



# MINUTES

## DEVELOPMENT CONTROL COMMITTEE

### TUESDAY, 24 OCTOBER 2006

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#### COMMITTEE MEMBERS PRESENT

Councillor Chivers  
Councillor Fines  
Councillor Exton  
Councillor Helyar  
Councillor Howard  
Councillor Mrs Hurst  
Councillor Kerr

Councillor Parkin (in the Chair)  
Councillor Pease  
Councillor N. Radley  
Councillor Selby  
Councillor Stokes  
Councillor Turner

#### OFFICERS

Principal Planning Officer  
Senior Planning Officer  
Area Planning Officers (3)  
Committee Support Officer  
Legal Executive  
Business Manager – Development and  
Building Control

#### OTHER MEMBERS

Councillor G. Taylor

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*Before commencing the business of the meeting, the Chairman referred, with regret, to the recent death of Councillor John Wilks, who had been a member of the Committee for a number of years, and its Vice-Chairman. Those present stood in silent tribute.*

#### 740. APOLOGIES

Apologies for absence were received from Councillors Mrs. Jalili and Sandall.

#### 741. DECLARATIONS OF INTEREST

The following interest was noted:-

Councillor Exton – personal interest in application SU2, under the Members' Code of Conduct, and further under the Probity in Planning Code of Guidance, to avoid the impression of pre-determination or bias towards the application, in view of his distant acquaintanceship with the applicant.

#### 742. MINUTES

The minutes of the meeting held on 3<sup>rd</sup> October 2006 were confirmed as a correct record of decisions taken.

## **743. PLANNING MATTERS - STRAIGHTFORWARD LIST**

*Decision:-*

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

### **SF.1**

Application ref: S06/1263/35  
Description: Two storey side extension to dwelling  
Location: Logan House, Lime Grove, 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: S06/1314/54  
Description: Two storey extension to dwelling  
Location: 13, Third 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

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.

#### 744. PLANNING MATTERS - LIST FOR DEBATE

*Decision:-*

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

##### **NU.1**

Application ref: S06/0891/06

Description: Construction of 24 affordable dwellings

Location: Land South Of Leys Close, Reedings Road, Barrowby

Decision: Refused

Noting comments made during the public speaking session from:-

Mr. Drummond-Hay – Agent for the applicants

together with an objection from the Parish Council, comments from the Highway Authority, Partnership and Project Officer – Housing Solutions, no objection from the Highways Agency, comments from Planning Policy and the Amenities Manager and a number of representations (including a petition) objecting from local residents together with detailed submissions in support from the applicants, and comments made by members at the meeting for the following reason:-

1. The proposed development would result in the construction of 24 affordable units on a greenfield site served off Reedings Road, Barrowby. The proposal would result in a significant extension into the open countryside between Barrowby and Grantham. It is considered that this additional built form would encroach into the openness between the two settlements to the detriment of visual amenity and erode the separate identities of the neighbouring settlements.

As such the proposal is considered contrary to Policy EN5 of the adopted South Kesteven Local Plan and Planning Policy Guidance Note 3.

The proposed development would result in the construction of 24 affordable units adjacent to the existing settlement of Barrowby. The form and layout of the development is out of character with that of the adjacent built form and represents an inappropriate extension into the open countryside. The proposed affordable housing scheme without a real commitment to the delivery of affordable rental units the scheme would not meet the identified tenure need. In addition without an element of rental properties the scheme would not contribute to a mixed and balanced community in this part of the village.

As such the proposal is considered contrary to Policy H8 of the adopted South Kesteven Local Plan and Planning Policy Guidance Note 3.

*(2:11pm – Councillor Helyar entered the meeting)*

## **NR.1**

<u>Application ref:</u>	S06/0487/63
<u>Description:</u>	50m tall, steel meteorological mast
<u>Location:</u>	Neslam Farm, Sempringham Fen
<u>Decision:</u>	Deferred

Noting comments made during the public speaking session from:-

Mr. S. Chester – objecting  
Sue Sharples – objecting  
Mr. R. Callow – objecting

together with comments from Defence Estates, the Black Sluice Internal Drainage Board, an objection from Pointon and Sempringham Parish Council with regard to the original and amended plans, a number of objections from nearby residents, together with two letters of support, and detailed information in support from the applicants, and comments made by members at the meeting, deferred pending the receipt of further information from the Ministry of Defence/Royal Air Force with regard to potential danger to low-flying aircraft which might be caused by the erection of such a mast in this location.

