



MINUTES

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 2 OCTOBER 2012

COMMITTEE MEMBERS PRESENT

Councillor Adams
Councillor Ashberry
Councillor Higgs
Councillor Howard
Councillor Mrs Rosemary Kaberry-Brown
Councillor Vic Kerr
Councillor Morgan
Councillor Parkin

Councillor Powell
Councillor Jacky Smith
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Mrs Brenda Sumner
Councillor Wilkins (Chairman)
Councillor Woolley
Councillor Wren

OFFICERS

Head of Development and Growth (Mark Williets)
Development Management Service Manager (Pat Reid)
Strategic Director (Ian Yates)
Environmental Health Service Manager (David Price)
Environmental Health Officer (Martin Glossop)
Area Planning Officers (Nigel Bryan, Sylvia Bland, Philip Moore and Satu Pardivalla)
Systems Support Officer (Gavin Hutchinson)
Partnership Project Officer, Housing Solutions (Mandy Gee)
Committee Support Officer (Malcolm Hall)
Solicitor (Paul Rushworth)

OTHER MEMBERS

Councillor Channell
(In accordance with Council Procedure Rule 24.5, Councillor Channell spoke in connection with application NB1)

38. 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 Adams for Councillor King and Councillor Woolley for Councillor Cook for this meeting only.

39. APOLOGIES

Apologies for absence were received from Councillor Mrs Judy Smith.

40. DISCLOSURE OF INTERESTS

Councillor Woolley advised that she would not take part in the discussion or voting on application NB1 (S12/1350), to avoid giving the impression of bias, as she had been heavily involved with the issue locally.

41. MINUTES OF MEETING HELD ON 18TH SEPTEMBER 2012

The minutes of the meeting held on 18th September 2012 were accepted as a correct record of decisions taken, subject to an amendment to minute 34 to show that the minutes were from the 21st August 2012, not 18th September 2012, and to it being recorded that Councillor Mrs Brenda Sumner returned to the meeting on its resumption at 4pm.

42. PLANNING MATTERS

Decision:-

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

SB1

Application ref: S12/1755/MJRF

Description: Development of 49 dwellings for occupiers aged 55 and over, communal hall, vehicular access, amenity open space, landscaping, allotments and associated works.

Location: Land off, Chesham Drive, Baston

Decision: Refused

Noting comments made during the public speaking session from:-

Councillor Woolley – on behalf of the Parish Council
Michael Ineson – objecting
David Bainbridge – agent

together with objections from the Parish Council and Environment Agency, comments from LCC (Drainage), Welland And Deepings Internal Drainage Board, Planning Policy, SKDC Partnership Project Officer, the Highway Authority, Lincolnshire Fieldpaths Association, LCC (rights of Way), Lincolnshire Wildlife Trust, Natural England and SKDC Community Leisure Officer, no objection from Anglian Water, Heritage Trust of Lincolnshire or Lincolnshire Police and a number of representations from local residents

together with a note of the proposed Section 106 Heads of Terms; late information report circulated to Members present at the meeting including comments from consultees received since the dispatch of the agenda, from SKDC Community Leisure Officer, NHS Lincolnshire Primary Care Trust, Lincolnshire Fire and Rescue and a further letter from the Parish Council, 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 reasons:-

1. The proposed development would be located on green field land outside the built-up part of the settlement. It is not allocated for residential development in the emerging Site Allocations and Policies DPD. It is contrary to adopted Core Strategy policies SP1 and H1 and emerging Site Allocations and Policies DPD policy SAP H1. The development would be detrimental to the sustainable growth of the District.
2. The Flood Risk Assessment submitted with the application is considered to be inadequate because it does not identify a suitable means of surface water disposal and, consequently, it is contrary to the requirements of paragraph 9 of the Technical Guide and paragraph 103 of the National Planning Policy Framework. As a result of the inadequacy of the Flood Risk Assessment, the application is considered to be contrary to Core Strategy policy EN2.
3. The proposals do not provide the full range of mitigation measures necessary to ensure the development would not have an adverse impact on the infrastructure or the local community. The proposal would not comply with the provisions of the Planning Obligations SPD and Core Strategy policy SP4.

