



# MINUTES

## DEVELOPMENT CONTROL COMMITTEE

TUESDAY 4<sup>TH</sup> JULY 2006

2.00 P.M.

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### COMMITTEE MEMBERS PRESENT

Councillor Chivers  
Councillor Exton  
Councillor Fines  
Councillor Howard  
Councillor Mrs Hurst  
Councillor Mrs Jalili  
Councillor Kerr  
Councillor Parkin (in the Chair)

Councillor Pease  
Councillor N Radley  
Councillor Sandall  
Councillor Selby  
Councillor Stokes  
Councillor Turner  
Councillor Wilks

### OFFICERS

Principal Planning Officer  
Senior Planning Officer  
Committee Support Officer  
Legal Executive

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### 701. APOLOGIES

Apologies for absence were received from Councillor Helyar.

### 702. DECLARATIONS OF INTEREST

There were none declared.

### 703. MINUTES

The minutes of the meeting held on 13<sup>th</sup> June 2006 were confirmed as a correct record of decisions taken.

### 704. CONSTITUTIONAL CHANGE

The Chairman advised that as no Member had made any comment with regard to possible amendments either to the Constitution or the Members' Planning Code of Good Practice, the item would be removed from the agenda until comments were received in time for the to be evaluated by the Monitoring Officer.

## 705. PLANNING MATTERS – LIST FOR DEBATE

*Decision:-*

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

### **SU.1**

Application ref: S06/0114/69

Description: Redevelopment of barns and outbuildings to 12 residential units and one retail unit

Location: Land off Bath Row, Stamford

Decision: Approved

Noting comments from the Historic Buildings Advisor with regard to the original and amended proposals, comments from the Highway Authority and Community Archaeologist, no objection from the Environment Agency, comments from English Heritage, no objection from Stamford Town Council and representations from nearby residents, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. This consent relates to the application as amended by drawing nos. 21A, 22A, 23A, 24A, 25A, 26A and 27B received on 31 May 2006.
3. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
4. A sample panel of proposed materials shall be constructed on site and shall be subject to the approval of the District Planning Authority prior to work commencing on site. The panel shall show the proposed method of construction including the type of natural stone and its finish, the mortar mixture and the method of coursing to be used in the development. The approved development shall be constructed in accordance with the sample panel as may be approved, and the panel shall be maintained on site throughout the duration of construction works.
5. Large scale details of all external joinery, to a scale of not less than 1:20, to include cross sections to show cills, lintols, etc., shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development.
6. The arrangements shown on the approved plan 1243/21 dated 9 January 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
7. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning

Authority and no building shall be occupied before it is connected to the agreed drainage system.

8. The finished floor levels of the buildings subject of this application shall be no lower than 22.7mAOD.
9. Before any of the works hereby approved are commenced, the applicant shall arrange for access into the site by a recognised expert in order to undertake a survey to establish whether the site is occupied by bats or barn owls, protected species under the Wildlife and Countryside Act 1981. The results of such a survey shall be submitted to the District Planning Authority and, if it confirms the presence of bats or owls, shall be accompanied by a scheme of mitigation detailing the periods within which the development will be undertaken. Such a scheme as may be approved in writing shall be strictly adhered to during the period in which the development is undertaken.
10. Before the works hereby granted consent are commenced, the type of rainwater goods to be used on existing and proposed buildings shall be agreed with the local planning authority. Only such type of rainwater goods as may be agreed in writing shall be installed on the buildings.
11. Before the development is commenced, there shall be submitted to and approved by the District Planning Authority details of the means of surfacing of the unbuilt portions of the site.
12. Before the works hereby granted consent are commenced the type of rooflights to be used shall be agreed in writing with the local planning authority and only such type as may be agreed in writing shall be installed in the buildings.
13. Before any works of re-pointing to existing stonework is undertaken, the mortar mix to be used shall be agreed in writing with the local planning authority.
14. Any raking out of joints to stonework for re-pointing shall be undertaken using hand tools only.
15. The Collyweston stone slates shall be laid in diminishing courses.
16. Before the works hereby granted consent are commenced, the method of damp proofing the buildings shall be agreed in writing with the local planning authority. Only such method(s) as may be agreed in writing shall be used on the buildings.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No 1 entitled 'Archaeology and Your Development'.
2. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