## **NR.2**

<u>Application ref:</u>	S06/0882/22, 29
<u>Description:</u>	Change of use of disused railway line between Woolsthorpe & Burton Road Industrial Estate to cycle path & sculpture trail
<u>Location:</u>	Former Railway Land, Colsterworth
<u>Decision:</u>	Approved

Noting report of site inspection and comments from the Highway Authority, no objection from the 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, confirmation from the Principal Planning Officer with regard to the ownership of the land and rights of way, and comments made by members at the meeting.

It was proposed and seconded that the proposal be refused as, in accordance with Planning Policy EN1, paragraph 2, it did not enhance the countryside in that area.

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 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 recorded vote was then taken as follows:-

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>	<b><u>ABSTAIN</u></b>
Councillor N. Radley Councillor Selby Councillor Stokes	Councillor Chivers Councillor Exton Councillor Fines Councillor Howard Councillor Kerr Councillor Parkin Councillor Pease Councillor Turner	Nil

The proposition was therefore lost.

It was then proposed and seconded that, as the proposal was in accordance with national and local policies as set out in Planning Policy Guidance note PPG17, policies M8 and M9 of the Lincolnshire County Structure Plan, policies EN2 and REC8 of the South Kesteven Local Plan, and that the issues relating to noise and disturbance, security, loss of privacy, legal access and incompatibility of users are material considerations, but 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. Prior to the commencement of the development, large scale plan and sectional details (to a scale of not less than 1:200) to show all the sections where the configuration or realignment of the embankments is proposed, shall be submitted to and approved in writing by the local planning authority.
3. Before any part of the development hereby permitted is commenced details of the car parking area shall be submitted to and approved in writing by the local planning authority. Such details shall include the marking out of the spaces and arrangements for turning and manoeuvring. Any such details that are approved shall be provided on site before the cycleway/path is brought into use and shall be kept permanently free for such use at all times thereafter.
4. Before the development hereby permitted is commenced details of the bridge shall be submitted to and approved in writing by the local planning authority. Such details shall include the materials, design, colour and finish to be used in the construction of the bridge. Only such details that are approved shall be implemented on site.
5. 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 along the cycle way/path hereby permitted. Development shall be carried out in accordance with the approved details.
6. This consent relates to the application as amended by amended plans received on 10<sup>th</sup> October 2006.

**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.

3. Planning permission may be required for the provision of any sculptures or structures as may be sited along the length of the trail and planning permission will be required for the new bridge structure to cross the B6403. No details have been submitted to show these structures and these elements have not been asked to be considered as part of this application.
4. Access may be shown to serve the trail over land which is not owned or controlled by the applicants. If this is the case legal agreement will need to be reached between the applicants and the respective landowners.

*(In accordance with Council Procedure Rule 16.5, Councillor Selby asked for it to be recoded that he voted against the proposition to approve).*

### **SU.1**

<u>Application ref:</u>	S04/1455/56
<u>Description:</u>	Construction of 14 sheltered housing units
<u>Location:</u>	Holland House Residential Home, 35, Church Street, Market Deeping
<u>Decision:</u>	Deferred

Noting an objection from Market Deeping Town Council, no objection from the Welland and Deepings Internal Drainage Board, comments from the Highway Authority, Community Archaeologist, Conservation Officer and English Heritage and objections from nearby residents, together with information in support from the applicants and comments made by members at the meeting, for a site inspection to view the likely effect of the proposal on neighbouring residential properties.

### **SU.2**

<u>Application ref:</u>	S06/0439/69
<u>Description:</u>	Residential development (outline)
<u>Location:</u>	Land And Premises Of E Bowman & Sons, Cherryholt Road, Stamford
<u>Decision:</u>	Deferred

Noting comments from the Highway Authority, Environment Agency, Head of Policy and Economic Regeneration, Housing Solutions and Community Archaeologist together with no objection from Stamford Town Council and representations from nearby residents and businesses together with detailed submissions in support from the applicants and a further letter of objection from the owner of a nearby business premises and further comments from the Planning Policy Manager, together with comments made by Members at the meeting, for a site inspection to establish the likely effect of the proposed development on the highway structure in the area.

