

MINUTES

DEVELOPMENT CONTROL COMMITTEE TUESDAY, 1 MARCH 2011



COMMITTEE MEMBERS PRESENT

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

Councillor Mrs Jalili
Councillor Mrs Kaberry-Brown
Councillor Vic Kerr
Councillor Parkin (Chairman)
Councillor Scott
Councillor Mrs Smith
Councillor Turner

OFFICERS

Acting Lead Professional
Area Planning Officer (3)
Planning Technician
Committee Support Officer
Legal Executive

OTHER MEMBERS

Councillor Harvey

90. APOLOGIES

Apologies for absence were received from Councillors Helyar and Avril Williams.

91. DECLARATIONS OF INTEREST

Councillor Vic Kerr declared a personal and prejudicial interest in application 10/1804 (PL1) as one of the partners was his former employee.

Councillor Mrs Kaberry-Brown declared a personal interest in application 10/2811 (CM1) as she served on a committee with one of the objectors.

92. MINUTES OF MEETING HELD ON 1ST FEBRUARY 2011

The minutes of the meeting held on 1 February 2011 were approved as a correct record of the decisions taken.

(The electronic voting system being out of action, the vote on this minute was taken by a show of hands)

(Voting on subsequent minutes was taken using the electronic voting system)

93. PLANNING MATTERS

Decision:-

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

PL1

Application ref: S10/1804/FULL

Description: Retention of agricultural building and change of use to house livestock with additional livestock building and food storage

Location: Odd House Farm, Holme Lane, Claypole, NG23 5AP

Decision: Refused

(13:10 – Having declared a personal and prejudicial interest in application PL1, Councillor Kerr left the meeting).

Noting comments made during the public speaking session from:

- Tracie Swift – objecting
- Stuart Gillespie – objecting
- Paula Money – on behalf of the applicant
- Elaine Snape – providing technical information on air cleaning solutions on the applicant's behalf

and noting relevant planning history at the site; no objection from the Community Archaeologist; comments from Lincolnshire County Council Highways, South Kesteven District Council's Environmental Protection Team, the Environment Agency, Network Rail and the agricultural consultant; the site inspection report and comments made by Members at the meeting. Advertising the application led to the submission of 14 responses and 128 e-mails against, and two e-mails in support of the proposal. These were summarised within the officer's report and late papers.

It was proposed, seconded and agreed that the application be refused for the following reason:

1. In the opinion of the Local Planning Authority the proposed retention of the agricultural building and its change of use to house livestock and the erection of an additional livestock building with associated food storage area and vehicular turning area is likely to have a detrimental effect upon residential amenity to the nearby, unrelated, domestic accommodation by reason of noise and smell associated with the cattle and their food supply and general disturbance from vehicular movements both bringing supplies, food etc to the site and vehicle movements and use of equipment to feed the animals.

The proposal is therefore considered to be contrary to the aims of Policy EN1 of the South Kesteven Core Strategy.

NB1

Application ref: S10/2312/FULL

Description: Change of use from residential (C3) to restaurant (A3) and hotel (C1) and erection of a single storey and part two-storey rear extension

Location: 4 St Mary's Place, Stamford, PE9 2DN

Decision: Deferred

(13:55 – Councillor Kerr returned to the meeting)

Noting comments made during the public speaking session from:

- Councillor John Harvey (Ward Councillor) – objecting
- Liz Heesom – objecting
- James Heesom – objecting
- Slaine Short – objecting
- Professor Alan Short – objecting
- Johnny Foo – objecting
- Philip Grover – the applicant's agent

together with comments from Stamford Town Council; no objection from the Consultant Arboriculturalist; comments from the South Kesteven Planning Archaeologist, South Kesteven's Planning Policy, Building Control and Environmental Protection teams, Lincolnshire County Council Highways, English Heritage, Lincolnshire Police; the site visit report; Members present at the meeting and 26 representations received as a result of consultation (summarised in the agenda and late papers).

It was proposed and seconded that the application be approved. A vote was taken on this motion and lost. It was subsequently proposed and seconded that the Committee were minded to refuse the application on the grounds of noise, loss of neighbours' amenity and inadequate highway infrastructure.

