

MINUTES

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 29 OCTOBER 2013



COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry
Councillor Michael Cook
Councillor David Higgs
Councillor Reginald Howard
Councillor Mrs Rosemary Kaberry-Brown
Councillor Vic Kerr
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)
Principal Planning Officer (Kevin Cartwright)
Area Planning Officers (Nigel Bryan and Satu Pardivalla).
Systems Support Officer (Gavin Hutchinson)
Committee Support Officer (Malcolm Hall)
Legal and Democratic Service Manager (John Armstrong)

186. 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 King for this meeting only.

187. DISCLOSURE OF INTERESTS

Councillor Woolley asked that it be noted that she was representing the Parish Councils in her ward, in respect of application S13/1869 (NB1), and that she farmed land adjacent to the application site.

Your council working for you

188. MINUTES OF MEETING HELD ON 8 OCTOBER 2013

The minutes of the meeting held on 8th October 2013 were accepted as a correct record of decisions taken, subject to it being recorded that a Member had, during the discussion on the Information Report (minute 183), raised a query on when application S13/0775 – Construction of the Southern Quadrant link road, Grantham, would be considered, and had requested that the application be brought before the next meeting on 29th October.

The Committee noted comments from the Head of Development Services before voting on the approval of the minutes.

189. PLANNING MATTERS

Decision:-

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

NB1

Application ref: S13/1869/FULL

Description: Siting of 2192 ground mounted photovoltaic panels

Location: The Pheasantries, Casewick Lane, Uffington, Stamford

Decision: Deferred

(1.08pm – Councillor Morgan entered the meeting).

Noting comments made during the public speaking session from:-

- Councillor Woolley – local representative, on behalf of residents, Barholm and Stowe Parish Meeting and Uffington Parish Council
- Clare Harness - agent

together with observations from Uffington Parish Council (in full), no objection from Tallington Parish Council, Planning Policy, the Highway Authority and Environment Agency, comments from Heritage Lincolnshire and representations from local residents; late information report circulated to Members before the meeting, including a note of no objection from Barholm and Stowe Parish Meeting, comments from the Conservation Officer in regard to the lack of information necessary to determine the effect on nearby heritage assets and the Conservation Area at Casewick and officer comment thereon, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that further consideration of the application be deferred, pending a visit to an existing installation of a similar size.

On being put to the vote, the proposition was agreed.

(1.15pm – Councillor Ashberry entered the meeting)

NB2

Application ref: S13/2315/FULL

Description: Renewal of extant permission S09/2662 (redevelopment of site to create nine dwellings & two shop units)

Location: 40/40A, St. Pauls Street, Stamford

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

Noting comments made during the public speaking session from:-

- David Shaw - agent

together with no objection from Planning Policy, the Highway Authority or Stamford Town Council, comments from Environmental Protection and Heritage Lincolnshire, an objection from Stamford Civic Society, a copy of the original committee report reproduced in full within the current report and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved, with authority delegated to the Head of Development Services 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 a developer contribution in regard to a Traffic Regulation Order, and subject to the conditions and notes set out in the report. 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 Head of Development Services 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.

SP1

Application ref: S13/1640/FULL

Description: Demolition of existing factory units and erection of 4 two bed terraced houses and a three storey office development

Location: 38, East Street, Grantham

Decision: Deferred

Noting no objection from the Highway Authority, comments from Environmental Health, Principal Conservation Officer, District Archaeologist and Planning Policy, representations from nearby residents,; late information report circulated to Members prior to the meeting including information (including a plan) in regard to a revised car parking plan, report of site inspection and comments made by Members at the meeting.

The Development Management Service Manager advised Members that, as the consultation period in respect of the revised plans would not expire until 6th November, any decision to approve should be delegated to himself in consultation with the Chairman and Vice Chairman.

It was proposed and seconded that the application be approved, with authority delegated as mentioned above, after the 6th November.

Members expressed concern at the proposal, and that a decision was being proposed without any final comments made by the 6th November being before the committee. The Legal and Democratic Service Manager said that if there were any adverse observations as a result of the consultation they would be reported back to the committee. The Chairman also gave an assurance in this regard.

The proposition to approve was then put to the vote and was lost.

It was then proposed that further consideration be deferred until after the closing date for comments of the 6th November and for further information on car parking. This proposition did not receive a seconder.

It was then proposed and seconded that the application be refused on the grounds of highway concerns, particularly in regard to the inadequate parking for the proposed offices, and on the poor design of the buildings leading to these concerns.

