

REPORT TO DEVELOPMENT CONTROL COMMITTEE

REPORT OF: Pat Reid - Development Management Service Manager

REPORT NO: PLA 985

DATE: 23 April 2013

TITLE:	S12/2038 Erection of poultry broiler unit - including 8 new broiler sheds with service buildings & associated stores, feed bins & associated equipment and new access track.	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	N/A	
CONTACT OFFICER:	Phil Moore	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below N/A	Full impact assessment Required: N/A
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Planning application S12/2038	

1. RECOMMENDATIONS

That the development be delegated to the Development Management Service Manager in consultation with the Chairman / Vice Chairman for approval subject to the signing of a legal agreement securing a HGV routing agreement and subject to the attached conditions. Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding 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 / Vice Chairman of the Development Control 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.

2. PURPOSE OF THE REPORT

At the 26 March 2013 of the Development Control Committee it was resolved that planning permission be granted subject to a Section 106 agreement, but it has not been formally determined as the legal agreement has not yet been completed. Since that date the applicant has requested that the wording of condition 4 be slightly amended to allow development to proceed earlier. Details required by conditions 2, 4 and 7 have also now been submitted and officers consider that these conditions should be reworded or omitted accordingly. The purpose of the report is to explain to Members the rationale behind these minor amendments to the conditions and how this does not fundamentally affect the permission.

3. DETAILS OF REPORT

The principle of the development has already been accepted at the 26 March 2013 committee and the proposal itself has not changed. The only aspect of this development which is under consideration is the proposed changes to the conditions which are relatively minor and do not affect the fundamental acceptability or otherwise of the development. The amended conditions are considered by officers to be acceptable.

The applicant has requested that the wording of condition 4 be amended from:

No development shall take place until Caythorpe Heath Lane has been widened and improved to a minimum width of 6m between the site entrance on Caythorpe Heath Lane (C326) and the junction with High Dyke (B6403).

to

The use shall not commence until Caythorpe Heath Lane has been widened and improved to a minimum width of 6m between the site entrance on Caythorpe Heath Lane (C326) and the junction with High Dyke (B6403).

The reason for this is to allow the development to proceed immediately as there is likely to be a greater delay than anticipated in securing the necessary Section 278

agreement with the Highways Authority and carrying out the necessary highway improvement works. Notwithstanding the expected delay, there is no fundamental reason to believe that these works cannot or will not be carried out. The condition as originally approved at the 26 March 2013 committee was requested by the highways authority and was considered to fit the relevant tests set out in govt circular 11/95 (the use of conditions). However, it is considered that the amended wordings as proposed continues to fit the tests and is equally acceptable.

In respect of conditions 2 (details of materials) and 7(landscaping details), these would have been dealt with by officers under delegated powers following approval of the application. However, the applicant has now submitted these details “up front” and they are considered to be acceptable. It is proposed to amend the wording of these conditions to require the development to be carried out in accordance with the submitted details.

Condition 6 was added at the request of the highways authority but is now not considered to be necessary as the applicant has pointed out that the access onto Caythorpe Heath Lane slopes away from the adopted highway and therefore any improvements to the access would not result in an increased run-off onto the adopted highway. Other drainage details have already been included in the application. This condition is proposed to be omitted.

In conclusion, the amended conditions are considered to be acceptable and will allow the development to commence much quicker than would otherwise have been the case. This would be beneficial to the local economy in accordance with all relevant policies.

4. OTHER OPTIONS CONSIDERED

None

5. RESOURCE IMPLICATIONS

No significant impact on resources

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
None	None applicable

7. ISSUES ARISING FROM IMPACT ANALYSIS

Discussed in section 3

8. CRIME AND DISORDER IMPLICATIONS

None

9. COMMENTS OF FINANCIAL SERVICES

To be reported

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

To be reported

11. COMMENTS OF OTHER RELEVANT SERVICES

N/A

12. APPENDICES:

None