**SU.2**

Application ref: S06/LB/6539/69

Description: Alteration of listed building

Location: Land Off Bath Row, Stamford

Decision: Approved

Noting comments from the Historic Buildings Advisor on the original and amended proposals, comments from the Community Archaeologist, no objection from the Environment Agency and no objection from Stamford Town Council, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. This consent relates to the application as amended by drawing nos. 21A, 22A, 23A, 24A, 25A, 26A and 27B received on 31 May 2006.
3. A sample panel of proposed materials shall be constructed on site and shall be subject to the approval of the District Planning Authority prior to work commencing on site. The panel shall show the proposed method of construction including the type of natural stone and its finish, the mortar mixture and the method of coursing to be used in the development. The approved development shall be constructed in accordance with the sample panel as may be approved, and the panel shall be maintained on site throughout the duration of construction works.
4. The finished floor levels of the buildings subject of this application shall be no lower than 22.7m AOD.
5. Large scale details of all external joinery, to a scale of not less than 1:20, to include cross sections to show cills, lintols, etc., shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development.
6. Before any of the works hereby approved are commenced, the applicant shall arrange for access into the site by a recognised expert in order to undertake a survey to establish whether the site is occupied by bats or barn owls, protected species under the Wildlife and Countryside Act 1981. The results of such a survey shall be submitted to the District Planning Authority and, if it confirms the presence of bats or owls, shall be accompanied by a scheme of mitigation detailing the periods within which the development will be undertaken. Such a scheme as may be approved in writing shall be strictly adhered to during the period in which the development is undertaken.
7. Before the works hereby granted consent are commenced, the type of rainwater goods to be used on existing and proposed buildings shall be agreed with the local planning authority. Only such type of rainwater goods as may be agreed in writing shall be installed on the buildings.
8. Before the development is commenced, there shall be submitted to and approved by the District Planning Authority details of the means of surfacing of the unbuilt portions of the site.
9. Before the works hereby permitted are commenced the type of rooflights to be used shall be agreed in writing with the local planning authority and only such type as may be agreed in writing shall be installed in the buildings.
10. Before any works of repointing to existing stonework is undertaken, the mortar mix to be used shall be agreed in writing with the local planning authority.
11. Any raking out of joints to stonework for repointing shall be undertaken using hand tools only.
12. The Collyweston stone slates shall be laid in diminishing courses.

13. Before the works hereby granted consent are commenced, the method of damp proofing the buildings shall be agreed in writing with the local planning authority. Only such method(s) as may be agreed in writing shall be used on the buildings.

### **SU.3**

Application ref: S06/0439/69

Description: Residential development (outline)

Location: Land And Premises Of E Bowman & Sons, Cherryholt Road, Stamford

Decision: Deferred

*(2.16pm – Councillor Selby entered the meeting)*

Noting comments made during the public speaking session from:-

Mr M Bagshaw – agent for the applicant

together with comments from the Highway Authority, Head of Planning Policy and Economic Regeneration, Housing Solutions and the Community Archaeologist, an objection from the Environment Agency and no objection from Stamford Town Council, together with representations from a number of nearby residents and detailed submissions in support from the applicants, together with comments from the Amenities Manager, for further information and a report on how the application and loss of business land would fit in with the overall plans for the area.

### **SU.4**

Application ref: S06/0451/56

Description: 11 houses and 6 apartments (Reserved matters)

Location: The Still, Off Rosemary Avenue, Market Deeping

Decision: Deferred

Noting report of site inspection and the submission of an amended plan, comments from the Highway Authority, Community Archaeologist and Housing Solutions together with an objection from Town Council and representations from nearby residents, for negotiations with the applicants regarding the reduction in height of the two and a half storey element down to two storey.

### **NR.1**

Application ref: S06/0441/02

Description: Residential development (5)

Location: Land To R/o The Ermine Way PH, Ermine Street, Ancaster

Decision:                   Deferred

Noting report of site inspection and comments from the Parish Council, Highway Authority, Community Archaeologist, Environment Agency, Asset & Facilities Management and representations from nearby residents, Acting Development Control Services Manager authorised to determine the application, after consultation with the Chairman and Vice Chairman, subject to the receipt of amendments to the Flood Risk Assessments to address the concerns of the Environment Agency and subject also to appropriate conditions, including conditions specifically relating to fencing of the car park to the public house and properties on Water Lane.

