

# MINUTES

DEVELOPMENT CONTROL  
COMMITTEE  
TUESDAY, 5 MARCH 2013



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## COMMITTEE MEMBERS PRESENT

Councillor Adams  
Councillor Ashberry  
Councillor Cook  
Councillor Howard  
Councillor Vic Kerr  
Councillor King  
Councillor Morgan

Councillor Parkin  
Councillor Powell  
Councillor Jacky Smith  
Councillor Stevens  
Councillor Mrs Brenda Sumner  
Councillor Wilkins (Chairman)  
Councillor Woolley

## OFFICERS

Head of Development and Growth (Mark Williets)  
Development Management Service Manager (Pat Reid)  
Area Planning Officers (Nigel Bryan, Satu Pardivalla and Phil Moore)  
Systems Support Officer (Gavin Hutchinson)  
Committee Support Officer (Malcolm Hall)  
Legal and Democratic Service Manager (John Armstrong)

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## 85. 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 Higgs, and Councillor Woolley for Councillor Mrs Judy Smith, for this meeting only.

## 86. APOLOGIES

Apologies for absence were received from Councillors Adam Stokes and Mrs Kaberry-Brown.

## 87. DISCLOSURE OF INTERESTS

Councillor Powell declared a disclosable pecuniary interest in application S13/0041 (PL1) as a Member and Town Mayor of Bourne Town Council.

Councillor Vic Kerr declared a disclosable pecuniary interest in application S12/3097 (PWM2), as he rented half the land associated with the site.

Councillors Morgan, Ashberry, Cook and Parkin queried whether, as Members of Grantham Charter Trustees, they had a disclosable interest in application S12/31787 (LDPP1), but were advised that they did not have a disclosable interest.

## 88. MINUTES OF MEETING HELD ON 5TH/19TH FEBRUARY 2013

The minutes of the meeting held on 5<sup>th</sup>/19<sup>th</sup> February 2013 were accepted as a correct record of decisions taken, subject to it being recorded that Councillor Powell returned to the meeting after consideration of application S13/0041 (PL2), in which she had disclosed an interest.

## 89. PLANNING MATTERS

*Decision:-*

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

### NB1

Application ref: S12/0864/MJRO

Description: Outline application for a sustainable urban extension at Stamford West including residential development (including affordable housing), a business park (10 hectares) and a local centre, with associated highways improvements, pedestrian and cycle links, landscaping and open space. (All matters reserved except for access into the site for vehicles in terms of the positioning and treatment to the access of the site, but excluding accessibility within the site, in terms of positioning and treatment of access and circulation routes and how these fit into the surrounding access network)

Location: Land between Empingham Road and Tinwell Road, Stamford

Decision: Approved, subject to referral to the Secretary of State and

to the completion of a Section 106 agreement

Before the application was presented by the Case Officer, the Head of Development and Growth drew the attention of the Committee to the national and local policies relevant to the consideration of this application, in particular the National Planning Policy Framework (NPPF) and the Site Allocations Policy (SAP), and outlined the reason for reporting the application to Members and the significance of the five year land supply position. He also referred to a letter which had been received that day from Solicitors acting for Stamford Chamber of Trade and Commerce, which had been circulated to Members prior to the meeting.

Noting comments made during the public speaking session from:

Robert Conboy – objecting on behalf of the South West Approaches Protection Group  
Mr E Gilman – objecting on behalf of Stamford Chamber of Trade and Commerce  
Mr Chris Briance – objecting  
Mrs Margaret Chirico - objecting  
Mike Newton – applicants' agent

together with comments from the Rights of Way Officer, Lincolnshire Police, National Planning Casework Unit, Anglian Water and Consultant Arboriculturalist, support from Stamford Town Council, observations of the Education Authority, Primary Care Trust and Community Leisure Officer in regard to the Section 106 requirements and a note of the proposed Section 106 agreement Heads of Terms, no objection from the Highways Agency, Highway Authority, Principal Conservation Officer, English Heritage, Lincolnshire Wildlife Trust, Lead Local Flood Authority and Natural England, observations of Stamford Civic Society and Anglian Water, objections from Stamford Chamber of Trade and Commerce, objections from a number of local residents, one letter of support from a local resident and observations from Planning Policy; late information report circulated to Members before the meeting, including the observations from Environmental Health (no objection subject to conditions), an objection from Tinwell Parish Council (included in full in the report), comments and suggested highway conditions from the Highway Authority, further representations from Stamford Chamber of Trade and Commerce (included in full in the report), officer comment on the information received, and suggested alterations to conditions (all included within a full draft of the suggested revised notice, reproduced in the report); report of site inspection and comments made by Members at the meeting.

