

# MINUTES

**DEVELOPMENT CONTROL COMMITTEE  
TUESDAY, 1 FEBRUARY 2011  
1.00 PM**



---

## COMMITTEE MEMBERS PRESENT

Councillor Adams  
Councillor Cook  
Councillor Exton  
Councillor Mrs Gaffigan  
Councillor Helyar  
Councillor Higgs  
Councillor Holmes  
Councillor Mrs Jalili

Councillor Mrs Kaberry-Brown  
Councillor Vic Kerr  
Councillor Parkin (Chairman)  
Councillor Scott  
Councillor Bob Sandall  
Councillor Mrs Smith  
Councillor Turner  
Councillor Williams

## OFFICERS

Acting Lead Professional  
Area Planning Officer (3)  
Planning Technician  
Committee Support Officer  
Legal Executive  
Planning Enforcement Officers (2)  
Section 106 Officer

## OTHER MEMBERS

Councillor Miss Channel  
Councillor Mrs Cartwright  
*(In accordance with council procedure rule 24.5, Councillor Miss Channel spoke in connection with Application PG1.)*

---

## 79. MEMBERSHIP

The committee was notified that a notice under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990 had been received, appointing Councillor Bob Sandall in place of Councillor Howard for this meeting only.

## 80. APOLOGIES

An apology for absence was received from Councillor Sam Jalili.

## 81. DECLARATIONS OF INTEREST

There were none declared from members. However, the Committee Support Officer informed the committee that he was Clerk to Barkston and Syston Parish Council, who had commented on Application FF1, on which there was also public speaking by the Parish Council.

## **82. MINUTES OF MEETING HELD ON 4TH JANUARY 2011**

The minutes of the meeting held on 4 January 2011 were approved as a correct record of decisions taken.

## **83. PLANNING MATTERS**

*Decision:-*

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

### **JST1**

Application ref: S09/2806/LB  
Description: External canopy to front  
Location: Cafe Black, 21, High Street, Stamford, PE9 2AL  
Decision: Refused

Noting objections from Stamford Town Council, Historic Buildings Advisor, Highway Authority, Stamford Civic Society and English Heritage, representations from nearby residents, one in support and one objecting, and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be refused for the following reason, and that appropriate enforcement action be authorised to remove the canopy:-

1. In the opinion of the local planning authority the canopy for which retrospective consent is sought is visually intrusive and architecturally out of place, and thereby detrimental to the character and appearance of the listed building, this part of the Stamford Conservation Area and the streetscene in general.

Furthermore, the large box that houses the retracted canopy also appears incongruous within its setting and unsympathetic to the existing attractive shopfront.

The application is therefore considered to be contrary to Planning Policy Statement 5 (PPS5), Policy 27 of the East Midlands Regional Plan (2009) and Policy EN1 of the South Kesteven Core Strategy.

### **PG1**

Application ref: S10/1876/HSB  
Description: Erection of classic car storage unit for domestic

use

Location: The Old Rectory, Carlby Road, Greatford,  
Stamford, Lincolnshire, PE9 4PR

Decision: Deferred

Noting comments made during the public speaking session from:-

Martin Brebner - Greatford Parish Council  
Mr G Rose - Objecting  
Mr G Campbell - Objecting

together with comments from Heritage Lincolnshire (Archaeology), no objection from the Highway Authority, Environment Agency or Ramblers' Association, comments from Greatford Parish Council and objections from nearby residents, report of site inspection and comments made by Members at the meeting.

*(1.19pm - Councillor Helyar entered the meeting).*

*(1.31pm - Councillor Turner entered the meeting).*

It was proposed and seconded that the application be approved subject to, in addition to the conditions in the report, a condition in regard to the removal of permitted development rights. Following further discussion, this proposition was withdrawn and it was proposed and seconded that further consideration be deferred to enable discussions with the applicant in relation to amended plans showing a smaller development with more appropriate materials.

## **PG2**

Application ref: S10/2088/FULL

Description: Retention of 8 floodlights and install 2 portable buildings

Location: Sports Fields, Manor Close, Langtoft,  
Peterborough, PE6 9NB

Decision: Deferred

Noting comments made during the public speaking session from:-

Mrs Taylor - Objecting

together with comments from Environmental Protection and a letter from a local resident, together with comments made by members at the meeting.

It was proposed, seconded and agreed that the application be deferred for

one month to enable the floodlights to be re-angled to ensure that the impact on neighbouring residents is lessened, and if this is not done then the application be refused.

