

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 21 AUGUST 2012



COMMITTEE MEMBERS PRESENT

Councillor Bob Adams	Councillor Alan Parkin (Vice-Chairman)
Councillor Mark Ashberry	Councillor Bob Sandall
Councillor Michael Cook	Councillor Jacky Smith
Councillor Reginald Howard	Councillor Judy Stevens
Councillor Mrs Rosemary Kaberry-Brown	Councillor Adam Stokes
Councillor Vic Kerr	Councillor Brenda A Sumner
Councillor Michael King	Councillor Martin Wilkins (Chairman)
Councillor Charmaine Morgan	Councillor Rosemary H Woolley

OFFICERS

Head of Development and Growth (Mark Williets)
Development Management Service Manager (Pat Reid)
Principal Planning Officer (Justin Johnson)
Area Planning Officers (Rob Vincent and Alan Harvey)
Systems Support Officer (Gavin Hutchinson)
Committee Support Officer (Malcolm Hall)
Solicitor (Paul Rushworth)

22. MEMBERSHIP

The Committee was notified that notices under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990 had been received, appointing Councillor Bob Sandall in place of Councillor Powell, Councillor Adams in place of Councillor Judy Smith and Councillor Woolley in place of Councillor Higgs, for this meeting only.

23. APOLOGIES

Apologies for absence were received from Councillor Wren.

24. DISCLOSURE OF INTERESTS

Councillor Adam Stokes disclosed an interest in application KJC1, as a Member of Lincolnshire County Council, the owners of part of the site.

Councillor Woolley advised that she would not take part in the discussion or voting on RV1, to avoid the impression of bias, as she had advised locally in connection with the application.

Councillor Howard disclosed an interest in application RV2, as the applicant.

25. MINUTES OF MEETING HELD ON 24TH JULY 2012

The minutes of the meeting held on 24th July 2012 were accepted as a correct record of decisions taken.

26. PLANNING MATTERS

Decision:-

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

PWM1

Application ref: S12/1374/MJRF

Description: Erection of ten affordable dwellings and associated infrastructure.

Location: Land off Barnby Lane, Claypole

Decision: Approved subject to a Section 106 agreement

Noting comments made during the public speaking session from:-

Diane Astling – objecting
Richard Hobbs – objecting
Marcella Heath – objecting
Claire Simmonds – objecting
Chris Richardson – objecting
Michael Furey – objecting
Mark Jermy – agent

together with comments from the Highway Authority, Community Archaeologist, SKDC Drainage Officer, SKDC Planning Policy, SKDC Open Space Officer, NHS Primary Care Trust and LCC Education, no objection from Network Rail,

Anglian Water, Upper Witham Internal Drainage Board, the Environment Agency and SKDC Affordable Housing Officer, objections from a number of nearby residents, including a petition of 132 signatures, and letters in support, and a note of the Section 106 Heads of Terms; late information report circulated to Members present at the meeting, including further consultee comments, a letter from the Parish Council in support of the proposals and officer comment thereon, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be deferred to give further consideration to the design, layout and the adoption of the estate road and access, and also to give further consideration to the potential site on Main Street, Claypole. On being put to the vote the proposition was lost.

It was then proposed and seconded that the application be approved, subject to the conditions listed in the report and to an additional condition requiring the driveways to be constructed to an adoptable standard, and in regard to the Section 106 agreement, if this is not used for the off-site provision of play equipment, then it be paid to the Parish Council for the purchase of land for play purposes.

The proposal was then put to the vote and it was agreed that the application be approved, with authority delegated to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman, subject to the summary of reasons set out in the case officer's circulated report, and subject to the completion of a Section 106 agreement to ensure that the development remains as affordable housing for local people in perpetuity and the provision of funding for off-site play equipment, and if this is not used for off-site provision, then it be paid to the Parish Council for the purchase of land for play purposes, and to appropriate conditions as listed in the main report, together with a condition requiring the driveways to be constructed to an adoptable standard. In this case, as the agreement has not been concluded prior to the Committee, a period not exceeding 6 weeks post the date of the Committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded within the six week period, and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman or Vice-Chairman of the Committee there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be an unacceptable development acceptable, have not been forthcoming.