*(2pm – Councillor Adams entered the meeting).*

The Chairman quoted verbatim an answer given by the Planning Minister to a question put to him by Robert Halfon MP that related to those authorities without a local plan where there is also a continuing shortfall in the housing

land supply, as reported in Hansard on 27<sup>th</sup> February 2013.

It was then proposed and seconded that the application be approved, subject to referral to the Secretary of State and the completion of a Section 106 agreement, subject to the conditions listed in the late report and to a revision to include a requirement for noise monitoring in both wet and dry conditions.

Following further discussion on the proposition as made, the Chairman reviewed the proposition and suggested conditions, and further amendments, for the benefit of Members, as follows:-

- Condition 26 to be amended by the addition of a new paragraph:  
(d) Noise monitoring should be carried out at various times and in various weather conditions.
- Delete condition 14 (same effect as condition 24)
- Add new condition regarding private drives:  
“Any shared private driveway shall be hard surfaced.”

The proposer and seconder agreed to include these amendments within the proposition, and following further discussion in regard to landscaping, also agreed to include an amendment to condition 10, to include the following, after the word “landscaping” in line 3 – “including trees, shrubs and bushes of native species...”.

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 report, to the Secretary of State not calling in the application as a departure from the development plan, to the signing of a legal agreement to secure developer contributions and subject also to the conditions and notes set out in the late report and as amended above. Where the legal agreement has not been completed prior to the committee meeting a period of six weeks post the date of the committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman and 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 unacceptable development acceptable have not been forthcoming.

*(Councillor Adams did not take part in the voting on the above application).*

*(The meeting adjourned from 3.27pm to 3.47pm).*

KJC1

Application ref: S11/2002/MJRO

Description: Outline planning permission for residual development and the formation of new vehicular access

Location: Land Off Main Road, Long Bennington

Decision: Deferred

Noting comments made during the public speaking session from:-

Councillor S Pearson – objecting on behalf of Long Bennington Parish Council  
Walter Hughes – objecting  
Mike Sibthorp – objecting on behalf of Mr G Fearn  
Andy Rogers – applicant

together with comments from Local Plans, Open Space Officer, Partnerships Projects Officer (Affordable Housing), Police Architectural Liaison Officer, Environmental Protection, Property and Facilities (Drainage), Arboricultural Consultant, Highway Authority, Anglian Water, Environment Agency, Upper Witham Internal Drainage Board, Heritage Lincolnshire (Archaeology), Principal Conservation Officer, Lincolnshire Wildlife Trust, Lincolnshire PCT, Lincolnshire Children's Services and Environmental Protection (Noise), no objection from Severn Trent Water, Natural England or the Highways Agency, objections from the Parish Council and a number of local residents, and a note of the proposed Section 106 Heads of Terms; late information report circulated to Members before the meeting including comment from the Upper Witham Internal Drainage Board and officer comment thereon, and comments made by Members at the meeting.

*(4.25pm – as the meeting had lasted for three hours, in accordance with Council Procedure Rule 9, the Committee voted for the meeting to continue).*

*(4.25pm – Councillor Adams left the meeting).*

It was proposed and seconded that the application be deferred for the following reasons:-

- To enable the Highway Authority to re-assess their observations in view of issues raised by them and by Members at the meeting;
- For the preparation of an ecological survey with specific reference to bats;
- For a site inspection, involving the whole committee, to assess the impact of the proposal on the listed buildings to the south of the site.

It was further suggested that for a subsequent report of this item detailed information on housing land supply, and on the programme and timetable for completing the SAP should be included. The proposer and seconder agreed to add this to their proposal.

On being put to the vote the proposition was agreed, and the application was deferred for the reasons given above.

*(4.47pm – Councillor Powell left the meeting).*

## KJC2

Application ref: S12/0875/MJRF

Description: Retention of vehicular access

Location: Land North of Fallows End, Stragglethorpe Lane, Fulbeck, Grantham

Decision: Approved

Noting comments from the Highway Authority and Senior Historic Environment Officer (Archaeology), objections from Fulbeck and Hough on the Hill Parish Council and objections from local residents, site inspection report 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. Within 1 month of the date of the permission hereby granted, details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to and approved in writing by the local planning authority.