PWM1

Application ref: S12/0054/FULL

Description: Change of use from agricultural land to Gypsy/Traveller site including ten mobile home pitches, associated access road and wc blocks

Location: Land at Woolsthorpe Lane, Sedgebrook, Grantham

Decision: Refused

Noting comments made during the public speaking session from:-

Councillor Ian McKay – Chairman of Sedgebrook Parish Council

together with comments from the Community Archaeologist, SKDC Projects Officer (Drainage) and Lincolnshire Wildlife Trust, no objection from Severn

Trent Water, objections from Belvoir, Sedgebrook, Bottesford and Woolsthorpe Parish Councils and a large number of objections from local residents, confirmation from the Highway Authority that the proposal would be detrimental to highway safety, report of site inspection and comments made by Members at the meeting.

It was proposed, seconded that the application be refused for the reasons in the report, together with the Highway Authority reason. On being put to the vote the proposition was agreed, and the application was refused for the following reasons:-

1. In the absence of a proven local need for this proposal the scheme represents an unwarranted development in an unsustainable location contrary to National Planning Policy for Traveller Sites (March 2012), NPPF (Paragraphs 6 -17: Achieving Sustainable Development & Section 4: Promoting sustainable transport), Policies 1, 3 & 16 of The East Midlands Regional Plan and Policies H4 and SP1 of the adopted South Kesteven Core Strategy.
2. The applicant has failed to demonstrate that the surface water drainage of the site would be adequate. In the absence of this information the development is contrary to Policy EN2 of the adopted South Kesteven Core Strategy.
3. The applicant has failed to demonstrate that the development would not have an adverse impact upon local ecology. In the absence of this information the development is contrary to NPPF (Section 11: Conserving and enhancing the natural environment) Policy 26 of the East Midlands Regional Plan and Policy EN1 of the adopted South Kesteven Core Strategy.
4. It is considered that visibility would be restricted to an unacceptable degree from the site access, onto a road which is subject to the national 60mph speed limit. Vehicles emerging from the access would be in conflict with traffic travelling on Woolsthorpe Lane due to the lack of visibility. Further conflicting traffic movements are likely to arise from traffic entering and exiting the adjacent Viking Way. It is therefore considered that the proposal would have a detrimental impact on highway safety, contrary to The National Planning Policy Framework (Section 4 - Promoting sustainable transport) and Policy H4 of The South Kesteven Core Strategy.

NB1

Application ref: S12/1350/MJNF

Description: Change of use to motorcycle dirt track, retention of portacabins and earthworks. Use for 24 events during a 12 month period.
(Retrospective)

Location: Warren Farm, Main Street, Witham on the Hill, Bourne, PE10 0JN

Decision: Refused

Noting comments made during the public speaking session from:-

Councillor Channell – local representative	
Jonathan Booty – Chairman of Careby, Aunby and Holywell	
Parish	Meeting
Warwick Banks – objecting	
Mrs Marie Turpin – objecting	
Sean Bashforth – objecting	

In response to comments, the Development Management Service Manager clarified the situation regarding the Highway Authority comments and the submission of a plan by the applicants showing a new access. The Highway Authority objection had been received very late, and for the applicant to overcome the objection, the access point would need to be reconsidered. He advised that the reasons for refusal now before the committee, which included reasons for refusal from the Highway Authority must stand, as the revised access was not part of the application now before the Committee.

Members expressed displeasure at the late receipt of comments from the Highway Authority, which continued to happen, and it was agreed that the Development Management Service Manager would write appropriately to the Highway Authority.

Mr C Thompson – applicant

Following comments made by the applicant during his allotted three minutes, the Chairman asked if it might be better to withdraw this application and resubmit showing the revised access. The applicant responded by stating that he would prefer a decision on the application as submitted.

Mr N Willowton – in support
Mr K Gibbons – in support
Mr M Sawyer – in support (on behalf of W Stanton)

Members noted no objection from the Environment Agency, an objection from the Highway Authority and objections from Witham on the Hill Parish Council and Careby, Aunby and Holywell Parish Meeting, a number of objections from nearby residents and also a number of letters in support and comments from Natural England, Environmental Protection, Planning Policy and Lincolnshire Wildlife Trust; a late information report including information from the agent identifying the revised access, a note of further letters of objection and in support and officer comment thereon, report of site inspection and comments made by Members at the meeting.