The Head of Development Services pointed out that the reasons given could not be substantiated on the basis of the Highway Authority advice, which was no objection. The Legal and Democratic Service Manager advised Members of the importance of formulating reasons which could be substantiated and which

were reasonable in all circumstances. In the event that the proposal was proceeded with, it would be necessary to go through the “cooling off” period, as the proposal was in direct conflict with the recommendation to approve.

The Development Management Service Manager commented on the proposal and reminded Members that in terms of the design, views had been sought through the consultation process and the Conservation Officer had been consulted. It would be necessary to consider whether the design was so poor that it should be refused, and his view was that it was acceptable. He did not therefore support the reasons given for refusal.

The Chairman then reminded Members of the procedure in these circumstances, which was that if the proposal was carried, any Member supporting it would be required to submit the detailed reasons for refusal to the Development Management Service Manager within 5 working days. The vote today, and any subsequent vote, would be recorded, and on this first vote Members would be voting that they were minded to refuse.

A recorded vote was then taken as follows:-

For	Against	Abstain
Councillor Mrs Kaberry-Brown	Councillor Ashberry	Councillor Woolley
Councillor Morgan	Councillor Cook	
Councillor Powell	Councillor Higgs	
Councillor Stevens	Councillor Howard	
	Councillor Vic Kerr	
	Councillor Parkin	
	Councillor Jacky Smith	
	Councillor Mrs Judy Smith	
	Councillor Adam Stokes	
	Councillor Mrs Sumner	
	Councillor Wilkins	

The proposition was lost.

It was then proposed and seconded that the application be deferred back to the committee for the following reasons:-

- Consultation with the Fire Brigade
- A plan showing a scale model of a car using a car parking/turning space
- Clarity on the use of the proposed offices
- Details of how vehicles will enter and exit the site
- A full report from the Highway Authority
- A further site inspection (particularly for those Members who were unable to attend the previous visit).

A brief discussion took place, during which the Chairman clarified the proposal. The Head of Development Services pointed out that the Fire Brigade was not a statutory consultee, although they did receive a copy of the weekly list with an opportunity to comment on any application.

On being put to the vote the proposal was approved, and the application deferred for the above reasons.

(The meeting adjourned from 3.05pm to 3.25pm).

(Councillor Jacky Smith did not return to the meeting on its resumption).

KJC1

Application ref:	S10/1805/FULL
Description:	Residential Development for the creation of nine flats including demolition of the existing building
Location:	20b, Swinegate, Grantham
Decision:	Approved, subject to the completion of a Section 106 agreement

Noting comments (in full) from the Conservation Officer, Community Archaeology, Partnerships and Projects Officer (Affordable Housing) and the Highway Authority, an objection from a neighbouring resident and supporting information from the applicant; late information report circulated to Members before the meeting including confirmation from the applicants that they will enter into a Section 106 agreement in regard to disposal of the site in the short term, comments from Councillor King in relation to a proposed wording for a clause to be inserted in the Section 106 agreement, and officer comment thereon, and comments made by Members at the meeting.

Also included within the report was an addendum including a development appraisal (by external consultants), supporting information from the applicants and representations from a neighbouring resident.

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 include the intention of the wording proposed in the late information report, and subject to the 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.

AH1

Application ref: S13/2104/FULL

Description: Erection of 3 no two storey dwellings and 1 no bungalow with associated parking facilities following demolition of existing garages

Location: r/o 10, Glen Crescent, Stamford

Decision: Approved

Noting no objection from the Highway Authority, Property and Facilities or Lincolnshire Police, comments from Environmental Health and the Heritage Trust of Lincolnshire and representations from nearby residents in regard to the original and revised plans; late information report circulated to Members before the meeting including comments from Stamford Town Council and officer comment, 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 also 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. Unless otherwise required by another condition of this permission the development shall be undertaken in strict accordance with the details shown on the following approved drawing numbers :-

Drawing No. 1807/1/P01C received on 6 September 2013

Drawing No. 1807/1/P02E received on 9 October 2013

Drawing No. 1807/1/P03A received on 16 August 2013

Drawing No. 1807/1/P05 received on 26 July 2013

Drawing No. 1807/1/D02 received on 4 October 2013

3. No development shall commence on the site until a schedule of materials to be used to the external elevations of the proposed development are submitted to and approved in writing by the Local

Planning Authority. The development shall be undertaken in accordance with the approved details.