The Acting Lead Professional confirmed that he did not accept the reasons given in the meeting for the purposes of the procedure set out in the Constitution. Members were reminded of the procedure that needed to be followed, as set out in the Constitution, where the Committee proposed to take a decision against clear advice from the Acting Lead Professional. 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:

<u>For</u>	<u>Against</u>	<u>Abstain</u>
Councillor Adams Councillor Exton Councillor Mrs Gaffigan Councillor Cook Councillor Howard Councillor Mrs Jalili Councillor Sam Jalili Councillor Mrs Kaberry-Brown Councillor Vic Kerr Councillor Mrs Smith Councillor Turner	Councillor Higgs Councillor Holmes Councillor Parkin Councillor Scott	
11	4	0

The motion was carried. All Members who supported the motion were required to submit the planning reasons for their view to the Acting Lead Professional within 5 working days.

NB2

Application ref: S10/2313/LB

Description: Alterations and extensions to listed building

Location: 4 St Mary's Place, Stamford, PE9 2DN

Decision: Deferred

This application was deferred pending the outcome of NB1 at the Committee's next meeting on 29 March 2011.

(The meeting adjourned from 15:27 to 15:46).

(15:48 – Councillor Sam Jalili returned to the meeting).

NB3

Application ref: S10/2619/FULL

Description: Erection of bridge club house

Location: Land adjacent to Stamford and District Bowls Club, Off Exeter Gardens, Stamford, PE9 2RN

Decision: Approved

Noting comments made during the public speaking session from:

- Graham Hedley, Stamford Bridge Club – representing the applicant

together with no objections from Lincolnshire Heritage, Lincolnshire County Council Highways, Stamford Town Council, South Kesteven District Council's Planning Policy team, Sport England, the acting South Kesteven Arboriculturalist; no comments from South Kesteven District Council's Environmental Health team; 7 letters of objection received as a result of consultation; feedback from the site visit 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. 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 adopted South Kesteven Core Strategy (July 2010).

3. This permission relates solely to the application as amended by plans received on 20 January 2011.
4. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

5. Before development is commence on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.
6. The arrangements shown on the approved plan 2010/20 01 c, dated 20 January 2011, for the parking/turning of vehicles shall be available at all times when the premises are in use.
7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

Note(s) to Applicant

1. 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.
2. Please note that this grant of planning permission does not override civil legal matters which could affect the development such as development on or over a boundary and the Party Wall Etc Act.

PG1

Application ref: S10/1876/HSB

Description: Erection of classic car storage unit for domestic use

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

Decision: Deferred

This application was withdrawn by the applicant.

PG2

Application ref: S10/2088/FULL

Description: Retention of 8 floodlights and installation of 2 portable buildings

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

Decision: Approved

Consideration of this application had been deferred from the Committee's meeting held on 1 February 2011 to enable the floodlights to be re-angled to ensure the impact on neighbouring residents was lessened.

Noting submissions and considerations from the previous meeting (1 February 2011); comments from Langtoft Parish Council and Lincolnshire County Council; no objections from the Archaeologist; comments from the Environmental Protection team; one representation from a resident and an update from the Area Planning Officer on the re-angling of the lights.

It was proposed, seconded and agreed that the application be approved subject to the following condition:

1. The buildings hereby permitted shall be removed and the land restored to its former condition on or before 1st February 2016 unless a further permission has been granted by the local planning authority. The buildings shall also be painted a suitable colour, to be submitted to and approved by the local planning authority, within one month of this approval and shall be retained and maintained as approved at all times.

PWM1

Application ref: S10/1759/FULL

Description: Erection of one wind turbine (hub height 50m, blade diameter 33.4m and total ground to tip height 66.7m) and associated access track and crane hardstanding

Location: Frinkley Farm, Frinkley Lane, Hougham, NG32 2JQ

Decision: Approved

Noting comments during the public speaking session from:

- Simon Tilley – supporting
- David Roe – applicant's agent

together with no objection from the Community Archaeologist, Lincolnshire

County Council Highways, the Highways Agency; comments from Natural England, Lincolnshire Wildlife Trust, English Heritage, the National Trust; no objections from the Ramblers Association, Ministry of Defence, NATS; support from Foston Parish Council; comments from Hough on the Hill Parish Council; objections from Barkston and Syston Parish Council; 17 objections and five letters of support received as a result of consultation; the site visit report and comments made by Members at the meeting.

