

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 27 AUGUST 2013



COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry
Councillor Michael Cook
Councillor Reginald Howard
Councillor Mrs Rosemary Kaberry-Brown
Councillor Vic Kerr
Councillor Michael King
Councillor Charmaine Morgan
Councillor Alan Parkin

Councillor Bob Sandall
Councillor Jacky Smith (Vice-Chairman)
Councillor Mrs Judy Smith
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Mrs Brenda A Sumner
Councillor Martin Wilkins (Chairman)
Councillor Debbie Wren

OFFICERS

Development Management Service Manager (Pat Reid)
Area Planning Officers (Nigel Bryan and Peter Lifford).
Committee Support Officer (Malcolm Hall)
Solicitor (Paul Rushworth)

161. MEMBERSHIP

The Committee was notified that a notice under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990 had been received, appointing Councillor Bob Sandall for Councillor Powell for this meeting only.

162. APOLOGIES

Apologies for absence were received from Councillor Higgs.

163. DISCLOSURE OF INTERESTS

There were none declared.

164. MINUTES OF MEETING HELD ON 6 AUGUST 2013

The minutes of the meeting held on 6th August 2013 were accepted as a correct record of decisions taken.

165. PLANNING MATTERS

Decision:-

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

SB1

Application ref: S13/0775/EIAFP

Description: Construction of Southern Quadrant Link Road (SQLR) comprising new 3km single carriageway between B1174 Spittlegate Level and A52 Somerby Hill including a new bridge spanning the East Coast Main Line and River Witham. Works to include a new 5 arm roundabout at B1174 Spittlegate Level, improvements to the existing A52/B6403 roundabout, associated new junctions/access roads, new cycleway/footpath at Whalebone Lane, site compound/construction and storage areas, recontouring of ground levels, formation of attenuation ponds and diversion of public right of way

Location: Grantham Southern Relief Road, Grantham

Decision: Withdrawn from the agenda, for consideration of further information.

(1.05pm – Councillors Stevens and Mrs Judy Smith entered the meeting).

(1.08pm – Councillor Bob Sandall entered the meeting).

JJ1

Application ref: S13/0674/MJRR

Description: Reserved Matters application relating to residential development and associated development, link road, estate roads, open space and landscaping (including A1 retail/B1 office development

Location: Zone 4 and zone 5, Elsea Park, Bourne

Decision: Approved, subject to no adverse observations from the Environment Agency

Noting comments from Bourne Town Council, no objection from National Grid, Police Crime Prevention Officer or Community Archaeologist, comments from the Health and Safety Executive, Partnership and Project Officer (Affordable Housing), Leisure Officer, Environment Agency, Lincolnshire Wildlife Trust, Natural England and Environmental Protection and a note of the Section 106 Heads of Terms imposed on the outline application; late information report circulated to Members before the meeting including a note of no objection from the Highway Authority, officer comment thereon and additional conditions required by the Highway Authority, and comments made by Members at the meeting.

It was proposed and seconded that the application be approved, as recommendation, but with a condition imposed that any road built on the estate shall be to an adoptable standard.

As an amendment, it was proposed and seconded:-

“That no development/occupation of the houses shall take place until the developer has installed fire hydrants as identified as being required by the Fire Service, for the purposes of safety.”

The Solicitor expressed concern at the trigger for the installation of hydrants, ie “development or occupation”, and suggested that it would be better and easier to control if this were to be on “occupation” only. The proposer and seconder accepted this amendment.

The proposer and seconder of the motion to approve the application accepted the amendment as varied above within the main proposition.

The Chairman drew the attention of the proposer of the motion to approve to additional condition number 10 on page 2 of the late report and suggested that this was the same as his addition. The proposer accepted this and withdrew the addition from the proposal.

Discussion took place on the surfacing of the estate roads, and on a mechanism for ensuring that this was carried out, and to adoptable standards. The Chairman suggested that paragraph 2 of proposed condition 10 could be altered to make this requirement clear, by altering it to read:-

“The carriageway and footway surface courses shall be completed to an adoptable standard”.

This was accepted, and further discussion then took place on a suitable mechanism for ensuring that there was a suitable trigger point to ensure that the roads/footways were completed at different stages of the development.

Following advice from the Development Management Service Manager in regard to a phasing scheme, the Chairman suggested a new condition 12 as follows:-

“A phasing programme is to be agreed with the Local Planning Authority to show how the individual roads are to be completed and surfaced. The final road is to be surfaced within 2 months of completion of the final dwelling”.

Prior to a vote being taken, the Chairman clarified the various conditions and amendments to conditions, upon which Members would be voting:-

- Conditions 1 to 8 on pages 40-42 of the main report;
- Conditions 9, 10 (amended as above) and 11 on pages 2/3 of the late report;
- New condition 12, as above, in regard to phasing; and
- New condition (13), as above, in regard to the installation of fire hydrants.