**PWM1**

Application ref: S10/2416/ADV  
Description: Replacement signage  
Location: McDonalds Restaurants Ltd, Bridge End Road, Grantham, NG31 7ES  
Decision: Approved

Noting comments from the Community Archaeologist 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 also to the following conditions:-

1. The advertisement(s) hereby granted consent shall not be installed or erected until the existing signs shown on drawing 4432\_1233\_05 rev B have been removed and any damage incurred by removal repaired.
2. This permission relates solely to the application as amended by the drawings 4432\_1233\_07 Rev A, 4432\_1233\_09 Rev A & 4432\_1233\_05 Rev B received on 29 Nov 2010.

**PWM2**

Application ref: S10/2429/ADV  
Description: Ten freestanding signs (various sizes) within curtilage of drive through restaurant  
Location: McDonalds Restaurants Ltd, Bridge End Road, Grantham, NG31 7ES  
Decision: Approved/Refused

Noting comments from the Community Archaeologist and comments made by members at the meeting.

It was proposed, seconded and agreed that the 8 illuminated freestanding signs be approved, subject to the summary of reasons set out by the case officer in the circulated report, and subject also to the following condition:-

1. The advertisement(s) hereby granted consent shall not be installed

or erected until the existing signs shown on drawing 4432\_1233\_03 have been removed and any damage incurred by removal repaired.

and that the two non illuminated banner signs be refused for the following reason:-

1. It is considered that the two proposed non illuminated banner signs would be unduly prominent and visually intrusive features which would give a cluttered appearance to this prominent street frontage, detrimental to the site and the wider streetscene. This part of the proposal would therefore be contrary to national planning policy given in PPG19 (Outdoor Advertisement Control).

**PWM3**

Application ref: S10/2297/OUT  
Description: Erection of three dwellings  
Location: 2, Bourne Road, Colsterworth, Grantham, NG33 5JE  
Decision: Deferred

Pending the receipt of further information from the applicant and Highway Authority.

**NB1**

Application ref: S10/2477/FULL  
Description: Retention of workshop  
Location: Sunnyside Cottage, Edenham Road, Lound, Bourne, Lincolnshire, PE10 0LJ

Decision:

Application withdrawn.

*(2.40pm - Councillor Mrs Jalili left the meeting).*

**FF1**

Application ref: S10/2127/FULL  
Description: Change of use of part of farm yard to storage of caravans

Location: Mill Farm, West Street, Barkston, Grantham,  
NG32 2NZ

Decision: Approved

Noting comments made during the public speaking session from:-

Councillor John Jackson - Barkston & Syston Parish Council  
Stephen Elnor - applicant

together with no objection from the Parish Council, Highway Authority, SKDC Policy Team, SKDC Consultant Arboriculturist, Lincolnshire Wildlife Trust, Natural England and the Ramblers Association, an objection from a nearby resident, report of site inspection 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 also to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. Prior to commencement of any works on site relating to the storage of caravans, the works to improve the public highway (by means of passing bays to a full approved specification along with all associated ancillary works) have been completed to the satisfaction of the Area Highways Manager.
3. All movements will be by appointment.  
End users wishing to collect their caravans on site must do so in the morning before 1200 hours  
End users wishing to return their caravans on site must do so in the afternoon after 1300 hours  
(All traffic movement must be adhered to as set out in the JHG Planning Consultancy Ltd's Planning Report dated September 2010)
4. During the landscaping phase appropriate working methods will be carried out in accordance with the submitted application set out in Drawing No F2129-01 dated August 2010.

The works approved to be carried out within 2 years from the date of consent.

Note(s) to Applicant

1. You are advised to inform any contractors involved in the (development/demolition/works) of all relevant protected species legislation and in particular the protected status of bats and their roost sites. Work should proceed carefully and care should be taken to ensure that bats are not killed or injured. Should any bats be

found, work should cease and the advice of Natural England sought.

2. There should not be any negative impacts on protected species as a result of this development. Lincolnshire Wildlife Trust has recommended that consideration is given to include bat and bird boxes on suitable buildings or mature trees around the site.
3. Note to the applicant: No works shall commence on site until a Section 278 Agreement Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide passing bays to full approved specification with all ancillary works.
4. Works with the highway shall be arranged in liaison with Lincolnshire County Council Development Directorate.
5. 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.

### **CM1**

Application ref: S10/2811/HSB

Description: Extensions and alterations to dwelling

Location: The Poplars, 19, Village Street, Gelston,  
Grantham, NG32 2AE

Decision: Deferred

Pending confirmation of the correct display of the site notices.

### **84. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY**

The Acting Lead Professional submitted his report PLA865 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 planning appeals update.