The submitted details shall include a bituminous finish for a distance of 10 metres from the nearest edge of the carriageway.

Any such details that are approved shall be implemented on site within a period of three months from the written approval and thereafter retained at all times.

2. The vision splays indicated on Drawing No. 6/61/2008 dated 28 December 2012 shall be cleared of all obstructions exceeding 0.6 metres high and shall be kept free of obstacles exceeding 0.6 metres for the period that the access is in use.

3. Any gates to the access hereby permitted shall open away from the highway and be set back a distance of at least 15 metres from the nearside edge of the carriageway.
4. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Site Location Plan Drawing No. 2/6/2008 received by the local planning authority on 28 August 2012.

Site Plan as Proposed Drawing 6/61/2008 received by the local planning authority on 28 August 2012.

#### Note(s) to Applicant

1. 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.

*(4.52pm – Councillor Morgan 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: Approved

Prior to discussion taking place on the application, the Chairman gave advice in relation to participation in the discussion and voting for those Members (Councillors Cook and King) who had not been present when the application was discussed on 2<sup>nd</sup> October 2012).

*(4.56pm – Councillor Morgan returned to the meeting).*

*(5.08pm – Councillor Cook left the meeting).*

Members noted the Case Officer's detailed report on items in relation to which further information had been requested, together with no response from

Claypole Parish Council, no objection from the Highway Authority and no objection from the National Air Traffic System, Ministry of Defence and the Environment Agency, comments from the District Archaeologist, Natural England, Conservation Officer, SKDC Environmental Protection and MAS Environmental Protection, together with an objection from a local resident and comments made by Members at the meeting.

A Member suggested that condition 2 should be varied to add the words “vehicles and equipment used for the erection of the turbines” after the word “statement” in line 2 of condition 2 on page 83 of the report. It was proposed and seconded that the application be approved subject to this amendment.

*(Councillor Morgan queried whether she would be eligible to vote as she had been absent from the meeting during part of the Case Officer's presentation. Following advice from the Committee Support Officer, Councillor Morgan confirmed that she had read this report fully. As the Case Officer's report was based entirely on the circulated report, she would be eligible to vote).*

The proposition was put to the vote, and the application as amended 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. The development shall not commence until details of the method and route of delivery of components (including a risk assessment and method statement), and vehicles and equipment used for the erection of the turbines have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
3. The development shall not commence until details of the external finish and colour of the proposed turbine have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and there shall be no subsequent change to the finish or colour of the turbine without the local planning authority's prior approval in writing.
4. In the event that the wind turbine is no longer used for the generation of electricity, it shall be removed as soon as practicably possible, and the land restored to its original condition.
5. The noise emissions from the wind turbine shall not exceed a sound

pressure level LAeq,T of 35dB when measured or otherwise determined within the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including an average level of 8 ms-1 over the measurement interval.

The wind speed is determined at rotor centre height in accordance with the British Wind Energy Association Small Wind Turbine Performance and Safety Standard of 29 February 2008. The time period 'T' of the measurement shall equate to a time in seconds that equates to four times the diameter of the rotor diameter as measured in metres, of the turbine. Thus if the blades have a diameter of 10 metres, 'T' is 40 seconds. The sound pressure level shall be measured at least 3.5m away from reflecting surfaces other than the ground and at a height of 1.2-1.5m. Adjustment must be made to exclude the contribution of extraneous noise in the determined value.

Following notification from the Local Planning Authority (LPA) that a complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the LPA, whether noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. A copy of the assessment report, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the LPA (in electronic form) within 60 days of the notification. The operation of the turbine shall cease where there is a failure to conclude on the above assessment within 60 days of the notification or such time period as intended by the local planning authority in writing.

6. Before the development is commenced, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of the start of construction and the maximum height of any construction equipment to be used. When the development is completed, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of completion, and the exact height and latitude and longitude of the position of the turbines, no more than 14 days after this date. The development approved by this permission shall be carried out in accordance with these details.

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

1. 1:10000 Area Plan.
2. Drawing ATC10070-1000\*
3. 1:2500 Site Location Plan.

