

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 7 DECEMBER 2010



COMMITTEE MEMBERS PRESENT

Councillor Adams (Vice-Chairman)
Councillor Cook
Councillor Exton
Councillor Mrs Gaffigan
Councillor Higgs
Councillor Holmes

Councillor Howard
Councillor Parkin (Chairman)
Councillor Sandall
Councillor Mrs Smith
Councillor Turner

OFFICERS

Acting Lead Professional
Principal Planning Officer (2)
Area Planning Officer (2)
Legal Executive
Committee Support Officer

65. MEMBERSHIP

Councillor Sandall was substituting for Councillor Vic Kerr for this meeting only.

66. APOLOGIES

An apology was received from Councillors Helyar, Maureen Jalili, Sam Jalili and Scott.

67. DECLARATIONS OF INTEREST

The following interests were declared:

Councillor Exton – a personal interest in relation to application JJ2 as he knew Mr Otter who was due to speak on the application.

Councillor Higgs – a personal and prejudicial interest in relation to application

JJ1 as his son was a resident of flats near the application site.

Councillor Mrs Smith – a personal interest as she had Chaired a meeting of the Highways and Planning Committee of Bourne Town Council, but had not taken part in relation to any planning matters.

Councillor Holmes – a personal interest in relation to application NB1 as he was a Trustee of the red Hall building.

68. MINUTES OF MEETING HELD ON 9TH NOVEMBER 2010

The minutes of the meeting held on 9 November 2010 were approved as a correct record of decisions taken, subject to an amendment being made to clarify the decision for PL4 to state:

Decision: No objections subject to the following conditions

1. The views of the Parish Councils being taken into account
2. Traffic routes via the A1 only with no turning right to go northbound or tuning right into Honeypot Lane
3. Details to be submitted relating to how the methane gases are to be dealt with
4. That no animal carcasses are deposited in the lagoon.

and that the final paragraph be amended to state:

It was considered, seconded and agreed that the County Council be advised that the District Council have no objection in principle subject to:

1. The views of the Parish Councils being taken into account
2. Traffic routes via the A1 only with no turning right to go northbound or tuning right into Honeypot Lane
3. Details to be submitted relating to how the methane gases are to be dealt with
4. That no animal carcasses are deposited in the lagoon.

69. PLANNING MATTERS

Decision:-

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

KJC1

Application ref: S10/2068/FULL

Description: Application under Section 73 of the Town and Country Planning Act for a shop and associated car park to not comply with Condition 12 of planning permission S10/0179 (requiring the construction of

the pedestrian refuge)

Location: Land At The Drift, Harlaxton, NG32 1AE

Decision: Refused

Noting representations received from the Local Highway Authority, the Community Archaeologist, an objection from Harlaxton Parish Council, five letters of objection received as a result of publicity, the applicant's submission together with officer comments and comments by Members at the meeting.

It was proposed, seconded and agreed that a letter be sent to the County Council expressing the Council's concerns that the speed limit through Harlaxton should be reduced to 30mph and that the application be refused for the following reason:

1. The proposed shop could attract visiting members of the public from the village of Harlaxton as a whole, particularly outside the opening hours of the existing shop. This would result in a requirement to cross the A607 at or close to the potentially hazardous junction/crossroads of the A607/The Drift/High Street. In the interests of highway and public safety it is considered that the pedestrian refuge is required. As such the proposal is considered contrary to PPG13 – Transport

The applicant has stated that the formation of the refuge would be financially prohibitive and would render the scheme unviable. Whilst this is a material consideration it is not considered to outweigh the concern expressed by the local highway authority relating to highway safety. No development appraisal has been submitted to demonstrate that the scheme would be financially unviable with the costs of constructing the pedestrian refuge.

KJC2

Application ref: S10/2074/FULL

Description: Application under Section 73 of the Town and Country Planning Act for a shop and associated car park to not comply with Condition 10 of planning permission S10/0179 (preventing any part of the building being used for residential purposes)

Location: Land At The Drift, Harlaxton, NG32 1AE

Decision: Approved

Noting representations received from the Local Highway Authority, the Community Archaeologist, Planning Policy, an objection from Harlaxton Parish

Council, one letter of objection received as a result of publicity, the applicant's submission together with officer comments and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved subject to the summary of reasons set out by the Case Officer in the circulated report, and subject to the following conditions:

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

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy EN1 of the South Kesteven Core Strategy.