JJ1

Application ref: S12/2300/MJRO

Description: Demolition of existing football club buildings and structures.

Residential development with associated infrastructure, including new means of access with Kettering Road.

Location: Stamford AFC, Kettering Road, Stamford, PE9 2JS

Decision: Approved subject to a Section 106 agreement

Noting comments from Stamford Town Council, no objection in principle from Network Rail, comments from LCC Children's Services and the Environment Agency, no objection from the Lincolnshire Police Crime Prevention Design Advisor, comments from the Community Leisure Officer, Partnerships Projects Officer (Affordable Housing), the Planning Policy Team, English Heritage, the Council's Conservation Officer, Consultant Arboriculturalist, Heritage Lincolnshire and the Highway Authority, an objection from Sport England, objections from nearby residents and a note of the Section 106 Heads of Terms; late information report circulated to Members present at the meeting including comments received in relation to the amended plans from the Environment Agency and Crime Prevention Design Advisor and additional letters of objection, together with officer comments thereon and comments made by Members at the meeting.

It was proposed and seconded that the application be approved, subject to the completion of a Section 106 agreement and to the conditions listed in the main report.

A Member commented in relation to the proposed resolution, which gave authority to the Development Management Service Manager in consultation with the Chairman and Vice-Chairman, and said that it should be the other way round, in his opinion, ie authority delegated to the Chairman and Vice Chairman in consultation with the Development Management Service Manager.

The proposer and seconder of the motion agreed to include this variation in the motion, which was then put to the vote and agreed.

The proposal as amended above was then put to the vote and it was agreed that the application be approved, with authority delegated to the Chairman and Vice-Chairman, in consultation with the Development Management Service Manager, subject to the summary of reasons set out in the case officer's circulated report, and subject to the completion of a Section 106 agreement in relation to developer contributions and obligations, as listed in the report, and to appropriate conditions as listed in the main report. In this case, as the agreement has not been concluded prior to the Committee, a period not exceeding 6 weeks post the date of the Committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded within the six week period, and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman or Vice-Chairman of the Committee there are no extenuating circumstances which would justify a further extension of time,

the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be an unacceptable development acceptable, have not been forthcoming.

JJ2

Application ref: S06/1151/MJNF

Description: Non food retail development (6 units) with associated parking, services and access

Location: Former Mirlees Blackstone Site, Uffington Road, Stamford

Decision: Deferred

Pending the further consideration of issues raised by Solicitors for objectors to the application.

(The meeting adjourned from 3.10pm to 3.38pm).

(Councillor Adam Stokes did not return to the meeting on its resumption).

RV1

Application ref: S12/1354/FULL

Description: Construction of all weather sports pitch, associated fencing and additional landscaping scheme (revised scheme)

Location: Copthill Preparatory & Nursery School, Barnack Road, Uffington, Stamford, Lincolnshire, PE9 3AD

Decision: Approved

Noting comments made during the public speaking session from:-

Garth Hanlon (Savills) – objecting on behalf of Mr and Mrs Horn
Jonathan Teesdale – applicants

together with comments from Archaeology, the Highway Authority and Parish Council, an objection from the Campaign to Protect Rural England and no objection from the Tree Officer, Conservation Officer or Natural England, letters of objection and in support, including correspondence from an objector following the receipt of the Heritage Assessment, 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 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 within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
4. 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.
5. 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: U-CIDS-1.1 1:500 Scale Site Levels.

Drawing Ref No: U-CIDS-1.2 1:500 Scale Site Layout.

Drawing Ref No: U-CIDS-1.3 1:200 Scale Fence Details.

Drawing Ref No: U-CIDS-1.4 1:200 Scale Drainage Details.

Drawing Ref No: U-CIDS-1.6 1:500 Landscaping Details.

Note(s) to Applicant

1. You are informed that the close boarded fencing that has been erected at the north western corner of the playing field across the existing gateway does not have the benefit of planning permission and is unlikely to receive favourable consideration in this visually sensitive area. In view of this you are advised to remove the fence within 1 month of the date of this decision notice.

