

# MINUTES

DEVELOPMENT CONTROL  
COMMITTEE  
TUESDAY, 8 OCTOBER 2013



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## COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry  
Councillor Michael Cook  
Councillor David Higgs  
Councillor Reginald Howard  
Councillor Vic Kerr  
Councillor Michael King  
Councillor Charmaine Morgan  
Councillor Alan Parkin

Councillor Helen Powell  
Councillor Mrs Judy Smith  
Councillor Jacky Smith (Vice-Chairman)  
Councillor Judy Stevens  
Councillor Adam Stokes  
Councillor Mrs Brenda Sumner  
Councillor Martin Wilkins (Chairman)  
Councillor Rosemary H Woolley

## OFFICERS

Head of Development Services (Mark Williets)  
Development Management Service Manager (Pat Reid)  
Area Planning Officer (Nigel Bryan)  
Systems Support Officer (Gavin Hutchinson)  
Committee Support Officer (Malcolm Hall)  
Solicitor (Paul Rushworth)

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## 179. 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 Woolley for Councillor Mrs Kaberry-Brown for this meeting only.

## 180. DISCLOSURE OF INTERESTS

There were none declared.

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**181. MINUTES OF MEETING HELD ON 24 SEPTEMBER 2013**

The minutes of the meeting held on 24<sup>th</sup> September 2013 were accepted as a correct record of decisions taken.

**182. PLANNING MATTERS**

*Decision:-*

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

NB1

Application ref: S13/2281/DC

Description: Approval of details reserved by Condition 1 (management plan for wider public use of the sports centre) of permission S13/0702

Location: Stamford School, Sports Hall, Conduit Road, Stamford

Decision: Approved

Noting comments made during the public speaking session from:-

Simon Piggott – applicant

together with comments from the Highway Authority (in full) and the Heritage Trust of Lincolnshire, and comments from a nearby resident, together with comments made by Members at the meeting.

*(1.10pm – Councillor Ashberry entered the meeting).*

*(1.12pm - Councillor Powell entered the meeting).*

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

The submitted Management Plan is acceptable for control of vehicles associated with unaffiliated Members and subject to the complaint monitoring report being submitted to South Kesteven District Council on a 3 monthly basis, and being available to Members of the Public on request, the Management Plan is approved, for a period of 12 months.

JJ1

Application ref: S13/2001/MJRF

Description: Construction of 13 residential dwellings and garages with associated infrastructure

Location: Land off Spalding Road, Deeping St James

Decision: Approved, subject to the completion of a Section 106 agreement

Noting no objection from the Environment Agency, Anglian Water or Highway Authority, Comments from LCC Children's Services, Partnership and Projects Officer (Affordable Housing) Community Leisure Officer, Heritage Lincolnshire (Archaeology) and NHS Property Services, representations from neighbouring residents and a note of the Section 106 Heads of Terms; late information report circulated to Members before the meeting including comments from the Community Leisure Officer in relation to the revised contribution for open space in the Section 106 agreement, report of site inspection and comments made by Members at the meeting.

Members commented in regard to the construction of roads to adoptable standards, and in relation to appropriate provisions for the Fire Brigade. The Development Management Service Manager advised that a meeting of Lincolnshire Development Management Service Managers was shortly to take place with the Fire Brigade regarding a consistent strategic approach to both planning and building regulation issues and that in relation to the issue raised about adoptable roads, an appropriate condition could be imposed.

It was then proposed, seconded and 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 signing of a legal agreement to secure developer contributions, subject to the conditions and notes set out in the report, and also a condition in relation to the construction of roads on the development to an adoptable standard. 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.

