

MINUTES

DEVELOPMENT MANAGEMENT
COMMITTEE
TUESDAY, 14 NOVEMBER 2017



COMMITTEE MEMBERS PRESENT

Councillor Mike Exton
Councillor Mrs Rosemary Kaberry-Brown
Councillor Michael King
Councillor Charmaine Morgan
Councillor Helen Powell
Councillor Robert Reid
Councillor Nick Robins
Councillor Judy Stevens

Councillor Adam Stokes
Councillor Ian Stokes (Vice-Chairman)
Councillor Brian Sumner
Councillor Mrs Brenda Sumner
Councillor Rosemary Trollope-Bellew
Councillor Martin Wilkins (Chairman)
Councillor Paul Wood

OFFICERS

Planning Operations Lead (Justin Johnson)
Principal Planning Officer (Phil Moore)
Area Planning Officer (Paul Milne)
Assistant Planning Officer (Craig Dickinson)
Legal Advisor (Colin Meadowcroft)
Principal Democracy Officer (Jo Toomey)

OTHER MEMBERS

Councillor Dr Peter Moseley

(In accordance with Article 9.1.9 of the Council's Constitution, Councillor Dr Moseley spoke in connection with application S17/0779)

50. MEMBERSHIP

The Committee was notified that under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, notice had been received appointing: Councillor Trollope-Bellew for Councillor Jacky Smith and Councillor Morgan for Councillor Dilks.

Committee members were also advised that Councillor Wood had been appointed to the Committee as a permanent substitute, taking the seat of the SK Independent Group.

51. DISCLOSURE OF INTERESTS

No interests were disclosed.

52. MINUTES OF THE MEETING HELD ON 17 OCTOBER 2017

The minutes of the meeting held on 17 October 2017 were agreed as a correct record.

53. PLANNING MATTERS

(a) **Application Ref:** S17/1045

Description: Development of land for commercial units (B1, B2 and B8) and associated access road and turning head (outline application with the matter of access included for consideration)

Location: Area of land to the north of Tollemache Road North, Part of the KiNG31 commercial development

Decision:

To grant the application subject to conditions

Noting:

- No objection from Lincolnshire County Council Highways and SUDS Support subject to conditions
- No objection from SKDC's Environmental Protection Team subject to conditions
- No objection from Highways England
- No objection from the Environment Agency subject to conditions
- Comments and a request for the addition of an informative from Anglian Water Services
- Additional information submitted by the applicant, responses from the Environment Agency, SKDC's Environmental Health Team, Lincolnshire County Council as the local lead flood authority, Lincolnshire County Council Highways and Lincolnshire County Council Minerals and Waste, and officer comment on consultee responses
- 2 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- The additional information report issued on 10 November 2017
- Comments made by members at the meeting

It was proposed, seconded and agreed that the application be approved for the summary of reasons set out in the case officer's report and subject also to the following conditions:

Time Limit for Commencement

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the latter.
- 2 Details of the reserved matters set out below shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - i. layout;
 - ii. scale
 - iii. appearance
 - iv. landscaping

Approval of all reserved matters shall have been obtained from the Local Planning Authority in writing before any development is commenced.

Approved Plans

- 3 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - i. 7368-01-00
 - ii. 7368-031-01

Unless otherwise required by another condition of this permission.

- 4 The reserved matters submissions required by condition 2 shall accord with the principles of the submitted "Enterprise Village Design Guide"

Before the Development is Commenced

- 5 When application for reserved matters is submitted, it shall be accompanied by a scheme of noise mitigation which clearly specifies the measures that will be put in place to control noise associated with vehicular movements, processes and activities emanating from the site which is subject the planning permission hereby granted.
- 6 No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of

the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- (a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- (b) Provide attenuation details and discharge rates which shall be restricted to the Greenfield run off rate;
- (c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- (d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

During Building Works

- 7 Before any of the works on the external elevations for the building(s) hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority.
- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Before the Development is Occupied

- 9 The development hereby permitted shall not be occupied or brought into use until a verification report for any required remedial works as identified in Condition 6 has been submitted to and approved in writing by the Local Planning Authority. The report shall be submitted by the agreed competent person 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 Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface and foul water drainage shall have been completed in accordance with the approved details.
- 11 Before any part of the development hereby permitted is occupied/brought into use, the external surfaces shall have been completed in accordance with the approved details.
- 12 The agreed details of noise mitigation scheme shall be implemented before occupation of the buildings and retained as such at all times unless otherwise agreed in writing with the local planning authority.

