Road, Grantham, Lincolnshire, NG31 8HU

Decision: Approved

Noting comments from Planning Policy, Lincolnshire Heritage and South Kesteven Arboriculturalist, no objection from the Highway Authority, Network Rail, Lincolnshire Police, Environmental Health, Lincolnshire Wildlife Trust, the Environment Agency or the Upper Witham Internal Drainage Board, support from Sport England, objections from nearby residents, the submission of an amended Travel Plan and Flood Risk Assessment and submissions from the applicants in support; late information report circulated to Members at the meeting, including comments from the Upper Witham Internal Drainage Board, additional information from the applicant's agent, additional consultee comments and officer comment on all the information received, together with a suggested amendment to condition 8, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be approved.

It was then proposed and seconded, as an amendment, that the open space to the south of the site be increased by the reduction of the southernmost block of courts from 3 to 2, and their re-alignment by 90 degrees.

On being put to the vote the amendment was lost. The proposition was then put to the vote and agreed, and the application was 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. 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. Before development commences on site, further details relating to the vehicular access and ancillary works, including drainage works 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 into use and thereafter retained at all times. Submission of details to include the proposals for managing the proposed 'In' and 'Out' procedure.
4. The arrangements shown on the approved plan GTC343 - A206 Rev B dated 13th January 2012 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

5. 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.
6. The development hereby approved shall be carried out and operate in accordance with the Amended Green Travel Plan dated 1st February 2012.
7. Within 6 months of the development being occupied, a Travel Plan shall be submitted to, and approved in writing by the local planning authority. Thereafter annually a staff 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.
8. A landscape management plan, including replacement tree planting, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved (in writing) by the local planning authority before development commences or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
9. Before development is commence on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.
10. The hard and soft landscaping for the development hereby approved shall be carried out in accordance with the submitted drawing number GTC 343 - A110revB - dated 3rd February 2012.
11. The development hereby approved shall be carried out in accordance with the Tree Report by Michael J Summer dated 13th January 2012.
12. Within the root protection areas of all retained trees within the site a no-dig type hard surface only shall be used.
13. Development shall not begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

14. All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as “ridge and furrow” and “overland flows”. The affect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

15. A strip of land 6 metres wide adjacent to the top of the west bank of the Running Furrows Drain should be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority in consultation with the Board. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.
16. The development hereby approved shall be carried out in accordance with the amended Flood Risk and Drainage Strategy by G30 Consulting dated 9th February 2012.
17. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted Ecology and Protected Species Survey by Scarborough Nixon Associates dated 13th January 2012 and the Further Bat Survey dated 21st February 2012.
18. Further bat survey work shall be carried out between and including the months of May and August 2012 and in accordance with the details set out within the letter from Scarborough Nixon Associates dated 13th March 2012. This survey work and associated recommendations and conclusions should be submitted to the local authority for final approval.
19. The fencing to be erected in relation to the development hereby approved shall be in accordance with the submitted fence details shown on drawing Nos. 98 J2/01031, 05 J2/04040 Sheet 1, 05 J2/04040 Sheet 2 and 05 J2/04040 Sheet 3 dated 13th January 2012.
20. The lighting in relation to the development hereby approved shall be carried out in accordance with the Amended Lighting Design by Luminance Pro dated 15th February 2012.
21. The opening hours for the development hereby approved shall be in accordance with those stated within the submitted application form dated 13th January 2012.

22. No musical entertainment to take place in the external areas of the premises
23. All doors and windows in areas where musical entertainment is taking place will be kept closed (save for access and egress) during any musical entertainment.
24. Before the use is commenced, equipment shall be installed as will suppress the emission of fumes or smell and obviate odours from frying or other cooking processes. No development shall take place until details of the equipment have been submitted to and approved by the District Planning Authority
25. Before the development hereby commences details of the existing (including land immediately adjacent the application site) and proposed ground levels (Ordnance Datum) and the proposed floor and ridge levels should be submitted to the local authority for final approval. The drawings must include Spot Levels in addition to cross sections.
26. This permission relates solely to the application as amended by plans received on 3rd February 2012.
27. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