KJC1

Application ref: S12/1720/EIAOL

Description: Section 73 Application to vary Conditions 4, 26, 30 and 50 of Planning Permission S11/2511 to increase the floor area of Building 6 (Business Incubation Centre) and decrease floor area of Building 5 (hotel) and minor amendment to Building 1 (Offices)

Location: Grantham Station Approach, between Grantham Railway Station and Wharf Road, Grantham

Decision: Approved subject to no adverse observations following the expiration of the public consultation period

Noting comments made during the public speaking session from:-

Paul Wheatley – applicants

together with no objection from the Highway Authority or Environment Agency and comments from Economic Development, LCC (Footpaths), Police Architectural Liaison Officer, Open Space Officer, English Heritage, Defence Infrastructure Organisation Lincolnshire Wildlife Trust and Network Rail together with comments in support from the applicants; late information report circulated to Members present at the meeting including comments from the Highways Agency, Environmental Protection, Planning Policy and Natural England, no objection from the Conservation Officer, an objection from the Upper Witham Internal Drainage Board and officer comment thereon, together with comments made by Members at the meeting.

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

It was proposed and seconded that the application be approved, with authority delegated to the Development Management Service Manager, after consultation with the Chairman and Vice-Chairman, subject to the expiration of the public consultation period and to no new material planning considerations being raised that have not already been considered, and subject to the conditions in the report.

A Member indicated that she wished to propose an amendment to reduce the height of building 1, by one floor, to improve the amenities of nearby residents. The Chairman asked that the amendment be written down and submitted. Further consideration of the application was then deferred to enable this to be done.

(Resumption of consideration later in the meeting).

On submission of the written down amendment, the Member agreed to some minor amendments, and it was then read to the Committee and formally proposed and seconded, as follows:-

The application be approved, with authority delegated to the Development Management Service Manager, after consultation with the Chairman and Vice-Chairman, subject to the expiration of the public consultation period and to no new material planning considerations being raised that have not already been considered, and that building 1 be reduced in height to a level no greater than that of the neighbouring listed Victorian workshop, ie 2 to 2.5 storeys high.

The Solicitor gave legal advice relating to the need for consistency with the previous decision, the effect that the proposed amendment might have on the whole scheme, and the Development Management Service Manager's advice that there may be an opportunity to further control the detail of the scheme as each individual proposal is submitted to the Committee.

The amendment was then put to the vote and lost.

The proposal was then put to the vote and agreed, and the application was approved, with authority delegated to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman, subject to the expiration of the public consultation period and to no new material planning considerations being raised that have not already been considered, and subject to the conditions in the report.

KJC2

Application ref: S12/1272/FULL

Description: Construction of fast food takeaway with associated restaurant

Location: Former Issac Newton Public House, Harlaxton Road, Grantham, Lincolnshire, NG31 7SA

Decision: Approved subject to a Section 106 agreement

Noting comments from the Crime Prevention Design Advisor, Community Archaeology, the Highway Authority, Upper Witham Internal Drainage Board and Environmental Protection, support from the Community Beat Officer and representations from nearby residents, a note of the proposed Section 106 Heads of Terms and comments made by Members at the meeting.

It was proposed and seconded that the application be approved, subject to the completion of a Section 106 agreement in regard to the non-implementation of the fast food element of S10/2331 on land to the west of the site, and subject also to the conditions in the report.

Before the proposition was put to the vote, the Chairman asked if condition 7, in relation to the submission of samples of materials, could be amended to

include samples of the type of brick to be used. The proposer and seconder agreed to the inclusion of this minor amendment within the proposition.

The proposal as amended was then put to the vote and it was agreed that the application be approved, with authority delegated to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman, subject to the summary of reasons set out in the case officer's circulated report, and subject to the completion of a Section 106 agreement to ensure that the fast food element of S10/2331 on the land to the west of this site is not implemented, and to appropriate conditions as listed in the main report. In this case, as the agreement has not been concluded prior to the Committee, a period not exceeding 6 weeks post the date of the Committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded within the six week period, and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman or Vice-Chairman of the Committee there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that no assessment of the impact of two fast food establishments on the vitality and viability of the town centre has been undertaken.