It was proposed and seconded that the application be refused for the reasons detailed in the officer's report to Committee. The proposal was put to the vote and lost. A motion to approve the application subject to appropriate conditions was proposed and seconded, and a vote was taken. The motion to approve the application was carried and the application was approved 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.
2. The turbine shall be fitted with aviation lighting which shall be installed as soon as construction is complete and operated and retained until the turbine is removed. The lighting shall consist of 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.
3. Before the development is commenced, the developer shall provide written confirmation to the MOD (Defence Estates Safeguarding) of the date of the start of construction and the maximum height of any construction equipment to be used. When the development is completed, the developer shall provide written confirmation to the MOD (Defence Estates Safeguarding) of the date of completion, and the exact height and latitude and longitude of the position of the turbine, no more than 14 days after this date. The development approved by this permission shall be carried out in accordance to these details.
4. Before the delivery of any components to Frinkley Farm, further details relating to the temporary track system on highway verges, including location and method of installment and reinstatement, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before any deliveries are made.
5. The temporary track system shall be removed within 48 hours of the final delivery of the turbine.
6. The Delivery of components shall be in accordance with the Route Access Report submitted 15 November 2011.
7. The development shall not commence until details of the external

finish and colour of the proposed turbine have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details, and there shall be no subsequent change to the finish or colour of the turbine without the local planning authority's prior approval in writing.

8. In the event that the wind turbine is no longer used for the generation of electricity, it shall be removed and the land restored to its original condition in accordance with a scheme to be submitted to and agreed in writing with the local planning authority.
9. Before the development is commenced, a monitoring programme for bird collisions at the site shall be submitted to and agreed in writing by the Local Planning Authority. The monitoring programme shall be carried out in accordance with the agreed details.

Informative(s)

- A. Before submitting a bird collision monitoring programme, you are advised to seek the advice of Natural England including their Technical Information Note - TIN069

PWM2

Application ref: S10/2403/FULL

Description: Erection of nine dwellings

Location: Winters Lane, Long Bennington, NG23 5DW

Decision: Refused

Noting comments made during the public speaking session from:

- Iain Angus - objecting
- Mike Sibthorp – on behalf of the applicant

together with no objections from the Community Archaeologist and Lincolnshire County Council Highways (subject to conditions), comments from Long Bennington Parish Council, an objection from the SK Projects Officer (Drainage), no objection from South Kesteven District Council's Environmental Protection team, comments South Kesteven District Council's Housing Solutions Officer (Affordable Housing), no objection from the Upper Witham Internal Drainage Board (subject to conditions), seven objections received as a result of consultation, the report of the site visit and comments made by Members during the meeting.

It was proposed, seconded and agreed that the application be refused for the following reasons:

1. The application site is greenfield and on the edge of the village encroaching into open countryside and cannot therefore be reasonably described as being within the built up area of the village or an infill or redevelopment site. Taking into account the evidence of a continuous five year supply of housing land in the Local Service Centres, and the large amount of housing development which has already taken place and is committed via planning approval in Long Bennington, it is considered that there are no other overriding material considerations relevant to the specific site which justify development of an additional greenfield site for housing. It is therefore considered to be an unsustainable site for development which is contrary to national planning policy given in PPS1(Sustainable Development), PPS3(Housing), policies 1 & 3 of The East Midlands Regional Plan and policies SP1 & H1 of The South Kesteven Core Strategy.
2. The site is considered to be an important open area which contributes positively to the rural character and appearance of this part of the village. It is considered that development of the site would erode the established character and appearance of the area contrary to Policy EN1 of The South Kesteven Core Strategy.
3. Core Strategy policy H3 requires residential developments of 5 or more dwellings to make provision for affordable housing. Although, the applicant has expressed a willingness to provide an appropriate level of affordable housing off site or a commuted sum in lieu of provision, no evidence has been provided to demonstrate that on site provision would make the scheme unviable, contrary to Policy H3 of The South Kesteven Core Strategy.

