



MINUTES

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 3 OCTOBER 2006

2.06 PM

COMMITTEE MEMBERS PRESENT

Councillor George Chivers
Councillor Mike Exton
Councillor Brian Fines (Vice-Chairman)
Councillor Reginald Howard
Councillor Mrs Maureen Jalili
Councillor Albert Victor Kerr
Councillor Alan Parkin (Chairman)

Councillor Stanley Pease
Councillor Norman Radley
Councillor Bob Sandall
Councillor Ian Selby
Councillor Ian Stokes
Councillor Frank Turner

OFFICERS

Principal Planning Officer
Senior Planning Officer
Area Planning Officers (3)
Committee Support Officer
Legal Executive

OTHER MEMBERS

Councillor Elizabeth Channell
Councillor John Smith
Councillor John Wilks

In accordance with Council procedure rule 24. 5, Councillor Channell spoke in connection with application SR1.

732. APOLOGIES

Apologies for absence were received from Councillors Helyar, Mrs Hurst and Mrs Percival.

733. DECLARATIONS OF INTEREST

The following interests were noted:-

Councillor Parkin - personal interest in application NR4, under the Members' Code of Conduct, and further under the Probity in Planning Code of Guidance, to avoid the impression of predetermination or bias towards the application in view of the fact that he knew the site owner's mother.

Councillor Wilks - personal interest in application NR2, under the Members' Code of Conduct, and further under the Probity in Planning Code of Guidance, to avoid the impression of predetermination or bias towards the application in view of his position as Clerk to Stoke Rochford and Easton Parish Council.

Councillor N Radley - personal and prejudicial interest in application NR1,

under the Members' Code of Conduct, and further under the Probit in Planning Code of Guidance, to avoid the impression of predetermination or bias towards the application, in view of his acquaintanceship with the applicant.

734. MINUTES OF MEETING HELD ON 12TH SEPTEMBER 2006

The minutes of the meeting held on 12th September 2006 were confirmed as a correct record of decisions taken.

735. PLANNING MATTERS - STRAIGHTFORWARD LIST

Decision:-

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

SF.1

Application ref: S06/1124/35

Description: Single storey side and rear extension

Location: 44, Stephenson Avenue, Grantham

Decision: Approved

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. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Note(s) to Applicant

1. 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.

SF.2

Application ref: S06/LB/6657/65

Description: Amendments to application SK94/LB/4380 for conversion of stable to dwelling

Location: The Manor House, Chapel Hill, Ropsley

Decision: Approved

Subject to the following condition:-

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Note(s) to Applicant

1. 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.

736. PLANNING MATTER - LIST FOR DEBATE

Decision:-

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

SR.1

Application ref: S06/0779/17

Description: Demolition of existing bridge and formation of new embankments and re-profiling of carriageway

Location: Redundant Railway Bridge (EBO/3), Carlby Road, Carlby

Decision: Approved

Noting comments from the Highway Authority, representations from nearby residents, Greatford Parish Council and the Lincolnshire Wildlife Trust, submissions in support from the applicants and further representations from Braceborough and Wilsthorpe Parish Council together with additional information in relation to the structural condition of the bridge and its life expectancy, submitted by the agents, together with comments from the Conservation Officer on the historic interest of the bridge.

In an addendum to the main report it was noted that the Members who had voted for a refusal at the last meeting had submitted their suggested reasons for refusal. The Officers' comments were that the proposal was sensitive to the existing landscape and the bridge did not constitute an important feature in that landscape. It was considered that the proposal was not, therefore, contrary to policies EN1 and EN3 of the Local Plan as had been suggested by the Members voting for refusal. The recommendation therefore remained that the development be approved subject to the conditions previously stated.

It was proposed and seconded that the application be refused on the same grounds as at the previous meeting. Following a general discussion, and on a suggestion from the Legal Executive, it was proposed and seconded

that:-

IN ACCORDANCE WITH 100A OF THE LOCAL GOVERNMENT ACT 1972, IT IS PROPOSED THAT THE PUBLIC BE EXCLUDED BECAUSE OF THE LIKELIHOOD, IN VIEW OF THE NATURE OF BUSINESS TO BE TRANSACTED, THAT IF MEMBERS OF THE PUBLIC WERE PRESENT THERE WOULD BE DISCLOSURE TO THEM OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 5 OF PART 1 OF SCHEDULE 12A OF THE ACT.