In response to comments by the Chairman, the Case Officer confirmed that a time limit condition, say for two years, could be imposed. He also confirmed that the site could be used for 14 days in any year without permission, although he pointed out that the earthworks on the site were operational development.

It was proposed and seconded that the application be refused for the reasons in the report.

The Development Management Service Manager clarified certain issues which had been raised during the discussion. A temporary consent would not be viable, as the revised access was outside the current application boundary, and the Highway Authority objected to the current access. He also clarified the issue surrounding the use for 14 or 24 days. The applicant had applied for the use over 24 days in any year. It was possible to use a site, as had been explained, for 14 days without the need for planning permission. This would not apply in this case, as physical works had been undertaken, hence the retrospective application.

The proposition to refuse was then put to the vote and agreed, and the application was refused for the following reasons:-

1. The proposal if permitted is likely to result in an increase in the number of private vehicles entering, leaving, waiting and turning right on the Main Road where visibility afforded to following or oncoming traffic and for drivers of vehicles entering the highway is below the national recommended distance. The consequent danger to highway safety and interruption that will be caused to other road users cannot be justified.
2. Visibility to the west from the proposed point of access to Main Road is substantially below requirements as indicated both on the drawings submitted and from observations on site due to the geometry of the road and presence of mature hedge and tree lines. It is considered that vehicles emerging from the access will be in conflict with traffic travelling west-east due to the lack of forward visibility, on Main Road and visibility from the point of egress on the minor road contrary to the interests of highway safety.
3. The range of noise levels from this site would have an adverse impact upon the remoteness and tranquillity of this area, particularly the quiet enjoyment of the adjacent nature reserve, contrary to Policy EN1 of the South Kesteven Core Strategy.

(The meeting adjourned from 3.10pm to 3.31pm).

(On the resumption of the meeting, the Chairman advised Members that the meeting programmed for 13th November would be moved to 20th November, in view of elections being held in the week of the original date, which would result in difficulties in staffing the meeting. Members would be formally advised in due course).

PWM2

Application ref: S11/1922/FULL

Description: Two wind turbines (hub height 29.6m, rotor diameter 20m and total ground to tip height 39.6m) and associated works

Location: Lodge Farm, Main Street, Carlton Scroop, Grantham, NG32 3AU

Decision: Refused

In introducing the discussion on this application, the Chairman reminded Members that it had been deferred at the meeting on 6th March with a request for further information, specifically an on-site background noise survey and an on-site ecology survey. Clarification had also been sought from the applicant on the positive benefits of the proposal.

Councillor Adams, who had not been present at the 6th March meeting, advised the meeting that he had listened to the recording of the relevant parts of the meeting and had familiarised himself with the relevant papers. He therefore considered that he could participate in the discussion and vote. Councillor Woolley, who had also not been present, said that she had similarly familiarised herself with all the relevant history of the application and would be participating and voting.

The Chairman asked the Solicitor to the committee to explain the reasons why members of the public had been allowed to speak on the deferred application. The Solicitor explained that the Chairman had exercised discretion because it was six months since the application had previously been heard before the Committee. In the interim period additional technical information had been submitted by the applicants at the Committee's request, relating to noise and ecological issues. In the interests of fairness in such exceptional circumstances, members of the public who had requested to speak again were allowed to make a further address as long as it was limited to a direct response to the additional evidence which had been submitted. The decision had been taken to ensure equality between interested parties.

Members noted comments made during the public speaking session from:-

Councillor Sue Evans – Barkston and Syston Parish Council
Councillor Roger Kingscott – Hough on the Hill Parish Council

Following comments, the Development Management Service Manager clarified that the information from the applicant in the late papers had been submitted in August. The Consultant's assessments had been received more recently.

Councillor Mike Robinson – Carlton Scroop and Normanton Parish Council

At this point, the Solicitor repeated his advice in regard to public speaking, which had been given earlier in the meeting.