4. Distance calculations for Planning Applications.
5. Biodiversity Checklist.
6. Flood Risk Assessment Report.
7. 1:500 Block Plan.
8. Design and Access Statement.

All received on 10 August 2012

PWM1

Application ref: S12/2170/FULL

Description: 2 x 15 meter high wind turbines

Location: The Old Pump Cottage, Fen Road, Dowsby, Bourne,  
Lincolnshire, PE10 0TX

Decision: Approved

Prior to discussion taking place on the application, the Chairman gave advice in relation to participation in the discussion and voting for those Members (Councillors Adams and Woolley) who had not been present when the application was discussed on 4<sup>th</sup> December 2012).

Members noted the Case Officer's detailed report on items in relation to which further information had been requested, together with comments from the Senior Historic Environment Officer, Natural England, SKDC Environmental Protection and MAS Environmental, no objection from the Ministry of Defence, National Air Traffic System, Environment Agency, Anglian Water and Dowsby Parish Council, comments from Rippingale Parish Council and objections 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 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 not commence until details of the external finish and colour of the proposed turbine have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and there shall be no subsequent change to the finish or colour of the turbine without the local planning authority's prior approval in writing.

3. In the event that the wind turbines are no longer used for the generation of electricity, they shall be removed as soon as practicably possible, and the land restored to its original condition.
4. The noise emissions from the wind turbine shall not exceed a sound pressure level LAeq,T of 35dB when measured or otherwise determined within the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including an average level of 8 ms-1 over the measurement interval.

The wind speed is determined at rotor centre height in accordance with the British Wind Energy Association Small Wind Turbine Performance and Safety Standard of 29 February 2008. The time period 'T' of the measurement shall equate to a time in seconds that equates to four times the diameter of the rotor diameter as measured in metres, of the turbine. Thus if the blades have a diameter of 10 metres, 'T' is 40 seconds. The sound pressure level shall be measured at least 3.5m away from reflecting surfaces other than the ground and at a height of 1.2-1.5m. Adjustment must be made to exclude the contribution of extraneous noise in the determined value.

Following notification from the Local Planning Authority (LPA) that a complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the LPA, whether noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. A copy of the assessment report, together with all recorded data and audio files obtained as part of the assessment, shall be provided to the LPA (in electronic form) within 60 days of the notification. The operation of the turbine shall cease where there is a failure to conclude on the above assessment within 60 days of the notification or such time period as intended by the local planning authority in writing.

5. Before the development is commenced, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of the start of construction and the maximum height of any construction equipment to be used. When the development is completed, the developer shall provide written confirmation to the MOD (Defence Infrastructure Organisation) of the date of completion, and the exact height and latitude and longitude of the position of the turbines, no more than 14 days after this date. The development approved by this permission shall be carried out in accordance to these details.

6. This permission relates to 2 x wind turbines, each with a power output of 5kW, with a sound power output level of no greater than 86dB(A) at 8m/s.
  
7. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: 1:500 Block Plan and ATC10070-1000 (Tripod Assy, HY5) both received 29 August 2012

PWM2

Application ref: S12/3097/LB

Description: Alteration to curtilage listed barns including demolition of lean-tos, replacement/repair of roofs and repairs to external walls.

Location: Westfield Farm. Town Street, Westborough, Newark.  
NG23 5HJ

Decision: Approved

*(5.25pm – Councillor Woolley left the meeting).*

Noting comments from the Conservation Officer and no objection from the Parish Council, 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 works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
  
2. Notwithstanding the information provided, the roof to the main brick and clay pantile barn shall be re-roofed using the existing pantiles and imported reclaimed matching pantiles to make up any shortfall and no other material, unless the local planning authority gives its written consent to any variation.
  
3. Prior to the commencement of any works to the roof of the main red brick and clay pantile roofed barn (identified in green on the plan attached to this decision notice), a measured survey shall be undertaken

of the existing roof structure and a survey drawing submitted to the local planning authority annotated to show the intentions for each timber and, if proposed, details of any new structural members and their means of installation. The works shall be undertaken strictly in accordance with such details as may be approved in writing by the local planning authority, unless the authority gives its written agreement to any variation.