GTC 343 - A212revA - dated 13th January 2012
GTC 343 - A213revA - dated 13th January 2012
GTC 343 - A214revA - dated 13th January 2012
GTC 343 - A100revB - dated 3rd February 2012
GTC 343 - A104revM - dated 3rd February 2012
GTC 343 - A107revE - dated 3rd February 2012
GTC 343 - A110revB - dated 3rd February 2012
GTC 343 - A111revB - dated 3rd February 2012
GTC 343 - A113revA - dated 3rd February 2012
GTC 343 - A206revB - dated 3rd February 2012
GTC 343 - A207revD - dated 3rd February 2012

Note(s) to Applicant

1. When carrying out the development hereby approved the developers attention should be drawn to the comments of Peter Gravells of Lincolnshire Police within the submitted letter dated 13th January 2012.
2. Surface water off private drives and other private areas shall not discharge onto Adoptable Highway areas. Drives that fall towards the highway shall have drainage channels at the interface.

3. 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.
4. The applicants attention should be drawn to the comments of Network Rail contained within the e-mail to South Kesteven District Council dated 26th January 2012.

AH1

Application Ref: S11/2619/FULL

Description: Use of land as grass airstrip and erection of building for storage of aircraft and agricultural machinery.

Location: Manor Farm, Wilsthorpe Road, Braceborough, Stamford, Lincolnshire, PE9 4NX

Decision: Deferred

To allow appropriate consultation following the receipt of additional information; to review the need for an Environmental Impact Assessment; to review the submitted noise data and decide whether or not more survey data is required and to take account of the NPPF in respect of this type of development.

(2pm – Councillor Wilkins returned to the meeting).

RV1

Application ref: S12/0338/OUT

Description: Erection of two two-storey dwellings (outline)

Location: Land at Willoughby Road, Bourne

Decision: Refused

Noting comments made during the public speaking session from:-

Mike Sibthorp – agent for the applicant

together with request to refuse from the Environmental Protection Officer, no objection from the Highway Authority, an objection from Bourne Town Council and representations 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 refused for the following reason:-

1. The proposed dwellings are deemed to result in a development which by virtue of their close proximity to the adjacent industrial buildings on Cherry Holt Road would create a further source of noise nuisance complaints which have been generated from this area in the past. It is felt that the erection of two further residential units would lead to an exacerbation of the situation. As a result the application is considered contrary to the Policies SP1 And EN1 of the South Kesteven Core Strategy, the latter of which states that all development proposals and site allocations will be assessed in relation to, local distinctiveness and sense of place, the layout and the scale of buildings and designed spaces, the quality and character of the built fabric and their settings and visual intrusion and any noise or light issues.

Note: Development Management Service Manager to discuss with the applicants the carrying out of an ecological survey on the site, and also to ensure that appropriate action is taken to tidy the site.

SP1

Application ref: S12/0109/HSB

Description: Retrospective permission for a garden shed

Location: Glen House, School Lane, Old Somerby, Grantham, Lincolnshire, NG33 4AQ

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor Craft – on behalf of some local residents
Mr K Thorold – applicant

together with an objection from the Parish Council and objections from nearby residents, together with a letter in support, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be approved.

An amendment, that the application be approved subject to the roof being reduced to an acceptable height, was proposed but withdrawn after it had been pointed out that if the roof was to be lowered the proposal would not require planning permission.

The proposition was then put to the vote and agreed, and the application was

approved, subject to the summary of reasons set out by the Case Officer in the circulated report, and subject to the following conditions:-

1. Within three months of the date of this permission the garden shed hereby approved shall be clad in timber and screened by planting, details of which shall be submitted to and approved by the local planning authority, the timber cladding and screen planting shall thereafter be retained in accordance with the approved details.
2. The garage/outbuilding hereby permitted shall be used solely for domestic purposes and shall not be used for any trade or business use whatsoever..

Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

(The meeting adjourned from 2.50pm to 3.10pm).