4. Notwithstanding the details shown on the submitted plans no development shall be commenced on the site until details of hard and soft landscape works, together with a programme of implementation, has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in accordance with the approved details and the approved programme of implementation. Any trees that die, are removed or become seriously damaged or diseased within a period of five years from the date of the completion of the scheme shall be replaced in the next available planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
5. No development shall commence on the site until a plan(s) indicating the precise positions, design, materials (including finishes) and type of boundary treatments (including plot boundaries) to be erected, together with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. The scheme should also identify any existing boundary treatments to be retained to serve the development and shall provide for fencing (or another means of enclosure) to a minimum height of 1.8 metres above ground level to the western and northern boundaries of the site. The scheme shall be implemented in strict accordance with the agreed details.
6. No development shall commence on the site before the detailed design of the arrangements for foul water drainage and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented in strict accordance with the agreed details and no dwelling shall be occupied before it is first connected to the agreed drainage system(s).
7. No development shall commence on the site until a scheme for the provision of protective fencing to be erected alongside the footpath access to the grounds of the St Georges Church of England Primary School during the duration of the construction works for the development has been submitted to and approved in writing by the Local Planning Authority. The protective fencing scheme shall be erected in accordance with the approved details prior to construction works commencing at the site and shall be retained in situ at all times until the development is completed.
8. No development shall commence on the site until details of any street lighting/lighting to be provided on the development site are submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

9. No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing by the Local Planning Authority:

(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land;

(b) A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and

(c) A detailed scheme for remedial works (should such works be required) and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person(s) to oversee the implementation of the works.

10. The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall be submitted by the agreed competent person(s) and identify that approved remedial works have been implemented. The report shall include, unless agreed in writing:

(a) A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;

(b) As built drawings of the implemented scheme;

(c) Photographs of the remediation works in progress; and

(d) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

11. No development shall commence on the site until details of a scheme for the provision of 4 No. bat roosts and 4 No. bird boxes within the development site are submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

12. The approved arrangements for the turning/manoeuvring of vehicles as shown on Drawing No. 1807/1/P02 E shall be provided before any

dwelling is first occupied and shall thereafter be retained as being available for the turning/manoeuvring of vehicles at all times.

13. The approved parking facilities to each dwelling shown on Drawing No. 1807/1/P02 E shall be provided before the relevant dwelling(s) is first occupied and shall thereafter be retained as being available for the parking of vehicles at all times.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no first floor window unit(s) shall be installed to the northern side elevation of Dwelling Unit 2 (as identified on Drawing No. 1807/1/P02 E) without Planning Permission having been first obtained from the Local Planning Authority.

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.
2. The County Highway Authority advises that prior to occupation a Section 278 Agreement (Minor works) should be entered into with Lincolnshire County Council; as the local highway authority; to replace the kerbs at the access and install a pedestrian crossing point as shown on approved Drawing no. 1807/1/P02E.

NB3

Description: S13/1712/FULL

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

Location: 1A, Castlegate, Castle Bytham, Grantham

Decision: Refused

Noting no objection from the Principal Conservation Officer, Environment Agency or Highway Authority, comments from the Tree Officer, Lincolnshire Heritage and English Heritage, an objection from the Parish Council and a number of objections from nearby residents and comments made by Members at the meeting.

In addition to the main report, as circulated to the meeting on 24th September, Members had before them further information, including the reasons submitted by some Members who supported the decision at the meeting that they were

mind to refuse. The Development Management Service Manager confirmed that he remained unable to support the decision for the reasons submitted by Members. A reason for refusal, based on those reasons submitted by Members, was also included in the report.

It was proposed and seconded that the application be refused for the reason set out in the report on page 61.

Members were reminded that in accordance with the provisions of the Constitution this second vote, on the proposition to refuse, would be recorded.

A recorded vote was then taken as follows:-

For	Against	Abstain
Councillor Ashberry	None	Councillor Parkin
Councillor Cook		Councillor Adam Stokes
Councillor Higgs		Councillor Woolley
Councillor Howard		
Councillor Mrs Kaberry-Brown		
Councillor Vic Kerr		
Councillor Morgan		
Councillor Powell		
Councillor Mrs Judy Smith		
Councillors Stevens		
Councillor Mrs Sumner		
Councillor Wilkins		

The proposition was carried, and the application refused for the following reason:-

The proposed replacement dwelling would, by virtue of height, mass and design, neither enhance nor preserve the character or appearance of the conservation area as well as being harmful to the setting of the adjacent listed building and Scheduled Ancient Monument. The application is, therefore, contrary to Policy EN1 of the South Kesteven Core Strategy and guidance contained in the National Planning Policy Framework.