(2.29pm - the public left the meeting)

With the public excluded the Legal Executive gave certain legal advice in relation to the considerations which the Committee must have in mind before reaching a decision, the Committee Administrator also gave advice.

(2.39pm - the public were readmitted to the meeting)

The mover of the motion to refuse then stated that he withdrew his proposal in the light of the legal advice which had been given. It was then proposed and seconded that the application be approved, as it was in accordance with national and local policies as set out in Planning Policy Guidance Note PPG13 (transport) and policies EN1 and EN3 of the South Kesteven Local Plan, and as there are no material considerations that indicate against the proposal, 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 Prior to the commencement of the approved development the works to the public highway in conjunction with the re-profiling of the carriageway shall be agreed and certified by the local planning authority.

Note(s) to Applicant

Works shall commence on site until a Section 278 Agreement under the Highways Act 1980, has been entered into with the local highway authority (Lincolnshire County Council) for the highway improvement works in conjunction with the road re-profiling.

SU.1

Application ref: S06/0514/69

Description: Residential development

Location: Former Quarry Farm Brickworks, Little Casterton Road, Stamford

Decision: Approved

Noting report of site inspection, comments from the Highway Authority, Environment Agency, Housing Solutions, Leisure and Cultural Services, The East Midlands Regional Assembly, The East Midlands Development Agency

(in support), Community Archaeologist, Lincs Police Architectural Liaison Officer, an objection from Stamford Town Council, no objection from English Nature, comments from Rutland County Council, numerous representations from nearby residents and local organisations, including a petition, further representations from local residents and the Town Council and further comments from the Highway Authority, together with the submission of amended plans by the developer and comments made by members at the meeting.

It was proposed and seconded that the proposal be approved as it is considered to conform to both National Planning Guidance and the current Development Plan, and to form an acceptable development, subject to the following conditions:-

1. This consent relates to the application as amended by drawing nos. 6412/005 Rev H, 6412/009 Rev C, 6412.010 Rev, 6412/011 Rev B, 6412/012 Rev C and 6412/013 Rev B received on 25 August 2006.
2. 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.
3. No dwellings (or other development as specified) shall be commenced before the first 60 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing 6412/005 Rev H received on 25 August 2006 has been completed.
4. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.
5. Prior to any works commencing on site, a written report demonstrating that the proposed measures to remediate identified land contamination have been successful should be submitted and approved in writing by the local planning authority.
6. Development shall proceed fully in accordance with the mitigation measures (e.g. finished floor levels) set out in the approved Flood Risk Assessment, and the applicant shall confirm completion of the approved scheme within one month thereafter.

Note(s) to Applicant

1. 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.

Application ref: S06/0851/12

Description: Residential development (121 dwellings)

Location: Wherry Lane, Off South Road, Bourne

Decision: Deferred

Noting an objection from Bourne Town Council request to refuse from the Highway Authority, comments from the Environment Agency, Lincolnshire County Council Footpaths, The Ramblers Association, Lincolnshire Police, Lincolnshire County Council Education, no objection from English Nature, comments from Lincolnshire Wildlife Trust, East Midlands Development Agency, East Midlands Regional Assembly and representations from nearby residents, together with detailed submission in support from the applicants, comments from Amenities Manager and Bourne United Charities, further comments from Lincolnshire County Council Highways and the Community Archaeologist, a letter in support from Solicitors on behalf of the site owners and a letter from the Head Master of the neighbouring Grammar School.

The Legal Executive advised that the previous refusal on the same site was now at appeal, following the decision to refuse on highway grounds. If Members wished to approve this application there would be need to distinguish the approval from the previous refusal, and the previous site history must be born in mind. Advice from the Principal Planning Officer that English Heritage had not been consulted on the application initially, but had been now, was also noted.

It was proposed and seconded that the application be refused. On being put to the vote the proposition was lost. It was then proposed and seconded about the application be approved. On being put to the vote this proposition was also lost. It was then proposed, seconded and agreed that further consideration of the application be deferred pending receipt of the formal observations of English Heritage.