Ongoing Conditions

- 13 The approved surface water drainage scheme shall be retained and maintained in full in accordance with the approved details.
- 14 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

- 15 Within a period of five years from the first occupation of the final dwelling/unit of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved in condition above unless otherwise agreed by the Local Planning Authority.

(b) **Application Ref:** S17 /1134

Description: Section 73 application to allow for minor material amendment to S14/3097 (increase in number of dwellings from 85 to 87 and amendment to phasing to accommodate self-build plots

Location: The Old Quarry, Station Road, Castle Bytham

Decision:

To grant the application subject to conditions and the completion of a Deed of Variation

Noting comments made during the public speaking session by:

Applicant's Agent Peter Frampton

Together with:

- Comments from Castle Bytham Parish Council
- No objection and comments from Natural England
- No objection and a suggested condition from SKDC's Arboricultural Consultant
- No objection from Lincolnshire County Council Highways and SUDS Support
- No comments from Lincolnshire County Council Education and Cultural Services
- Comments from the Environment Agency
- No objection from SKDC's Environmental Protection Team
- Comments from the Affordable Housing Officer confirming the affordable housing requirement
- An objection and comments from Lincolnshire Fire and Rescue Services
- No comments from the Lincolnshire County Council Footpaths Officer
- No representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Observations from previous visits to the site
- The additional information report issued on 10 November 2017
- Comments made by members at the meeting

It was proposed, seconded and agreed that the application be approved for the reasons listed in the case officer's report and subject to the signing of a Section 106 Deed of Variation and subject to the conditions and notes on pages 26 to 32 of the case officer's report and the amendment to condition 6 as detailed in the additional information report. Provided that if the Deed

of Variation has not been signed within 6 weeks of the date of this meeting and the Service Manager for Development Management and Implementation, after consultation with the Chairman or Vice-Chairman of the Development Control Committee, considers there are no extenuating circumstances which would justify an extension (or further extension) of time, the Service Manager for Development Management and Implementation be authorised to refuse the application.

(c) **Application Ref:** S16/1548

Description: Demolition of existing buildings on site and erection of care home and associated development

Location: F H Gilman Ltd, Uffington Road, Stamford, PE9 2HA

Decision:

To grant the application subject to conditions and completion of a Section 106 Agreement

Noting comments made during the public speaking session by:

Against	Egerton Gilman
Applicant's Agent	Mark Brooker

Together with:

- An objection from Stamford Town Council
- No objection from SKDC's Environmental Protection Services
- No objection from Stamford Civic Society
- No objection from Lincolnshire County Council Highways and SUDS Support subject to a condition
- No objection from the Environment Agency subject to conditions
- No objections from the SKDC Historic Buildings Advisor
- 1 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- The additional information report issued on 10 November 2017
- Additional information circulated to members at the meeting by the member of the public who spoke against the application
- Comments made by members at the meeting

During debate on the application Members expressed specific concerns that no comments had been received from Lincolnshire Fire and Rescue Services. Given the nature of the application, the Committee felt that it was particularly important that their comments be taken into account at an early stage. Some comments were made about whether the development

incorporated sufficient car parking spaces, whether provision had been included for ambulance parking and the potential impact of the development on highways safety and the highways network.