The following application was considered as a matter of urgency, with the consent of the Chairman. Details of the application, in the usual style, had been circulated to Members before the meeting.

PWM1

Application ref: S13/2103/FULL

Description: Demolition of existing dwelling and outbuildings and erection of block of 4 2 bed flats

Location: 15 Sandon Road, Grantham

Decision: Approved

Noting no objection from Planning Policy, the Highway Authority, Lincolnshire Police or Natural England and comments from the Principal Conservation Officer, Consultant Arboriculturalist, Environmental Protection or Heritage Trust of Lincolnshire, report of site inspection and comments made by Members at the meeting.

The Development Management Service Manager advised that since the report had been produced it had been suggested that a condition in regard to the provision of bat and bird boxes, and two conditions in relation to the protection of the trees on the site during construction should be included.

During discussion, Members commented on potential problems with deliveries during the construction phase, bearing in mind the heavily trafficked nature of the road at certain times of the day. The Development Management Service Manager said that a management/construction plan could be introduced, which would cover Members' concerns. The Chairman suggested a condition which could prohibit deliveries to the site between 8am to 9.30am and 3.30 pm to 5pm, although there could be conflict if the contract had already been let.

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 also 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. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.
3. Before development is commenced on the site, all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth) storage of materials (including soil) vehicular movements or siting of temporary buildings shall be permitted within these protected areas.
4. The arrangements shown on the approved plan Site Layout Plan Dwg. No 1807/2/P02 Rev D received by the local planning authority on 23rd October 2013. for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are occupied.
5. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been

submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include no dig construction for the elements of hard surfacing within the spread of the protected trees.
7. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Floor Plan and Elevations Dwg No. 1807/2/P03 received by the local planning authority on 24th July 2013.

Site Layout Plan Dwg. No 1807/2/P02 Rev D received by the local planning authority on 23rd October 2013.

8. No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing by the Local Planning Authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land;
 - (b) A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and
 - (c) A detailed scheme for remedial works (should such works be required) and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person(s) to oversee the implementation of the works.
9. The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall be submitted by the agreed competent person(s) and identify that approved remedial works have been implemented. The report shall include, unless agreed in writing:
 - (a) A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;

- (b) As built drawings of the implemented scheme;
- (c) Photographs of the remediation works in progress; and
- (d) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

10. Notwithstanding the submitted details, precise details of the proposed pv/solar panels shall be submitted to and approved in writing by the local planning authority. Such details shall include technical specification of the panels, and overall projection beyond the roof plane.

The development shall be undertaken in accordance with the approved details.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) measures to control any vibration or the emission of noise, dust and dirt during demolition and construction
- v) a scheme for recycling/disposing of waste resulting from demolition and construction works
- vi) hours of operation including deliveries and employees entering and leaving the site during the demolition/construction phase. There shall be no deliveries to the site between 0800 and 0930 and 1530 and 1700 hours.

12. No development shall take place until a scheme is submitted to and agreed in writing by the District Planning Authority for the type and location of bat and bird boxes within the site to encourage wildlife development. The agreed scheme shall be implemented prior to the completion of the development.

13. A 'no dig' construction method shall be used for all parts of the driveway, and parking areas that fall within the root protection areas of retained trees. No development shall take place until details of such a construction method have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

In this condition —retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars and shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

14. The development hereby permitted shall be carried out in accordance with the approved Protected Species Survey received by the local planning authority on 9th September 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.

(4.05pm – Councillor Mrs Kaberry-Brown left the meeting).

190. 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/September 2013.

During discussion on the report, a Member again raised the issue of the consideration of application S13/0775 – Southern Quadrant Link Road etc., Grantham, and expressed his displeasure that the application was still not before the committee. He was firmly of the opinion that the applicant should attend at the next meeting to answer any queries on the application.

The Head of Development Services said that the delay had been caused by a statutory requirement to consult on an Environmental Impact Assessment. There were strict rules in regard to the process, set down in law. The consultation period would end on the 8th November, and the application should, therefore, be before the committee on 19th November. If for any reason this did not happen, there would be a report explaining why.

191. CLOSE OF MEETING

The meeting closed at 4.28pm