SU.3

Application ref: S06/0937/69

Description: Construction of five town houses, two maisonettes and one flat

Location: 6-16, New Town, Water Street, Stamford

Decision: Deferred

Noting comments made during the public speaking session from:-

Karyl Rey, 1 Welland Mews, Stamford – objecting

together with no objection from Stamford Town Council or Network Rail,

comments from the Highway Authority, Community Archaeologist and local residents, for a site inspection to establish the likely effect of the proposal on the existing nearby development.

(3.20pm – Councillor N Radley left the meeting, having declared an interest)

NR.1

Application ref: S06/0482/47

Description: Conversion of stables to two dwellings

Location: Little Scotland Farm, Scotland Lane, Ingoldsby

Decision: Approved

Noting report of site inspection, comments from the Highway Authority and the Community Archaeologist, letters of objection in respect of the original and amended schemes, detailed submissions from the applicants' agent in support of the application (circulated as an appendix), a detailed note of the precedent of previous decisions and a note of the policy considerations, together with a letter from the Government Office for the East Midlands informing the Council that the matter will not be called in for determination by the Secretary of State.

The Chairman reported that the site visit group had felt that the proposal was acceptable and was good use for the redundant stables, noting also that the modern portal frame agricultural lean-to would be removed.

It was proposed and seconded that, as the proposed development is distinguished from the previous refusal because of the nature of the development and that material issues have been addressed through the interim housing policy, and it is concluded that the proposal accords with the criteria of the interim housing policy and policy EN3, it be approved 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. The development shall not be commenced until the works required by Lincolnshire County Council Highways within the highway have been completed.
3. The development shall accord with details stated in a letter from Mr M Powderly dated 14 August 2006 in respect of noise mitigation measures.
4. Notwithstanding submitted details, 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.

5. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, The Proposed Layout received 12 June 2006, and retained for that use thereafter.
6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no development relating to Class A of Part 1 of Schedule 2 (construction of extensions) shall be undertaken without the prior written approval of the Local Planning Authority.
7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed.
8. This consent relates to the application as amended by amended plans received on 12 June 2006.
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. All materials to external elevations shall be made good using matching and where available original materials.
11. 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.
12. 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.

Note(s) to Applicant

1. 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.

(The meeting adjourned from 3.25pm to 3.45pm)

NR.2

Application ref: S06/0882/22, 29

Description: Change of use of disused railway line between Woolsthorpe & Burton Road Ind Estate to cycle path & sculpture trail

Location: Former Railway Land, Colsterworth

Decision: Deferred

Noting comments made during the public speaking session from:-

Mr R D Skelton – Chairman of Stoke Rochford and Easton Parish Council – objecting

Mr J Morgan-Smith – on behalf of the Trustees of the Easton Estate – objecting

Mr G Bishop – on behalf of Andrew Skelton (farmer on either side of the line) – objecting

Mr P Key – 15 Ingle Court, Woolsthorpe by Colsterworth (and on behalf of other residents of Ingle Court) – objecting

Mr R Rose – 4 Ingle Court, Woolsthorpe by Colsterworth (and on behalf of Miss S Branston and other residents of Ingle Court) – objecting

together with comments from the Highway Authority, no objection from Community Archaeologist, an objection from Stoke Rochford and Easton Parish Council, comments from the Lincolnshire Wildlife Trust and the SKDC Senior Projects Officer, representations from and on behalf of nearby residents and landowners, for a site inspection to view the site and its relationship to nearby residential properties and to assess the likely effect on agricultural land crossed by the proposed path.

(4.12pm – Councillor Wilks left the meeting)

NR.3

Application ref: S06/0909/21

Description: Demolition of existing dwelling and construction of 24 starter homes

Location: 24, Doddington Lane, Claypole

Decision: Approved

Noting comments made during the public speaking session from:-

Dr. D Mile, 20 Doddington Lane, Claypole – objecting

together with comments from the Parish Council and Highway Authority, representations from nearby residents and no objection from the Upper Witham Internal Drainage Board, together with a further letter in support from the applicants, and the submission of the amended plans to address the conditions of the outline planning permission regarding access and site layout, together with comments from Assets and Facilities Management, Claypole Parish Council and nearby residents thereon, and comments made by members at the meeting.