### **SU.3**

Application ref: S06/0851/12

Description: Residential development (121 dwellings)

Location: Wherry Lane, Off, South Road, Bourne

Decision: Refused

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, the East Midlands Development Agency, East Midlands Regional Assembly and representations from nearby residents, together with detailed submissions in support from the applicants, 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 headmaster of the neighbouring grammar school, together with further correspondence from the site owners and applicants, and comments made by Members at the meeting.

It was proposed and seconded that the application be approved as the access arrangements are no more or less dangerous than those submitted with the previous (refused) application and that therefore the application can be approved.

On a suggestion from the Legal Executive, it was proposed and seconded that:-

**IN ACCORDANCE WITH SECTION 100A OF THE LOCAL GOVERNMENT ACT 1972, THE PUBLIC BE EXCLUDED BECAUSE OF THE LIKELIHOOD, IN VIEW OF THE NATURE OF THE 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.**

This proposition was approved.

*(3:34pm – 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.

*(3:42pm – the public were readmitted to the meeting).*

The proposition to approve the application was put to the vote and lost. It was then proposed and seconded that the application be refused. On being put to the vote this proposition was carried and the application was therefore refused for the following reason:-

The junction arrangement proposed onto the A15, a County Class 1 road, is below requirements in respect of design and layout configuration. The arrangement proposed does not comply with current standards. It is considered that vehicles entering or emerging from this proposed access will be in conflict with traffic travelling on the A15 contrary to the interests of highway safety.

*(In accordance with Council Procedure Rule 16.5, Councillors Howard, Mrs. Hurst and Selby asked for it to be recorded that they did not vote on the proposition to approve*

*the application).*

*(3:52pm – Councillor Selby left the meeting)*

*(The meeting adjourned from 3:53pm to 4:08pm).*

#### **SU.4**

<u>Application ref:</u>	S06/0937/69
<u>Description:</u>	Construction of five town houses, two maisonettes and one flat
<u>Location:</u>	6-16, New Town, Water Street, Stamford
<u>Decision:</u>	Approved

Noting report of site inspection, no objection from Stamford Town Council, or Network Rail, comments from the Highway Authority, Community Archaeologist 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 Statement PPS1, Planning Policy Guidance Notes PPG3 and PPG13, policies S1, S2 and H2 of the Lincolnshire Structure Plan, policies H6 and EN1 of the South Kesteven Local Plan and adopted supplementary planning guidance contained in the South Kesteven Interim Housing Policy, and as the issues relating to highway safety, overlooking and overbearing presence are material considerations but 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. This consent relates to the application as amended by drawing nos. DSA69/Des05/A, DSA69/Des02/D, DSA69/Des03/A, DSA69/Des04/A received 23<sup>rd</sup> October 2006.
3. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.
4. 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.
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 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.
6. 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.

7. 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.
8. Before the dwellings hereby permitted are occupied the gardens/patios shall be enclosed in accordance with details to be submitted to and approved in writing by the local planning authority.
9. Before the development is brought into use the private driveway and communal parking area shall be provided with lighting (to a minimum level of 1 lux/3.5 lux average point luminance) in accordance with details to be submitted to and approved in writing by the local planning authority.
10. Development shall not be commenced until a scheme to deal with any contamination of the site has been submitted to and approved in writing by the local planning authority.
11. The decontamination scheme required by condition 9 above shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public and the environment when the site is developed. Development shall not commence until the measures approved in the scheme are implemented.
12. Before the development hereby permitted is commenced a scheme for protecting the proposed dwellings from vibrations arising from the adjacent railway shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before any dwelling is occupied.
13. The arrangements shown on the approved plan DES 02 Rev C dated 22 August 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
14. 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.
15. 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.
16. No development shall be commenced (apart from those works identified on drawing number DSA69/Des02/D or as specified) before the works to improve the public highway (by means of widening the footway and providing visibility) have been certified complete by the Local Planning Authority.