Mrs Elizabeth Naeem – objecting

Mrs G Worth – objecting
Mr M Worth – objecting
Robbie Doughty – objecting on behalf of local residents
David Smith
Mrs Blades – objecting
Michael Worth – read statement on behalf of Alan Thomas
Conor McAllister – agent

Members noted comments from the Senior Historic Environment Officer (Archaeology), Natural England (original comments and further comments on site specific ecology survey 28th August and 14th September), Lincolnshire Wildlife Trust (original comments and comments on site specific ecology survey), English Heritage, SKDC Principal Conservation Officer, SKDC Environmental Protection (original comments and comments on site specific noise survey) and Hougham and Caythorpe Parish Councils; no objection from the Highway Authority, National Trust, CPRE, Ministry of Defence, NATS and the Environment Agency, and objections from Carlton Scroop and Normanton Parish Council, Hough on the Hill Parish Council, Ancaster Parish Council and Barkston and Syston Parish Council, a large number of objections from local residents and from Carlton Scroop and Normanton Action on Wind Turbines, together with a list of appropriate policy considerations.

The late information report had been circulated to Members at the meeting, including further information from the applicant showing the likely route of the cabling for the grid connection, amended phase 1 habitat survey (see below) and further details of barn owl mitigation measures dated 1st October, comments from Natural England received 24th September and from Lincolnshire Wildlife Trust received 20th September, MAS Environmental received 19th September and 1st October, no comments from SKDC Environmental Protection and further objections from and on behalf of local residents, together with detailed officer comment on all the issues raised, and changes to the recommendation including an amended schedule of conditions.

Also circulated to Members in advance of the meeting were bat data reports from a survey in May 2012, bird species data, a plan comparing the heights of a nearby BT tower, the Frinkley Farm turbine and the proposed turbines at Lodge Farm, the extended phase 1 habitat survey in May 2012, a copy of the British Wind Energy Association small wind turbine performance and safety standard, MAS Environmental noise impact assessment for small wind turbines dated August 2012, an amended extended phase 1 habitat survey dated September 2012, a copy of a letter from the applicant's agent dated 9th August and a copy of a letter to the applicant from the RSPB dated 9th August.

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

(The meeting adjourned from 5.05pm to 5.12pm).

(5.05pm - Councillor Howard left the meeting).

The Chairman referred to the site inspection which had taken place last week, when the Committee had visited the site and a number of local view points. In view of the fact that the majority of Members had been present on the visit, there was no formal report given.

The Environmental Health Services Manager and Environmental Health Officer gave information on the noise test results and answered questions from Members.

The Solicitor gave advice on the weight to be afforded to bats, and comments from Natural England, and referred Members to a recent Supreme Court case.

It was then proposed and seconded that the application be refused. The Chairman asked that the reasons for refusal be written down and submitted. On the submission of the reasons, the Chairman read them to the Committee. It was suggested that the detrimental effect on bats be added. The Development Management Service Manager commented that the reasons in regard to the effect on the historic landscape and the Viking Way and the contravention of EN1 policy (enhancement and harm) were reasonable, but that he could not support the addition of a reason in regard to ecology in view of the lack of support from Natural England.

The Head of Development and Growth and Solicitor both gave advice in relation to the suggested reasons, in particular to the weight to be given to the advice from Natural England. Specifically, the Solicitor expressed support for the views of the Development Management Service Manager in regard to the reasons for refusal, in particular that the reasons must be supportable.

The proposed reason for refusal was then read to the Committee, as follows:-

The proposed development, by virtue of its size, nature and location would have an adverse impact on the character of the landscape in this area.

The proposal as above was then formally proposed and seconded, and it was also agreed that the reason would be refined by the Development Management Service Manager, subject to final approval by the Chairman and Vice Chairman.

On being put to the vote the proposition was approved, and the application was therefore refused for the above reason, subject to the final approval of the exact wording by the Chairman and Vice-Chairman.

(6.30pm – Councillors Jacky Smith and Higgs left the meeting).

SP1

Application ref: S12/2016/FULL

Description: 3 x 15 meter high wind turbines

Location: Copley Farm, Doddington Lane, Claypole, Newark,
Lincolnshire NG23 5AT

Decision: Deferred

Noting no objection from NATS, Ministry of Defence and Environment Agency, comments from District Archaeologist, Natural England and Anglian Water and request for further information from Claypole Parish Council and the Environmental Health Officer and an objection from a local resident; late information report circulated to Members at the meeting including a note of no objection from Westborough and Dry Doddington Parish Council, report of site inspection and comments made by Members at the meeting.

It was proposed, seconded and agreed that further consideration be deferred pending receipt of the comments of Claypole Parish Council, following provision of the requested information, the formal observations of the Highway Authority and for investigation into the possible implementation of a Section 106 agreement in regard to highway improvements.