(5.08pm – Councillors Mrs Brenda Sumner and Mrs Kaberry-Brown left the meeting).

(5.10pm – Councillor Mrs Kaberry-Brown returned to the meeting).

AH1

Application ref: S12/1129/RM

Description: Reserved matter application in respect of the erection of 5 No dwellings (approved under outline planning permission ref S10/2650/OUT)

Location: 28, Main Street, Baston, Peterborough, Lincolnshire, PE6 9PB

Decision: Approved

Noting comments from the Parish Council, Housing Partnership Project Officer and Heritage Trust of Lincolnshire and no objection from the Environment Agency or Highway Authority and representations from nearby residents; late information report circulated to Members present at the meeting including a note in relation to the effect of revised drawings submitted, with officer comment thereon and appropriate alterations to conditions, 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 to the following conditions:-

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

Drawing No. 3602A-S01
Drawing No. 3602A-S02
Drawing No. 3602A-P01A Rev A
Drawing No. 3602A-P02B
Drawing No. 3602A-P03C
Drawing No. 3602A-P04
Drawing No. 3602A-P05B
Drawing No. 3602A-P06A
Drawing No. 3602A-P07B
Drawing No. 3602A-P08
Drawing No. 3602A-P09A
Drawing No. 3602A-P10A
Drawing No. 3602A-P11B
Drawing No. 3602A-P12
Drawing No. 3602A-P13
Drawing No. 3602A-P14 Rev B
Drawing No. 3602A-P15C

The external materials to be used in the construction of the dwellings shall be implemented in accordance with the Finishes Schedule (Project Ref: 3602A Rev A) received on 9 August 2012.

Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on Drawing No. 3602A-P02B and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

Prior to any of the dwellings being first occupied the private drive shall be completed in accordance with the details shown on Drawing No. 3602A-P11B.

(5.13pm – Councillor Howard left the meeting, returning at 5.15pm, having disclosed an interest).

RV2

Application ref: S12/1622/LB

Description: Affix steel plaque

Location: Town Hall, Market Place, Market Deeping, Peterborough, Cambridgeshire, PE6 8EA

Decision: Approved

Noting no adverse observations from Archaeology, and the late information report circulated to Members present at the meeting amending the recommendation by deleting the reference to a Section 106 agreement, 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 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: Details of Plaque.

Photograph showing location of plaque on the building.

(5.15pm – Councillor Bob Sandall left the meeting).

27. SECTION 106 AGREEMENTS

S08/0870 – RESIDENTIAL DEVELOPMENT, 14 DWELLINGS AND ASSOCIATED PARKING, LAND OFF STEPHENS WAY, DEEPING ST JAMES

Application withdrawn.

S12/0510 – DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF NEWE APARTMENTS (EXTENSION OF TIMEFRAME), S08/0892, FORMER GRANTHAM TYRE AND AUTO, RYCROFT STREET, GRANTHAM

Decision:-

That the approval of planning application S12/0510 be delegated to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman, subject to the completion of an appropriate Section 106 agreement in relation to developer contributions, and subject also to a condition requiring the submission of details of materials, with authority for the

Conservation Officer to consider and review. Where the agreement has not been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded and in the opinion of the Development Management Service Manager acting in consultation with the Chairman or Vice-Chairman of the Committee there are no extenuating circumstances that would justify a further extension of time, the related planning application shall be refused on the basis that the necessary contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

The Committee considered report PLA941 from the Development Management Service Manager.

Members were reminded that this application had been considered at the last meeting, when it had been deferred to enable the Conservation Officer and other appropriate bodies to consider whether the site and buildings was a heritage asset, and to report accordingly. The report was as circulated to the last meeting, with the addition of comments from the Conservation Officer, which were reproduced in full.

The Development Management Service Manager, in presenting the report, drew the attention of Members to the Conservation Officer's conclusion that the buildings were of insufficient merit to be retained. He accordingly recommended that the application be approved.

The Member who had raised the issue at the last meeting said that she had also discussed the application with the Conservation Officer, and she asked that a condition be included to require the submission of details of materials, and for the Conservation Officer to be authorised to consider these and review if necessary. The Development Management Service Manager said that he could accept this suggestion.