3. The arrangements shown on the approved plan 0209-02 Rev A dated 21 January 2010 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of The Drift and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

4. Notwithstanding the generality of the Use Class A1 as defined by the Town and Country Planning Use Classes Order the shop hereby permitted shall be for the sale of everyday convenience shopping goods only (i.e. food, drinks, newspapers/magazines and confectionery) and shall not be for the sale of any other goods.

Reason: The sale of any other types of goods would be detrimental to the vitality and viability of existing town centre shopping areas in accordance with PPS4.

5. The premises shall not be used for the purposes hereby permitted outside of the hours of 07:30 to 22:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays without the prior consent in writing of the local planning authority.

Reason: To protect the amenity of neighbouring residential occupiers in

accordance with Policy EN1 South Kesteven Core Strategy.

6. Prior to the use hereby permitted commencing, details of any external lighting shall be submitted to and approved in writing by the local planning authority. The development shall be in accordance with any such details that are approved.

Reason: To protect the amenity of neighbouring occupiers in accordance with Policy EN1 of the South Kesteven Core Strategy.

7. Prior to the implementation of the permission hereby granted a management plan for the collection of litter shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented thereafter.

Reason: To ensure a satisfactory form of development and to protect the amenity of neighbouring occupiers in accordance with Policy EN1 of the Saved South Kesteven Core Strategy.

8. There shall be no deliveries to the premises outside the hours of 07:00 to 20:00 Monday to Saturday and 09.30: to 16:00 on Sundays and Bank Holidays without the prior consent in writing of the local planning authority.

Reason: To protect the amenities of neighbouring residential occupiers in accordance with Policy EN1 of the Saved South Kesteven Core Strategy.

9. The retail sales floor area of the development hereby permitted be in accordance with the approved plan Drawing No. 0209-02-Rev A.

Reason: Any additional retail floor area would need further assessment to ensure that there would be no significant impact on the vitality and viability of nearby town centres.

10. Notwithstanding the provisions of Part 3 Class F of the General Permitted Development Order 1995 (or any other order revoking or re-enacting that order with or without modification) any residential accommodation shall only be occupied by person(s) employed in the shop. It shall not be occupied as a separate dwelling.

Reason: The site is not a brownfield site and as such is not the preferred location for normal market housing as defined by policy SP1 and revised PPS3.

11. Notwithstanding the submitted details the shop hereby permitted shall not operate 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.

Reason: To protect the amenity of neighbouring occupiers.

12. The shop hereby permitted shall not operate until a pedestrian refuge crossing point has been constructed at a point north of the crossroads on the A607 and any other ancillary works in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to improve pedestrian permeability.

Note(s) to Applicant

1. No development shall commence on site until a Section 278 Agreement, Highways Act 1980 has been entered into with the Local Highway Authority, Lincolnshire County Council for the Pedestrian Refuge Crossing at a point north of crossroads along A607 including any other ancillary works.
2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

PJM1

Application ref: S10/1280/MJRF

Description: Residential development

Location: 30-32 Birthorpe Road, Billingborough, Sleaford, NG340QS

Decision: Approved

Noting representations received from Planning Policy, the Community Archaeologist, Lincolnshire County Council Children's Services (Education), Lincolnshire NHS (PCT), the Open Space Officer, the Partnership & Project Officer (Housing Solutions), Economic Development, the SKDC Drainage Officer, no objections from the Local Highway Authority, no objection from Anglian Water, representations from the Environment Agency, Lincs Wildlife Trust, Natural England, the Parish Council, one letter received and summarised as a result of publicity, the applicant's submission together with officer comments, an additional condition to be added as noted in the late report, a report of a previous visit to the site and comments made by Members at the

meeting.

It was proposed, seconded and agreed that the application be approved subject to the summary of reasons set out by the Case Officer in the circulated report, and subject to the following conditions:

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

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Prior to commencement of development a verification report, demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation, shall be submitted to and approved in writing by the local planning authority. The report shall include the results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. In particular:
 1. Validation soil samples shall be collected from the base and each side of each excavation;
 2. Post remedial monitoring shall include up and downstream ditch water samples and groundwater samples from the remaining wells and the proposed two new ones (of others are lost);
 3. The excavated area shall include sample point BH2 due to the high contamination found at this location.

The report shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: To ensure that contamination at the site is appropriately remediated and therefore to reduce the risk of contamination to Controlled Waters.

3. 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 the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent the contamination of controlled waters.