4. When the roof covering of the barn referred to in condition 3 is removed, the local authority shall be notified and a representative allowed to inspect and make a record of any features of interest prior to the commencement of any works of repair or alteration.
5. A sample of the powder-coated corrugated steel sheeting to be used to re-cover the areas where there is currently asbestos sheeting, shall be submitted for the approval of the local planning authority and only such sample as may be approved in writing shall be used in the authorised works.
6. Any new or replacement rainwater goods shall be of either cast iron or black painted/coated aluminium on rise and fall brackets.
7. Any external remedial work to the walls should be carried out using original materials where possible and any new work should match the existing in every respect.
8. Raking out and preparation of joints prior to re-pointing shall be carried out using hand tools only and any re-pointing or new external brickwork shall be carried out using a lime based mortar.
9. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application (other than those works specified by condition): AL(0)002, AL(0)003, AL(0)004A, AL(0)005, AL(0)006 - all received 09 January 2013

LDPP1

Application ref: S12/3187/LB

Description: Installation of DDA compliant handrails to steps outside

## Arts Centre

- Location: Guildhall Arts Centre, St Peters Hill, Grantham, Lincolnshire, NG31 6PY
- Decision: Approved, subject to no adverse observations from the Grantham Charter Trustees and Guildhall Centre Management

Noting comments from the Community Archaeologist and no objection from the Conservation Officer; late information report circulated to Members before the meeting referring to an extended consultation period, and a change to the recommendation, together with comments made by Members at the meeting.

During discussion, Members wondered if the proposed rails were insufficiently wide apart, on health and safety grounds, bearing in mind the use of the door and steps as a fire exit, and the possible interference with this exit.

It was proposed and seconded that further consideration be deferred to enable the Grantham Charter Trustees and Guildhall management to comment on the proposal, given the Health and Safety grounds outlined above, and that if there are no adverse observations authority be given to the Development Management Service Manager to approve the application, after consultation with the Chairman and Vice-Chairman, subject to the summary of reasons set out by the Case Officer in the circulated report, and subject to appropriate conditions.

## PL1

- Application ref: S13/0041/ADV
- Description: 3 Non-Illuminated crests and signage
- Location: Bourne Corn Exchange, Abbey Road, Bourne
- Decision: Deferred

Prior to discussion taking place on the application, the Chairman gave advice in relation to participation in the discussion and voting for those Members (Councillors Ashberry and Morgan) who had not been present when the application was discussed on 19<sup>th</sup> February 2013).

Noting no objection from the SKDC Conservation Officer, and comments made by Members at the meeting. Members noted that the applicants had advised

that they wished the application to be considered as submitted.

*(5.36pm – Councillor Ashberry left the meeting).*

*(5.40pm – Councillor Ashberry returned to the meeting).*

It was proposed that the application be approved. This proposition received no seconder.

It was then proposed and seconded that the application be deferred and that the applicants be requested to consult further with Bourne Town Council and the Conservation Officer, and that the applicants also look again at the design of the proposed signage, with the application being further considered by the Committee.

On being put to the vote the proposition was agreed, and the application deferred for the above reasons.

**NO MEMBERS OF THE PRESS OR PUBLIC WERE PRESENT AT THIS POINT IN THE MEETING.**

## **90. OPEN SPACE LAND IN THE DISTRICT OF SOUTH KESTEVEN - POSSIBLE INJUNCTION**

*Decision:-*

- (1) That the Development Management Service Manager be given authority, in liaison with Legal Services, to seek an injunction under Section 187B of the Town and Country Planning Act 1990 (as amended), to restrain persons from carrying out a breach of planning control in relation to land within the district of South Kesteven, subject to legal consideration and sufficient evidence being obtained.*
- (2) That the Cabinet be recommended to look into the possibility of the compulsory purchase of the land to enable it to be retained as open space.*

The Planning Enforcement Officer gave a report (Report No. PLA 981) in relation to the background to his request for authority to be given to the Development Management Service Manager to potentially seek an injunction subject to sufficient evidence.

It was proposed, seconded and agreed that the request be acceded to, and that in addition the Cabinet be recommended to consider the exercise of compulsory purchase powers to ensure the retention of the land as open space.

**91. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY**

The Development Management Service Manager submitted his report PLA979 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 18<sup>th</sup> February 2013 was also submitted, with a table showing planning applications performance as at January 2013.

**92. CLOSE OF MEETING**

The meeting closed at 6.18pm