It was proposed and seconded that the application be approved, subject to the addition of the condition referred to above, and subject to the completion of an appropriate Section 106 agreement, as recommended. On being put to the vote, the proposition was agreed.

S12/0417 – OUTLINE PLANNING APPLICATION FOR THE ERECTION OF FIVE DWELLINGS (EXTENSION OF TIME), HIGH STREET, BILLINGBOROUGH

Decision:-

That the approval of planning application S12/0457 be delegated to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman, subject to the completion of an appropriate Section 106 agreement in relation to affordable housing. Where the agreement has not

been concluded prior to the Committee a period not exceeding six weeks post the date of the Committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded and in the opinion of the Development Management Service Manager acting in consultation with the Chairman or Vice-Chairman of the Committee there are no extenuating circumstances that would justify a further extension of time, the related planning application shall be refused on the basis that the necessary contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

The Committee considered report PLA942 from the Development Management Service Manager in relation to an application for an extension of time for a previous application on the site (S09/0142). A condition of the previous consent restricted the number of dwellings to 5, which would trigger an affordable housing requirement. However, the developer had enquired about the possibility of restricting the number of dwellings to 4, to avoid the need for any affordable housing. Subsequently, he had agreed to enter into an agreement to the effect that there would be no requirement for affordable housing if no more than 4 dwellings were built, but that affordable housing, or a contribution, would be required if five dwellings were built.

It was proposed and seconded that the application be approved, subject to the completion of an appropriate Section 106 agreement, as recommended. On being put to the vote, the proposition was agreed.

S12/0567 – REVISION OF DWELLING TYPE TO INCLUDE A SUN ROOM, 5 WINDMILL CLOSE, DEEPING ST JAMES

Decision:-

That the approval of planning application S12/0567 be delegated to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman, subject to the completion of a Deed of Variation to the Section 106 agreement attached to the original outline planning approval, and to conditions as set out in the report.

The Committee considered report PLA943 from the Development Management Service Manager in relation to a requirement for a Deed of Variation to an existing Section 106 agreement for the development including the above property. There was a requirement for the variation to the agreement because of an application for an amendment to 5 Windmill Way to include a sun room. It was not considered that there were any planning issues that would prevent this amendment being approved.

It was proposed and seconded that the application be approved subject to the completion of a Deed of Variation to the existing Section 106 agreement, and to appropriate conditions as set out in the report. On being put to the vote, the proposition was agreed.

28. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA944 listing details of applications not determined within the eight week time period. Also submitted was a list of applications dealt with under delegated powers. A planning appeals update/summary as at 6th August 2012 and copies of appeals decisions was also submitted, together with a table showing planning applications performance as at July 2012.

The Solicitor gave an update in relation to the decision on the appeal at St Catherine's House, Grantham. The Chairman congratulated the team for the way in which the appeal had been taken. In response to a question, the Solicitor confirmed that there had been good support from local residents, and that the Case Officer, Phil Moore, should be congratulated for the way in which he had conducted the bulk of the Council's case. This was agreed.

29. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

The Chairman advised Members that in view of the number of applications pending, he had scheduled an additional meeting of the Committee for Tuesday 2nd October 2012 at 1pm. The site visits prior to this meeting would be on 26th September, and would commence at 9.30am with the full Committee site visit to the site of the proposed wind turbines at Carlton Scroop, with extra viewing points. The remaining visits would be in the afternoon, provisionally to Sedgebrook, Baston and Tallington. The visiting group would be Councillors Mrs Kaberry-Brown, King, Morgan, Jacky Smith, Adam Stokes and Mrs Brenda Sumner.

The Committee Support Officer advised Members of the scheduled attendance at the next round of visits on 12th September.

In conclusion, the Chairman notified Members of dates for short seminars relevant to the work of the committee, firstly on the 11th September on highways and secondly on 30th October on ecology. Both sessions would be in the Council Offices, commencing at 5pm.

Councillor King reminded the Chairman that a session on Section 106 financial appraisals had been suggested, and he offered to present this. It was agreed that the session would be on 20th November, again at 5pm in the Council Offices.

30. C LOSE OF MEETING

The meeting closed at 5.40pm