4. Piling using penetrative method shall not be permitted other than with the express written consent of the local planning authority. This may be

given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that contaminant pathways are not created and therefore to prevent the contamination of Controlled Waters.

5. No infiltration of surface water drainage into the ground is permitted other than with the express consent of the local planning authority. This may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent the contamination of Controlled Waters by ensuring that infiltration systems, such as soakaways, do not increase the potential for contaminant migration.

6. 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.

Reason: To protect controlled waters in accordance with PPS23.

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.

Reason: These details have not been submitted and the district planning authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policies H6 and EN1 of the Saved Policies of the South Kesteven Local Plan.

8. 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 buildings 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.

Reason: Landscaping and tree planting contributes to the appearance of a development and assists in its assimilation with its surroundings. A scheme is required to enable the visual impact of the development to be assessed and to create and maintain a pleasant environment and in accordance with Policies H6 and EN1 of the Saved Policies of the South Kesteven Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed.

To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policies H6 and EN1 of the Saved Policies of the South Kesteven Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no extension, enlargement or other alteration of the buildings shall be carried out without planning permission having first been obtained from the local planning authority.

Reason: The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development in accordance with Policy EN1 of the South Kesteven Core Strategy.

11. The development hereby approved shall be carried out in accordance with the Method Statement by Landscape Science Consultancy Limited dated November 2010.

Reason: In the interests of the protection of protected species.

12. The development hereby approved shall be carried out in accordance with the recommendations contained within the Extended Phase 1 Habitat Survey and Great Crested Newt working method statement by Landscape Science Consultancy Limited dated October 2010.

Reason: In the interests of the protection of protected species.

13. The arrangement shown on the approved plan 2042/P03 dated 8 June 2010 for the parking/turning/ manoeuvring of vehicles shall be available at all times the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of Birthorpe Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety and in accordance with Policy PPG13.

14. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highway Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety and in accordance with Policy PPG13.

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 and approved by the local planning authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

16. Before the dwellings are occupied, the new 1.8 metre wide footway fronting the site shall be in accordance with drawing number 2042/P03 dated 8 June 2010.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety.

17. Development shall not be begun until a scheme for the provision of Affordable/Low Cost Housing has been submitted to and approved in writing by the Local Planning Authority. The Affordable/Low Cost Housing shall be provided in accordance with the approved scheme.

The scheme shall include:

1. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of Affordable/Low Cost Housing in perpetuity; and
2. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the Affordable Houses,

and the means by which such occupancy criteria shall be enforced.

Reason: The application site is in a location where permissions would not normally be forthcoming for open market housing and to ensure that appropriate provision is made for affordable housing in accordance with Policy H3 of the South Kesteven Core Strategy.

18. This permission relates solely to the submitted approved details on drawing numbers 2042/P01, P02, P03, P04, P05, P06, P07, P08, P09, P10 dated 8th June 2010 and drawing number 2042/P12 24th August 2010.

Reason: For the avoidance of doubt.

Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Managers on 01522 782070 for application, specification and construction information.
2. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

PWM1

Application ref: S10/2009/FULL

Description: Change of use warehouse to fitness studio

Location: Unit 1, Mowbeck Way, Grantham, Lincolnshire, NG31 7AW

Decision: Application Withdrawn

PL1

Application ref: S10/1970/FULL

Description: Change of use from corn dryer to workshop/store

Location: Duffins Barn, Grantham Road, Skillington, Grantham, NG33 5HG

Decision: Approved

Noting representations received from Skillington Parish Council, the applicant's

submission together with officer comments, comments that there had not been a site visit but that the Parish Council had not raised any objections and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved subject to the summary of reasons set out by the Case Officer in the circulated report, and subject to the following conditions:

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

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The building shall only be used as detailed in the letter dated 9 September 2010 that was submitted with and formed part of the planning application.

Reason: To ensure the satisfactory use of the site.

NB1

Application ref: S10/1004/FULL

Description: Erection of 3 dwellings (plot substitution to planning permission S07/1323)

Location: Wherrys Yard, South Road, Bourne

Decision: Deferred

Noting representations received from Bourne Town Council, no objection from Lincolnshire County Council, one letter of concern received as a result of publicity, the applicant's submission together with officer comments and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be deferred for determination by the Acting Lead Professional, after consultation with the Chairman or Vice Chairman, subject to the summary of reasons referred to in the case officer's report, and subject to the completion of a Section 106 Agreement in relation to developer contributions, and to appropriate conditions, but in this case as the agreement has not been concluded prior to the committee, a period not exceeding 6 weeks post the date of the committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded, and where in the opinion of the Acting Lead Professional, in consultation with the Chairman or Vice Chairman, there are no extenuating circumstances that would justify a further extension of time, the related planning application shall be refused on the basis

that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable developments acceptable have not been forthcoming.