(6.55pm – Councillor Mrs Brenda Sumner left the meeting).

(6.59pm – Councillor Mrs Brenda Sumner returned to the meeting).

(6.59pm – Councillor Mrs Kaberry-Brown left the meeting).

KJC1

Application ref: S12/1331MJRR

Description: Approval of reserved matters for residential development of 105 dwelling and associated garaging and infrastructure pursuant to outline Planning Permission S08/1231

Decision: Approved

Noting comments from LCC Footpaths, Planning Policy, Partnerships and Projects Officer (Affordable Housing), Police Architectural Liaison Officer, Upper Witham Internal Drainage Board, Network Rail, Senior Historic Environment Officer and Lincolnshire Wildlife Trust, no objection from the Highway Agency or Great Gonerby Parish Council, comments from Barrowby Parish Council and a number of representations from nearby residents; information, including plans, circulated to Members prior to the meeting in relation to the adoption of roads, specification of private drives, provision for off street parking and siting of garages/dwellings; late information report circulated to Members present at the meeting including a further letter from a local resident and officer comment on additional information provided by the applicants in relation to the request made at the last meeting on parking provision and relocation of properties, together with a suggested amended condition, and comments made by Members at the meeting.

(7.05pm – Councillor Mrs Kaberry-Brown returned to the meeting).

It was proposed, seconded and agreed that the application be approved, subject to the following conditions:-

1. The development hereby permitted shall be undertaken in accordance with the approved materials schedule PC0279/MS received by the local planning authority on 28th May 2012.
2. All hard and soft landscaping works shall be carried out in accordance with the approved details Drawing No. Bir.3996_01A.and PC0279/100/01 Rev C.
3. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

PC0279-100-01-Site Planning Layout, PC0279-100-03-Phasing Plan, Bir 3996_01A -Soft Landscaping Proposals, 300-01-Boundary Treatment Details, 300-02 Boundary Treatment Details, 300-03-Garages, 300-04-Garages, 300-05-Foxton, 300-06 Tilton, 300-07-Somerby End, 300-08- Somerby End, 300-09-Somerby Mid, 300-10-Ashby, 300-11-Burton, 300-12-Burton, 300-13-Willesley, 300-14-Willesley, 300-15-Belfry, 300-16-Walton, 300-17-Walton, 300-18-Orton, 300-19-Orton, 300-20-Gleneagles, 300-21-Gleneagles, 300-22-Kibworth, 300-23-Kibworth, 300-24-Spinney, 300-25-Spinney, 300-26-Ashby plot 68, 300-27-Walton Sp, 300-28-Walton Sp, 300-29 Willesley Sp, 300-30-Lichfield, GEMMA BDS 3477-EL-90 Engineering Layout, 3477-EL-91-FW Drainage Sections, 3477-EL-92-SW Drainage Sections, JMP-NEA3027-BHM-100-Rev B-Pennine Way Extension Layout, BHM-101-Pennine Way, Balmoral Drive Planning Drawing, BHM-102 Rev A Pennine Way and Main Street Drawing, BHM-103-Rev A Main Street/Bellway Access Planning Drawing, and following supporting information PC0279-DAS-01-Design and Access Statement, PC0279-100-04-Proposed Street Scenes and Sections and 300-31-External Details.

4. The finished floor levels and finished grounds levels of the development hereby permitted shall be in accordance with the approved engineering layout Drawing No. E/3477/EL/90.
5. Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the District Planning Authority for the location of bird and bat boxes to encourage wildlife to the development. The agreed scheme shall be implemented prior to the completion of the development.
6. This permission shall be read in conjunction with the submitted application and the additional plan Drawing No. E/3477/EL/20-Engineering Layout.

Note(s) to Applicant

1. As the discharge from the proposed development is to an existing controlled system it should be shown, to the satisfaction of the Local Authority and Internal Drainage Board, that the system can accept the additional discharge without increasing the resulting discharge rate to the receiving watercourse.

Should this not be possible, or the proposed discharge becomes directed to a

watercourse or another sewer system and then into a watercourse, then the applicant must provide detailed information to show that the proposed discharge regime will not increase flood risk elsewhere.

2. Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, in any ditch, dyke or other such watercourse will require consent from the Board.
3. 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.

43. CLOSE OF MEETING

The meeting closed at 7.05pm