#### 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.5**

<u>Application ref:</u>	S06/1007/69
<u>Description:</u>	Conversion of outbuilding to self-contained residential annexe
<u>Location:</u>	Greytrex House, Tinwell Road Lane, Stamford
<u>Decision:</u>	Approved

Noting comments made during the public speaking session from:-

Mrs. B. Hewitt – applicant

together with no objection from the Highway Authority, an objection from Stamford Town Council, objections from nearby residents and two letters in support, together with 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 and the policies H6 and EN1 of the South Kesteven Local Plan, and that the issues relating to increased traffic and precedent are material considerations but 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 accommodation hereby permitted shall not be used as an independent dwelling separate from the use of the existing dwelling known as Greytrex House.
2. There shall be no additional rooflights or windows installed in the building unless planning permission to do so has first been granted by the local planning authority.

#### 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.

#### **SU.6**

<u>Application ref:</u>	S06/1070/56
<u>Description:</u>	Construction of seven dwellings
<u>Location:</u>	Hawthorne House, 35, Towngate West, Market Deeping
<u>Decision:</u>	Deferred

Noting comments made during the public speaking session from:-

Mr. R. Edwards – agent for the applicants

together with no objection from the Highway Authority and comments from the Community Archaeologist, Welland and Deepings Internal Drainage Board, Arboriculturalist/Landscape Officer, an objection from the Town Council and representations from nearby properties together with detailed submissions in support from the applicants, and comments made by Members at the meeting.

*(4:37pm – Councillor Pease left the meeting).*

It was proposed, seconded and agreed that further consideration be deferred for a site inspection to establish the possible effect of the proposed development on the open nature of the area and the local environment.

## **SU.7**

<u>Application ref:</u>	S06/1206/12
<u>Description:</u>	Demolition of existing garage depot and construction of 11 townhouses with integral garages
<u>Location:</u>	Fossitt & Thorne, Eastgate, Bourne
<u>Decision:</u>	Deferred

Noting no objection from Bourne Town Council, comments from the Highway Authority, no objection from the Environment Agency, comments from the Community Archaeologist, Housing Partnership and Project Officer and the Amenities Manager together with representations from nearby 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 Statement PPS1, Planning Policy Guidance notes PPG3, PPG13 and PPG25, policies S1, S2, H2 and H3 of the Lincolnshire Structure Plan, policies H6 and EN1 of the South Kesteven Local Plan and the adopted Interim Housing Policy (June 2006), and although there is some conflict with policy EN11 of the South Kesteven Local Plan, in this instance the issues raised do not outweigh the principal policies referred to above; the issues relating to highways safety, overlooking and overbearing presence, although material considerations are not sufficient in this instance to indicate against the proposal and to outweigh the policies referred to above, it be deferred for the Acting Development Control Services Manager to determine, after consultation with the Chairman and Vice-Chairman, subject to the comments of the Environmental Health Officer and the applicants entering into a Section 106 Agreement in respect of a financial contribution towards the upgrading of community play facilities, and subject to appropriate conditions.

*(In accordance with Council Procedure Rules 16.3(b)(ii), as the electronic voting system was out of commission, the vote on this application was taken by a show of hands)*

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

The Acting Development Control Services Manager submitted his report PLA621 listing details of applications not determined within the eight week time period. Also submitted was a list of applications dealt with under delegated powers, a list of appeals outstanding, together with newly submitted appeals and decisions received during September and a summary of the DETR statistical returns for the period July to September 2006.

**746. CHANGES TO THE DELEGATION SCHEME AND TERMINATION OF THE PLANNING PANEL**

The Chairman reminded Members that this matter had been considered at the last meeting of the Constitution and Accounts Committee on the 16<sup>th</sup> October 2006. Recommendations were being put before the Council meeting this coming Thursday and he advised Members that, in the event that the Council approved the recommendations of the Constitution and Accounts Committee, he would place an item on the agenda, as requested, to look at the above mentioned issue and come back to the Constitution and Accounts Committee with recommendations on a viable way forward.

**747. CLOSE OF MEETING**

The meeting closed at 4:50pm.