JST1 and JST2

With the agreement of the Committee it was agreed that items JST1 and JST2 be heard together and voted on jointly.

JST1

Application ref: S10/2046/FULL

Description: Change of use of ground floor from A2 to a mix of A1/A3 use

Location: 10, North Street, Bourne, Lincolnshire, PE10 9AB

Decision: Approved

JST2

Application ref: S10/2047/LB

Description: Demolition of attached outbuildings, provision of illuminated hanging sign and internal alterations to Listed Building

Location: 10, North Street, Bourne, Lincolnshire, PE10 9AB

Decision: Approved

Noting comments made during the public speaking session from:

Christine Roberts – agent for the applicant

together with representations received from Heritage Lincolnshire, Bourne Town Council, the Local Highways Authority, the Conservation Officer, English Heritage, no objections from Planning Policy, five objection letters and 66 letters of support as a result of publicity, the applicant's submission together with officer comments and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved subject to the summary of reasons set out by the Case Officer in the circulated report, and subject to the following conditions:

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

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990. To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(Councillor Higgs left the Chamber at 1:49 pm)

JJ1

Application ref: S10/2065/MJNF

Description: Application under Section 73 of the Town and County Planning Act for a food store to vary Condition 12 of S10/0069 relating to delivery hours

Location: Land At, South Road, Bourne

Decision: Refused

Noting an objection received from Bourne Town Council, representations received from Environmental Protection Services, 12 letters of objection received as a result of publicity, the applicant's submission together with officer comments and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be refused. The proposed unrestricted hours of delivery would, by reason of noise and disturbance, particularly with regard to ancillary activities within the delivery yard, have a significant impact upon the residential amenities of adjoining occupiers. The proposal is therefore considered to be contrary to both Policy EN1 of the South Kesteven Core Strategy and PPS24 Planning and Noise.

(Councillor Higgs returned to the Chamber at 2:07 pm)

JJ2

Application ref: S10/1923/MDPO

Description: Discharge of planning obligation relating to the payment of £25,000 towards affordable housing in relation to S106 agreement dated 30 November 2000 attached to p/p S99/1172 and linked to p/p S02/0173/75 by supplemental S106 agreement dated 27 May 2002

Location: Manor Farm & Walnut Farm, Main Road, Tallington, PE9 4RF

Decision: Refused

Noting that the applicant had requested to speak and was not in attendance at the time, the Section 106 Heads of Terms, the applicant's submission together with officer comments and comments made by Members at the meeting.

It was proposed, seconded and agreed to refuse the application for the following reason:

1. It is the District Council's opinion that the evidence provided by the applicant does not justify the discharge of the S106 requirements relating to affordable housing in this case. The off-site contribution of £25,000 was required in connection to a full application for 12 dwellings and was requested on the bases of the then housing need situation. The applicants were fully aware and prepared to enter the agreement at that time and there has not been a material change in circumstances since as there still remains a requirement to provide affordable housing in Tallington. Although the policy situation has changed recently the Core Strategy only strengthens the affordable housing requirement by requiring developments of 5 or more dwellings to provide a contribution of 35% towards affordable housing.

70. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Acting Lead Professional submitted his report PLA 858 listing details of applications not determined within the eight week time period. Also submitted was a list of applications dealt with under delegated powers.

71. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

Members agreed that they wished to continue to start Development Control Committee meetings at 1:00 pm.

Section 106 update:

S10/1076: Erection of 14 dwellings at land adj 67, Broadgate Lane, Deeping St James.

The Development Control Committee had resolved to grant approval of the above application subject to satisfactory completion of a Section 106 Agreement. The Committee resolved to accept the provision of affordable housing on an adjacent site. In order for there to be a fall back position if planning permission was not granted for the affordable housing on the adjacent site, the Council's Legal Team had recommended that Members consider amending the S106 requirements. It was advised that the S106 should enable there to be a choice in the way the affordable housing is provided if it cannot for

some reason be developed on the adjacent site.

It was moved, seconded and agreed that a clause be provided in the Agreement that allowed for an on-site provision or a financial contribution to be made instead of an off-site contribution

CLOSE OF MEETING

The meeting closed at 2:24 pm.