For the information of members, the Chairman said that he had instructed the Acting Lead Professional to ensure that, in relation to all applications currently deferred pending the completion of a Section 106 Agreement, that if they did not meet the current agreed standards (ie completion of the Agreement within 6 weeks), then the application will be refused unless the delay is as the result of circumstances outside the applicant's control, eg awaiting a decision from the County Council.

## **85. POPLAR FARM, GRANTHAM - FINALISED SECTION 106 AGREEMENT**

The Acting Lead Professional introduced Report PLA863 from the Head of Development and Growth in relation to progress being made towards the finalisation of the Section 106 Agreement for the proposed development at Poplar Farm, Grantham. The report set out the background to the situation as at present, pointing out that since the decision to approve in principle in September 2009 members had been kept aware of the current state of negotiations with regard to the completion of the Section 106 Agreement on a regular basis. The report set out in detail progress of the Agreement in relation to transport matters, highlighting in particular discussions which had taken place in relation to the delivery of the bridge over the railway, including the threshold at which the bridge was to be provided, "the bridge fund" clause in the Section 106 and the estimated cost of the bridge. It was considered that there were no grounds to review the earlier decision as the facts upon which the committee's decision were based were fair, reasonable and known and there had not been any material change in circumstances since the decision to approve in 2009.

One matter highlighted during the review was the need for an additional explicit clause to be included in the Section 106 Agreement to ensure that the applicant/developer used their reasonable endeavours to secure an "assignable easement" across the railway land to deliver the bridge. It had been agreed between the main parties to the agreement that the intent to secure an easement was implied through the proposed development and this section would make it an explicit provision. Another benefit of this would be that the easement could be assigned to another party and would provide for greater flexibility for the delivery of the bridge in due course.

In conclusion the report noted that there had been a variety of minor amendments to the Section 106 proposed and agreed between the main parties, but the main provisions and principles as reported last year remained unaffected. It was anticipated that subject to final proof reading and amendment the Section 106 could be signed and permission issued by the Acting Lead Professional, in consultation with the Chairman and Vice Chairman, hopefully before the end of February 2011.

*(2.55pm - Councillor Mrs Jalili returned to the meeting).*

In conclusion, the Acting Lead Professional referred to a letter which had been recently received from agents acting for the owners of the large site to the west of the Poplar Farm site, in relation to the way in which development on this land was being treated in isolation from the larger allocation of which it formed part. The owners were concerned to ensure that the outline planning permission and Section 106 for Poplar Farm was not prejudicial to the delivery of the overall development in the north west quadrant and that development of the western element was not adversely affected from both legal and viability perspectives. Particular concern had been expressed about vehicular access arrangements for this area as a whole, and also that the overall site was brought forward in accordance

with the agreed housing trajectory. In the circumstances the agents felt that the Section 106 should not be finalised until the committee had been advised of the provisions of the agreement including full details of a developer contributions and trigger points to which these contributions related. They requested that the committee provided a further and more detailed report on the matter and that the Section 106 Agreement was not finalised until the committee had made a further resolution to this effect.

Members discussed and noted the report submitted and letter received.

## **86. PLANNING ENFORCEMENT REPORT**

The committee noted briefing paper PLA862 from the Planning Enforcement Officer summarising the level of enforcement activity for the period September to December 2010. The report also included a report on action taken following recommendations made by the auditors into Section 106 activity, and a statement of Section 106 monies received since September 2010. Members noted the report.

## **87. FREQUENCY OF MEETINGS**

*Decision:-*

*That the Full Council be recommended to continue with the 4 week cycle of meetings.*

The Chairman reminded the committee that they had proposed, and the Council had agreed, that the committee move to a 4 week cycle of meetings for a trial period of 1 year with effect from the 1<sup>st</sup> meeting after the annual meeting of the Council in 2010. That trial period was now coming to an end, and it would be necessary to consider whether or not to continue with this frequency so that an appropriate report could be made to the Annual Council in April.

It was proposed, seconded and agreed that the Council be advised that the Development Control Committee support the continuation of a 4 week cycle for their meetings.

## **88. SITE INSPECTIONS**

A brief discussion took place on the administration of site inspections, in particular whether it would be possible to arrange combined transport for members on the various rotas. The Committee Support Officer explained that these difficulties had been considered by the committee on many occasions in the past, but bearing in mind the size of the district and the fact that it was not known when the rota was drawn up where the site inspections would take place, the current system of members combining transport wherever possible would be the best solution. However, he agreed that when drawing up the rota for the next series of site inspections he would attempt to list members in such groupings so as to minimise

travel. In addition, the Committee Support Officer was asked to ensure that postcodes were included on the list sent with the site inspection notice so that satellite navigation technology could be used to find sites more easily.

**89. CLOSE OF MEETING**

The meeting closed at 3.15pm.