The proposition 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 Environment Agency withdrawing their holding objection, subject to the summary of reasons set out by the Case Officer in the circulated report, and to the conditions and amended conditions set out above.

NB1

Application ref: S13/1712/FULL

Description: Replacement dwelling (amendments to application S13/0728)

Location: 1A, Castlegate, Castle Bytham, Grantham

Decision: Deferred

Noting comments made during the public speaking session from:-

Councillor Mrs Y Hamblin - Castle Bytham Parish Council
Mrs Sue Blunt – objecting
Dr Patrick Candler – objecting
Mrs Crawford – objecting (read statement from Mr A Crawford)

together with no objection from the Principal Conservation Officer, Environment Agency or Highway Authority, comments from Lincolnshire Heritage and English Heritage, an objection from the Parish Council and a number of objections from nearby residents; late information report circulated to Members before the meeting, including (in full) observations from the Parish Council and

additional letters in regard to the access, and officer comment thereon, and comments made by Members at the meeting.

It was proposed and seconded that the application be approved with the exclusion of proposed conditions 11 to 13.

Following comments from Members in regard to suggested covenants affecting the site/access, the Chairman said that these could not be considered. The Solicitor advised that covenants were not material planning considerations, were a private matter for a developer to resolve, and were outside the powers of the committee.

The Chairman commented on the proposition, and said that if the conditions were omitted, as suggested, the access could still be use. Following discussion, the proposer withdrew the requirement to omit conditions 11-13 in his original proposition, and substituted a requirement that the only access to be used should be the existing, and that no new access shall be used.

The Chairman said that the proposition could not be conditioned in the manner required, and that it could only be refused, or deferred to see if the applicant would amend as suggested. The proposer of the motion to approve then withdrew, and proposed instead that the application be deferred. The proposition was seconded.

It was then proposed that the application be refused on the grounds of design, access, visual impact and impact on the Ancient Monument adjoining. This proposition did not receive a seconder.

The Chairman confirmed that the deferral would be back to the Committee, not to the Chairman and Vice-Chairman, and on being put to the vote the proposition was agreed.

NB2

Application ref: S13/1713/CAC

Description: Demolition of existing bungalow

Location: 1A, Castlegate, Castle Bytham, Grantham

Decision: Approved

Noting no objection from the Principal Conservation Officer or Lincolnshire Heritage and objections from nearby residents, 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 condition:-

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Note(s) to Applicant

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

PL1

Application ref: S13/1899/HSB

Description: Construction of vehicle crossing over grass verge

Location: 12, Masterton Road, Stamford

Decision: Approved

Noting no representations from consultees, 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 hereby permitted shall be carried out in accordance with the following approved plans: Proposed layout dated June 2013.

Note(s) to Applicant

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

NB3

Application ref: S13/1628/DEXT

Description: Erection of a single storey rear extension 4.8m beyond the rear wall of the original dwelling house, 2.9m in height with an eave of 2.2m

Location: 79, Recreation Road, Bourne

Decision: Permitted development, full planning permission not required

Noting comments from Heritage Lincolnshire and no responses following consultation with neighbouring residents, and comments made by Members at the meeting.

It was proposed, seconded and agreed that the recommendation on page 68 of the report, that planning permission was not required, be noted.

166. NEIGHBOURING AUTHORITY CONSULTATION ON PLANNING APPLICATION (RUTLAND COUNTY COUNCIL REF: 2013/0516/FUL), ERECTION OF 1 NO. 51.2M (HUB) HIGH, 65.7M (TIP) HIGH WIND TURBINE PLUS ANCILLARY EQUIPMENT, LAND TO THE WEST OF GREAT NORTH ROAD, STRETTON

Decision:-

That further consideration of the District Council's observations on the application be deferred for enough information to be obtained to enable a comparison with the District Council's Wind Energy SPD and to enable a site inspection of the area near to the site to be arranged. The report to be submitted to the next meeting to include this information, together with copies of the observations of the two Parish Councils (Castle Bytham and South Witham) also consulted on the application. In addition, Rutland County Council to be asked to consider an extension of time to enable the Committee's comments to be submitted after the next meeting.

Members considered report PLA1009 from the Development Management Service Manager, following a notification from Rutland County Council of an application for a wind turbine on land to the west of the Great North Road, Stretton, which was near to the south western boundary of the District. Castle Bytham and South Witham Parish Councils had also been consulted.