**NR.2**

Application ref:       S06/0622/55

Description:               Four dwellings & garage and replacement garage to Farbrooke

Location:               Farbrooke, 17, Main Road, Long Bennington

Decision:               Minded to refuse

*(2.39pm – Councillor Chivers left the meeting)*

*(2.45pm – Councillor Chivers returned to the meeting)*

Noting comments made during the public speaking session from:-

Mr J Bishop, 13 Main Road, Long Bennington – objecting

together with comments from the Parish Council, Highway Authority and Assets and Facilities Management, no objection from the Community Archaeologist representations from nearby residents and submissions in support from the applicants, and a letter from a local resident circulated to members at the meeting.

It was proposed and seconded that the Committee were minded to refuse the application for reasons which were read to the committee by the proposer of the motion, as follows:-

It is considered that the density should be commensurate with the wider pattern of the settlement. Long Bennington is characterised by dwellings set in large plots. The density of this development is greater than that of the surrounding area and, as such, creates a discordant element within the centre of the village contrary to PPG3.

It is also considered that the proposed development creates an adverse impact on the amenities of properties on Vicarage Lane from overlooking and a loss of privacy contrary to policies EN1 and H6 in the South Kesteven Local Plan.

The Committee Support Officer reminded Members of the procedure which must now be followed, and as set out in the Constitution, where the Committee proposed to take a decision against clear advise from the Acting Development Control Services Manager. He reminded members that the Constitution provided for a recorded vote on the first and subsequent hearings of an application in this category.

A recorded vote was then taken as follows:-

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>	<b><u>ABSTAIN</u></b>
Councillor Exton	Nil	Nil
Councillor Fines		
Councillor Howard		
Councillor Mrs Hurst		
Councillor Mrs Jalili		
Councillor Kerr		
Councillor Parkin		
Councillor Pease		
Councillor N Radley		
Councillor Sandall		
Councillor Selby		
Councillor Stokes		
Councillor Turner		
Councillor Wilks		

Councillor Chivers was not eligible to vote as he had not been present throughout the whole of the discussion on this item.

The motion was therefore carried.

The Committee Support Officer then reminded Members that under the terms of the aforementioned amendment to the Constitution those members supporting the decision must, within five days, provide to the Acting Development Control Services Manager the planning reasons for their view and evidence that supports it. All Members voting for the proposal that they were minded to refuse indicated their agreement to the reasons that were read out by the Member proposing the motion. The application would now be placed on the agenda for consideration at the next meeting.

#### **NU.1**

Application ref: S06/0328/35

Description: Change of use to private residential gypsy site

Location: Lazy Acres, Gorse Lane, Grantham

Decision: Refused

Noting comments from the Highway Authority no objection from the Community Archaeologist, representations from nearby residents and Grantham Cricket Club and comments on the relevant legislation, and a recommendation to approve, subject to conditions, from the Acting Development Control Services Manager.

The Acting Development Control Services Manager drew attention to the reasons for refusal which had been submitted by Members who voted against the proposal, as required by the Constitution. He said that in his opinion the report previously circulated to members gave a comprehensive breakdown of the guidance contained in

circular 01/06 and also set out in detail how the current guidance countered each of the original reasons for refusal. Attention was drawn to Section 38 of the Planning and Compulsory Purchase Act 2004 which stated that if to any extent a policy contained in a Development Plan for an area conflicted with another policy in the Development Plan the conflict must be resolved in favour of the policy which is contained in the document to be adopted, approved or published. In this instance, the most recent policy of February 2006 as stated in circular 01/06 must be used as the basis for the determination of the application. It was his opinion that none of the comments received from Councillors addressed this and it remained his view that the current circular must form the basis on which the application was to be determined, and not the out dated guidance offered in circulars 01/94, 18/94. The recommendation was still to approve.

The Committee Support Officer sought and received confirmation that Councillor Stokes, Sandall and Turner concurred with, as did other members, the reasons set out in the report from Councillor Wilks.

The Committee Support Officer then reminded Members that under the terms of the Constitution, having indicated that they were minded to refuse the application, and having submitting reasons for this and considered the comments of the Development Control Services Manager thereon, they could now proceed, if they wished, to formally refuse the application although this must be by a recorded vote.

It was formally proposed and seconded that the application be refused for the following reason:-

It is considered that this development would result in consolidation of an isolated group of dwellings. There are no public transport links and thus there will be reliance upon private motor vehicles. Representations made at previous appeal hearing indicate that there is not a peaceful and integrated coexistence between the site and the local communities. It is considered that the development is contrary to the local plan policies H13 and H10 and the previous appeal decision, and circular 1/06 does not outweigh these policies.