It was proposed and seconded that the proposal be approved, as it was in accordance with National and Local policies as set out in Planning Policy Guidance Notes 3 and Policies H6, H9 and EN1 of the South Kesteven Local Plan, noting that the issues relating to the impact on infra-structure, noise, traffic generation, visual impact, highway safety, and density of development are material considerations but, subject to the conditions below, are not sufficient to indicate against the proposal and to outweigh the policies referred to above:-

1. Before the development is brought into use, the private driveway shall be provided with lighting (to a minimum level of BS 1549) in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
2. The first floor window in the north elevation of Plot 1 shall be non-opening and fitted with obscure glazing in perpetuity. No variation shall be made to this window without the written consent of the local planning authority.
3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no windows/dormer windows or roof lights (other than those expressly authorised by this permission) shall be constructed within plots 1 to 6.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no buildings, outbuildings, extensions, conservatories, garages, garden structures or other such developments shall be erected on the land without the express permission of the District Planning Authority.
5. 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.
6. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels

in accordance with details to be submitted to and approved by the Local Planning Authority.

7. The arrangements shown on the approved plan 1205.A.2.A dated 24 July 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
8. This consent relates to the application as amended by cross sectional elevations through the site as received on 6 July 2006 and elevational and layout details received on 10 July 2006.

Note(s) to Applicant

1. Your attention is drawn to the conditions imposed on the outline planning permission S04/1829/21, and subsequent applications to vary those conditions as approved under applications S05/0893/21 and S06/0347/21, which remain relevant in this instance.

(4.31pm – Councillor Howard left the meeting)

NR.4

Application ref: S06/1003/55

Description: Residential development (14)

Location: 29, Great North Road, Long Bennington

Decision: Approved

Noting comments made during the public speaking sessions from:-

Mr P Mills – objecting

Mr Hay – objecting

Clive Wicks – agent for the applicants

together with submissions in support from the applicant, comments from the Highway Authority and Community Archaeologist, no objection from the Environment Agency, comments from Assets and Facilities Management, an objection from the Parish Council and local residents, and comments made by members at the meeting.

It was proposed and seconded that, as the proposal was in accordance with National and Local policies as set out in Planning Policy Guidance Notes PPG3 and EN1, H6 and H5.36 of the South Kesteven Local Plan, and that the issues relating to the impact on infra-structure, noise and disturbance, traffic generation, visual impact, highway safety, density of development, loss of privacy and loss of sunlight/daylight/overshadowing are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above, it be approved 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. The roofing and facing materials to be used in the development hereby permitted shall be in accordance with the submitted materials schedule received by the local planning authority on 17 July 2006 unless otherwise agreed in writing by the local planning authority.
3. This permission shall be read in conjunction with the submitted application and the amended plans (Drawing No. 6155/01 Rev B, 61655/07 Rev A and 61655/11) received by the local planning authority from the applicants agent on 15 September 2006 unless otherwise agreed in writing by the local planning authority.
4. 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.
5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed unless otherwise agreed in writing by the local planning authority.
6. 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.
7. Before the development is commenced there shall be submitted to and approved by the District Planning Authority details (including cross-sections) of the relative heights of existing and proposed ground levels of the site and existing adjoining development and roads.
8. All planting, seeding or turning comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees, shrubs or plants which within a period of 5 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 local planning authority gives written approval to any variation.

Note(s) to Applicant

1. The comments of the Environment Agency have been sent direct to the applicant/agent.
2. This permission shall not be construed as granting rights to development on, under or over land not in the control of the

applicant.

3. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

(Councillor Parkin asked that under Council Procedure Rule 16.5, his abstention from voting be recorded).

737. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITIES.

The Acting Development Control Services Manager submitted his report PLA616 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 outstanding together with newly submitted appeals and decisions received during August.

(4.51pm – Councillors Stokes, Selby and Turner left the meeting.)

738. START TIME OF MEETINGS

Members briefly discussed altering the start time of meetings of the Committee, and it was agreed that the Chairman would arrange the start time, following discussion with the Officers, when the number of items on the committee was known.

739. CLOSE OF MEETING

The meeting closed at 4.52pm