It was proposed, seconded and agreed that the application be approved for the reasons set out in the case officer's report and subject to the conditions set out on pages 44 to 48 of the case officer's report and amended by the additional information report and following further consultation with Lincolnshire Fire and Rescue Services, the incorporation of such additional conditions as are considered necessary to address their concerns, and subject also to prior completion of a Section 106 agreement to secure the requirements specified in paragraph 9 of the officer's report. Provided that if the Section 106 has not been completed within 6 weeks of the date of this meeting and the Service Manager for Development Management and Implementation, after consultation with the Chairman or Vice Chairman of the Development Control Committee, considers there are no extenuating circumstances which would justify an extension (or further extension) of time, the Service Manager for Development Management and Implementation be authorised to refuse the application on the basis that the necessary infrastructure or community contributions essential to make the development acceptable have not been forthcoming.

15:01-15:19 – the meeting adjourned

(d) **Application Ref:** S17/0779

Description: Retrospective change of use from paddock to residential curtilage

Location: Laburnum Lodge, Aveland Way, Aslackby, Lincolnshire, NG34 0HG

Decision:

To refuse the application

Noting comments made during the public speaking session by:

**District Councillor
Against
Applicant's Agent**

Councillor Dr. Peter Moseley
Brian Price
John Sneddon

Together with:

- No comments received from Aslackby Parish Council
- No objection from the SKDC Historic Buildings Advisor
- 12 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents

- Site visit observations
- Comments made by members at the meeting

Whilst a number of Members acknowledged that the garden area had been landscaped very well, there was concern over the extension of a domestic curtilage into open countryside and the possible precedent.

It was proposed, seconded and agreed that the application be refused for the following reason:

The change of use alters the intrinsic character of the area and the setting of the village. The proposal sprawls to the rear of at least seven properties on Aveland Way and Aveland Close which significantly alters the character of the open countryside. The area changed represents a large intrusion into the open countryside which is out of keeping with the character and appearance of the rural area which forms the setting to the village. The proposal is contrary to Policies SP1 and EN1 of the Core Strategy and the NPPF which seek to ensure development is visually acceptable and retains the intrinsic character of the countryside.

16:36 - As the meeting had been in progress for 3 hours, the Chairman asked for Members' consent to continue. Members agreed

(e) **Application Ref:** S17/1422

Description: Removal of existing garage, single storey front and side extension, render to dwelling, replacement roof and gravelled parking area to front

Location: 18 South Road, Bourne, PE10 9JD

Decision:

To refuse the application contrary to officer recommendations

Noting comments made during the public speaking session by:

Against	David Smith Ayla Smith
Applicant's Agent	Chris Lilley

Together with:

- An objection from Bourne Town Council
- Comments of the SKDC Arboricultural Consultant
- 4 representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations

- Additional correspondence from residents in the neighbouring property and a letter submitted by a right of light consultant on their behalf, including officer comment thereon
- Comments made by members at the meeting

16:45 – Councillor Morgan left the meeting and did not return

16:54 – Councillor Adam Stokes left the meeting and did not return

In discussing the application, members raised a number of concerns about the impact of the proposed development on the neighbouring property because Building Research Establishment (BRE) guidance indicated that there was the potential for light to be lost. Members who spoke against the application were particularly mindful that those windows that would be affected by the proposed development were south-facing. While it was noted that the standards set out by the BRE were guidance and not policy, it did indicate the potential for the proposed development to detrimentally impact the neighbouring property's access to daylight. Members were also mindful of the fallback permission in terms of the permitted development rights and the extent to which they could impact on the neighbour. Whilst not a material planning consideration, Members noted that there was civil recourse potentially available to the residents of 16 South Road if they could establish the acquisition of a right to light by prescription.

It was proposed and seconded that the application be refused contrary to officer recommendations because of the adverse impact on the residential amenity of the occupants of 16 South Road, Bourne by loss of light through overshadowing to the windows on the south elevation of their property.

The Service Manager, Development Management and Implementation confirmed that the reason for refusal was acceptable, permitting the Committee to make a decision outright without invoking the cooling-off period in accordance with the Council's Constitution.

On being put to the vote, the application was refused for the reason noted above.

Members were reassured that the Enforcement Officer would be taking action to secure a replacement for a TPO protected tree within the application site that had died. A Tree Replacement Notice would be issued, by dint of which the new tree would be covered by the existing Tree Preservation Order.

54. CLOSE OF MEETING

The meeting was closed at 18:20.