The report set out details of the proposed development, which was approximately 1.6km north of Stretton and approximately 2km south of South Witham, located in a field to the west of the A1. It was suggested that the most significant issue would be the likely impact of the proposal on the landscape. It was not considered that there would be any significant effect on the outlook and amenities of residents within the District, and it was recommended that Rutland County Council be advised accordingly.

It was proposed and seconded that the recommendation be accepted.

During the ensuing lengthy discussion, it was suggested that there was insufficient information in the report on which to base comments and it was

proposed, as an alternative, that further consideration be deferred to enable this information to be obtained. This proposition was seconded.

Members considered that in addition to the specific comments required on this application, there was a need to consider a standard approach on similar applications, involving a report on the Council's SPD and on methods by which comparisons could be drawn.

(3.22pm - The Chairman adjourned the meeting to enable Members to consider the recommendations on this and the next application).

(The meeting resumed at 3.45pm).

The proposition to accept the recommendation was put to the vote and lost.

The Committee Support Officer then read the proposition to defer, which was for enough information to be obtained to enable a comparison with the District Council's Wind Energy SPD; for a site inspection of the area near to the site; and for a full report to the next meeting with this information, to include copies of the observations of the two Parish Councils consulted; together with a request for Rutland County Council to consider an extension of time to enable the District Council's comments to be submitted after the next meeting.

On being put to the vote the proposition was agreed.

167. NEIGHBOURING AUTHORITY CONSULTATION ON PLANNING APPLICATION (NEWARK AND SHERWOOD REF: 13/00889/FULM), THE CONSTRUCTION AND OPERATION OF A WIND FARM CONSISTING OF FOUR 139 METRE HIGH TO BLADE TIP WIND TURBINES, AN 80 METRE ANEMOMETRY MAST AND ASSOCIATED INFRASTRUCTURE FOR A PERIOD OF 27 YEARS, FIELD REFERENCE 8884, COTHAM ROAD, HAWTON, NOTTS

Decision:-

That Newark and Sherwood District Council be advised that due to the size and proximity of the turbines to South Kesteven and the possible severe impact on a large area of South Kesteven, a detailed considered response tested against the SKDC Wind Energy SPD will be provided, and request Newark and Sherwood District Council that sufficient time be allowed (6 weeks) for this response to be provided.

Members had before them report PLA1011 from the Development Management Service Manager on a neighbouring authority consultation received from Newark and Sherwood District Council. An application had been submitted to that authority for four wind turbines on land south of Newark, west of the A1 and approximately 2km at the nearest point from the boundary with South Kesteven. The nearest settlements in the District would be Claypole, Long

Bennington and Dry Doddington, at distances between 5 and 6km away. The Development Management Service Manager circulated a plan showing the location of the proposed turbines to Members at the meeting.

Observations on the likely impact of the proposal were set out, from which it was noted that the most significant of these were impact on landscape character and heritage assets. The turbines would also be extensively visible due to the flatish gently undulating landscape, which would have a significant impact. Cumulative impact was also considered to be significant, given the number of schemes close to this site and within Newark and Sherwood and South Kesteven with consent, proposed, under consideration or at appeal. In addition, impact on heritage assets was significant. A lengthy recommendation requesting that Newark and Sherwood District Council take all these issues into account was set out on pages 3 and 4 of the report.

During the following discussion, Members were concerned at the lack of weight given to the District Council's own SPD. It was considered that the SPD policies should be set out with an interpretation of the effect on residents of the District. Taking all comments made into account, the Chairman read a suggested proposition as follows:

“Newark and Sherwood District Council be advised that due to the size and proximity of the turbines to South Kesteven and the possible severe impact on a large area of South Kesteven, a detailed considered response tested against the SKDC Wind Energy SPD will be provided, and request Newark and Sherwood District Council that sufficient time be allowed (6 weeks) for this response to be provided”.

A Member asked how much time was available for the submission of comments. On checking, the Development Management Service Manager said that comments should have been in by 2nd August, but that it was unlikely that the application would be considered by Newark and Sherwood before the second or third week in October.

The Chairman asked if Newark and Sherwood would be wrong to ignore South Kesteven, if they chose to determine the application before this Council's comments had been submitted and if that did happen could SKDC object to a decision being made. The Development Management Service Manager said that any authority had to take into account all material considerations, including comments from consultees. The Solicitor commented that in his opinion it would not be appropriate for this Council to object, but Newark and Sherwood would have taken an unsound decision if they chose to determine without taking all relevant matters into consideration.

The proposition by the Chairman was seconded, and on being put to the vote was agreed.

168. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report listing details of applications not determined within the eight week time period. Also submitted was a list of applications dealt with under delegated powers and a list of outstanding planning appeals, together with a schedule showing planning applications performance as at April/July 2013.

169. CLOSE OF MEETING

The meeting closed at 4.56pm