Those voting for or against the proposal are recorded below:-

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>	<b><u>ABSTAIN</u></b>
Councillor Fines	Councillor Selby	Councillor Exton
Councillor Howard		Councillor Parkin
Councillor Mrs Jalili		Councillor N Radley
Councillor Kerr		
Councillor Sandall		
Councillor Stokes		
Councillor Turner		
Councillor Wilks		

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

It is considered that this development would result in consolidation of an isolated group of dwellings. There are no public transport links and thus there will be reliance upon private motor vehicles. Representations made at previous

appeal hearing indicate that there is not a peaceful and integrated coexistence between the site and the local communities. It is considered that the development is contrary to the local plan policies H13 and H10 and the previous appeal decision, and circular 1/06 does not outweigh these policies.

(3.25pm – Councillor Pease left the meeting)

(3.30 pm – Councillor Pease returned to the meeting)

**NU.2**

Application ref: S06/0576/54

Description: Three retail units & six flats

Location: Land Adj. Lytham Close, Sunningdale, Grantham

Decision: Minded to refuse

Noting comments from the Parish Council, Highway Authority and Arboriculturist, numerous representations from local residents and submissions in support from the applicants.

It was proposed and seconded that the committee was minded to refuse the application.

The Committee Support Officer reminded Members of the procedure which now must be followed, and as set out in the Constitution, where the committee proposed to take a decision against clear advice from the Acting Development Control Services Manager. He reminded members that the Constitution provided for a recorded vote on the first and subsequent hearings of an application in this category.

A record vote was taken on the proposal, as follows:-

**FOR**

Councillor Chivers

Councillor Exton

Councillor Fines

Councillor Howard

Councillor Mrs Hurst

Councillor Mrs Jalili

Councillor Kerr

Councillor Sandall

Councillor Stokes

Councillor Turner

Councillor Wilks

**AGAINST**

Councillor Parkin

**ABSTAIN**

Councillor N Radley

Councillor Selby

The motion was therefore carried.

The Committee Support Officer then reminded Members that under the term of the aforementioned amendment to the Constitution, those members supporting the decision must, within five days, provide to the Acting Developing Control Services

Manager the planning reasons for their view and the evidence that supports it. The application will then be placed on the agenda for consideration at the next meeting.

**NU.3**

Application ref: S06/0642/54

Description: Retail unit

Location: Junction Of Lytham Close & Sunningdale, Grantham

Decision: Approved

Noting comments from the Parish Council, Highway Authority and Arboriculturist, representations from local residents and submissions in support from the applicants, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.
3. The arrangements shown on the approved plan 1276-101A dated 10 May 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
4. Prior to the commencement of construction of any building(s) or commencement of the use, the vehicular access to Sunndingdale shall be improved in accordance with drawing number 1276-101A dated 10 May 2006.
5. This consent relates to the application as amended by letter and details received on 10 May 2006, unless otherwise agreed in writing by the local planning authority.
6. The finished floor levels for the building hereby permitted shall be as per the sectional level detail shown on drawing no. 1276-102, and shall not be varied without the written consent of the local planning authority.
7. the premises shall only be used for retail purposes between the hours of 0730 and 2200 Monday to Saturday and 0830 and 2100 on Sundays or Public Holidays unless the prior written consent to any variation is given by the local planning authority.
8. There shall be no deliveries to or from the premises outside the hours of 0700 and 2200 on any day of the week without the prior written consent of the planning authority.
9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.

10. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

Note(s) to Applicant

1. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) for appropriate specification and construction information.
2. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

**705. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY**

The Acting Development Control Services Manager submitted his report PLA593 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 appeals and newly submitted received during June 2006.

**706. PLANNING PANEL/SITE VISTS**

The Chairman asked for and received an indication of the following Members who wished to serve on the Planning Panel:-

Councillor Mrs Hurst  
Councillor Mrs Jalili  
Councillor Kerr  
Councillor Howard  
Councillor Wilks  
Councillor Exton  
Councillor Chivers  
Councillor Turner  
Councillor Pease

The Chairman asked for Members to indicate if they did not wish to serve on the Site Visit Group for the ensuing year. The only Member who so indicated was Councillor Selby. The Committee Support Officer indicated that he would arrange for appropriate replacements to be appointed.

**707. CLOSE OF MEETING**

The meeting closed at 3.37pm