86. SITE VISITS

The Committee Support Officer had circulated a list of proposed dates and site visit groups, to take effect from the visits before the next meeting. He said that the lists were based on, and an extension of, the last list but would depend on whether the Chairman and Vice-Chairman and composition of the committee was the same after the annual meeting of the Council in May. In the event that there were changes, the list would be re-drawn and circulated.

(3.12pm – Councillor Morgan left the meeting, having declared an interest).

**87. APPEAL AGAINST NON-DETERMINATION - S11/0976/MJRF -
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, 49 ST CATHERINE'S ROAD,
GRANTHAM**

Decision:-

To determine the application as follows:-

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, Lincolnshire, NG31 9DE

Decision: Minded to refuse

Members noted the above application, which was before the Committee 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 now being asked how they would determine the application in its current format so that this could form the local planning authority's case at the appeal.

The Committee noted the full standard report on the application, which had been submitted in August 2011, in particular the comments from the Highway Authority, Anglian Water, Environment Agency, Open Space Officer, Lincolnshire Community Health Services, Historic Environment Officer (Archaeology), Crime Prevention Officer, Environmental Protection, Tree Officer and Planning Policy, confirmation from English Heritage that the building does not meet the criteria for designation in a national context, lengthy comments from the Acting Principal Conservation Officer, comments from Lincolnshire Wildlife Trust and representations (including a petition) from neighbouring residents and letters in support, and a note of the required S.106 Heads of Terms.

The Development Management Service Manager outlined the reasons on which the application had been deferred at the meeting in February 2012, and suggested a view which could be taken on each of the four reasons as follows:-

1. Bulk and size – officers could put forward a good case on these grounds.
2. Access – there was no support from the Highway Authority for an access off St. Catherine's Road, and it was not suggested that this ground be pursued.
3. Car Parking – bearing in mind the applicant's expertise in this regard, it was considered that car parking provision was acceptable, and that this ground should not be pursued.
4. Incorporation of the existing building in the scheme – English Heritage had not considered the building worthy of protection, and the case for including this ground was insufficient.

In summary, he suggested that he would only be comfortable taking the

Council's case at the Hearing on point 1 above.

A lengthy discussion then took place, during which it was proposed and seconded that:-

"The Committee are minded to refuse the application on the basis of the adverse impact of the development on the street scene and the amenities of neighbours due to the scale and bulk of the proposed buildings."

Further discussion took place on the Development Management Service Manager's report and on the proposition. It was suggested by the Development Management Service Manager that the Council's case should concentrate on the strongest point possible. However, members were of the opinion that all matters raised at the last meeting in objection should be part of the Council's case. The Development Management Service Manager and Assistant Solicitor reiterated the advice against including all reasons and that the case should be contested for the strongest reason, as had been suggested earlier in the discussion.

The Committee considered the other reasons which had been put forward, and it was suggested that the proposal be varied to include the following at the end:-

"...and that the Committee also have issue with the access and egress at the site, as well as the on-site parking issue, and that these be included subject to professional advice received in connection therewith."

The proposer and seconder of the original motion agreed that this could be varied as above.

Members queried why the heritage reason could not be added as part of the case, and it was explained that this was not a strong enough reason, bearing in mind comments from English Heritage. It was, however, proposed and seconded, as an amendment:-

"Also to include the heavily represented public opinion with regard to the preservation of St. Catherine's House and its features."

On being put to the vote, the amendment was lost. The proposition as varied was then put to the vote and agreed as follows:-

"The Committee are minded to refuse the application on the basis of the adverse impact of the development on the street scene and the amenities of neighbours due to the scale and bulk of the proposed buildings, and that the Committee also have issues with the access and egress at the site, as well as the on-site parking issue, and that these be included subject to professional advice received in connection therewith."

88. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA929 listing details of applications not determined within the eight-week time period. Also submitted was a list of applications dealt with under delegated powers, a planning appeals update/summary including copies of appeal decisions as at 20th March 2012, and a table showing planning applications performance as at February 2012.

In response to queries from members, the Development Management Service Manager gave an update in relation to various applications listed in the tables. A Member made comment in relation to one of the appeal decisions, and this was noted by the Committee.

89. CLOSE OF MEETING

The meeting closed at 4.30pm.