AH1

Application ref: S13/0355/LB

Description: External alterations including replacement window units, roof coverings and rainwater goods along with re-pointing works

Location: 1-13 Lumbys Terrace, Stamford

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

## JJ2

Application ref: S13/1824/MJNF

Description: Application under Section 73 to vary the wording to conditions 27 and 30 of application S13/0260 to amend requirements relating to the timing of access improvements

Location: Land west of Ryhall Road, Stamford

Decision: Approved, subject to the completion of a Section 106 agreement

Noting no objection from the Highway Authority, comments from Heritage Lincolnshire (Archaeology) and objections from local residents and the Voice of Stamford, and a note of the Section 106 Heads of Terms, an addendum report, including a note of the reasons for deferral at the last meeting and the additional information provided following that deferral, including documents and comments from the applicants/agent circulated to Members at the meeting; a letter from the Highway Authority and further comments from the Voice of Stamford, also circulated to Members at the meeting, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be approved.

During discussion, Members were concerned to ensure that the neighbouring authority (Rutland County Council) were aware of the proposals, particularly in regard to the highway issues surrounding the speed limits and proposed changes.

As an amendment, it was proposed and seconded that a condition be added to ensure the provision of a temporary 30mph restriction during the construction phase.

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

A Member reminded the committee that during earlier discussion, a suggestion had been made regarding a wheel wash facility for the site. The Chairman suggested, and it was agreed by the proposer and seconder, that this could be added as a requirement of the Traffic Management Plan.

*(In accordance with Council Procedure Rule 16.4, it was agreed that a recorded vote be taken).*

Prior to the vote being taken, the Chairman clarified the various elements of the proposition on which Members would be voting:-

- Conditions 1 to 35 (and notes) on pages 36 to 43 of the main report;
- Conditions 27 and 30 as shown amended on page 34 of the main report;
- The additional condition shown on page 34 of the main report, in relation to the implementation of the construction access prior to any development commencing, and land restored following completion of the development;
- An additional condition requiring a Traffic Management Plan, as in the first paragraph on page 2 of the letter dated 2<sup>nd</sup> October 2013 from the Highway Authority, to include requirements for a temporary 30mph limit during construction and a wheel wash facility.

A Member again made comments in relation to the imposition of a 30mph limit, and requested a condition. The Solicitor advised that such a condition would fail to satisfy the test that conditions must be valid. He therefore advised against its inclusion.

A Member reiterated her earlier comment in relation to the erection of a “hazard” sign to assist vehicles in seeing pedestrians/cyclists. The Chairman pointed out that this was covered in suggested highway conditions, but this would nevertheless be noted in the minutes.

A recorded vote was then taken as follows:-

<u>For</u>	<u>Against</u>
Councillor Ashberry	None
Councillor Cook	
Councillor Higgs	
Councillor Howard	
Councillor Vic Kerr	
Councillor King	
Councillor Morgan	

Councillor Parkin  
Councillor Powell  
Councillor Mrs Judy Smith  
Councillor Stevens  
Councillor Adam Stokes  
Councillor Mrs Brenda Sumner  
Councillor Wilkins  
Councillor Woolley

The proposition was therefore carried, and the application 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 signing of a legal agreement to secure developer contributions and obligations, and subject also to the conditions, amended conditions and notes set out in the report. 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.

### **183. 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/August 2013.

The Development Management Service Manager drew the attention of Members to the appeal result attached to the report, in relation to the erection of a dwelling adjacent to 3 High Street, Pointon. The appeal had been heard at a public inquiry, and he complimented the officers who had appeared for the District Council, for whom it was their first inquiry. The hard work undertaken both before and at the inquiry had resulted in the dismissal of the appeal and the award of costs to the Council.

#### **184. WIND TURBINES**

The Chairman told the committee that, as authorised at the last meeting he had, together with the Vice-Chairman and Development Management Service Manager, agreed the Committee's views on the applications for submission to Newark and Sherwood District Council and Rutland County Council, and had responded accordingly. The Deeping St James application had been withdrawn, but the information formulated would be kept on file. He thanked the committee for their support and views.

#### **185. CLOSE OF MEETING**

The meeting closed at 2.18pm