PWM3

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

This item was deferred to allow members to visit the site and assess the submitted additional indicative drawings of the access submitted

PWM4

Application ref: S10/2547/FULL
Description: Demolition of existing garage and erection of one and a half storey dwelling
Location: 3 High Road, Barrowby, NG32 1BH
Decision: Deferred

(16:53 – Councillor Cook left the meeting and did not return)

Noting comments made during the public speaking session by:

- Mike Sibthorp – representing the applicant

together with no objection from the Community Archaeologist, Lincolnshire County Council Highways (subject to the application of conditions) and Barrowby Parish Council; four objections received as a result of consultation; the site visit report and comments made by Members at the meeting.

It was proposed and seconded that the Committee were minded to refuse the application over concerns about the highway infrastructure's suitability and consequently the safety of people living in the area. During discussions, Members suggested clarification from the Highways Authority would assist their determination of the application. A new proposal to defer determination of the application pending the receipt of explanatory information from Lincolnshire County Council (Highways) was proposed and seconded. The mover of the original motion agreed to its withdrawal, and the motion to defer became the substantive motion. This was duly voted upon and carried.

(The meeting was adjourned from 17:09 to 17:15).

(17:16 – Councillor Sam Jalili returned to the meeting).

PWM5

Application ref: S10/1384/OUT
Description: Demolition of existing dwelling and erection of six dwellings (extension of time of S07/0843)
Location: Sandy Willows, 354 Harlaxton Road, Grantham
Decision: Deferred

Noting comments made during the public speaking session from:

- Mike Sibthorp – for the applicant

together with no objection from the Community Archaeologist, the Highways Authority, SK Projects Officer (Drainage) and the Environment Agency; comments from Lincolnshire Wildlife Trust, Upper Witham Internal Drainage Board and South Kesteven District Council's Affordable Housing Officer; one neighbour objection received as a result of publicity; a site visit report and comments made by Members during the meeting.

It was proposed, seconded and agreed that the application be deferred to the Acting Lead Professional of Development Control for approval after consultation with the Chairman and Vice-Chairman and subject to the summary of reasons referred to in the case officer's report, subject to the signing of a Section 106 Agreement (failure to sign the S.106 within 6 weeks will lead to the refusal of the application) and subject also to appropriate conditions.

KJC1

Application ref: 10/2813/MJRO

Description: Extension of time – S07/0798 – Residential, business and industrial development

Location: Bairds Malt Ltd, Springfield Road, Grantham

Decision: Deferred

Noting no objection from the Community Archaeologist; no further comments to S07/0798 from the Crime Prevention Officer, the Environment Agency, Lincolnshire County Council (Education); comments from Lincolnshire County Council (Highways); one letter of objection received as a result of publicity and comments made by Members during the meeting.

It was proposed, seconded and agreed that the application be deferred to the Acting Lead Professional of Development Control for approval after consultation with the Chairman and Vice-Chairman and subject to the summary of reasons referred to in the case officer's report, subject to the signing of a Section 106 Agreement (failure to sign the S.106 within 6 weeks will lead to the refusal of the application) and subject also to appropriate conditions.

PJM1

Application ref: S11/0031/FULL

Description: Creation of new access and driveway

Location: The Stables, 57 Hough Road, Barkston, NG32 2PA

Decision: Approved

Noting no objection from the Highway Authority or Barkston and Syston Parish Council; one third-party representation received as a result of consultation, the site inspection report 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 in the case officer's 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.
2. Before the access is brought into use, all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on Amended drawing dated 26th January 2011, and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

Note(s) to Applicant

1. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.
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.

(17:36 Councillor Turner left the meeting and did not return)

CM1

Application ref: S10/2811/HSB
Description: Extensions and alterations to dwelling
Location: The Poplars, 19 Village Street, Gelston, NG32 2AE
Decision: Deferred

(Having declared a personal interest, Councillor Mrs Kaberry-Brown stated that she would not vote on any proposal but would reserve her right to participate in questioning and debate on this item).

Noting comments made during the public speaking session by:

- Mr Milne – objecting
- Mike Sibthorp – for the applicant

together with no objection from the Community Archaeologist; comments from Hough on the Hill Parish Council; two representations received as a result of consultation; information raised within the late papers; the site inspection report and comments made by Members during the meeting.

It was proposed and seconded that the application be approved. Discussion by Members led to a further proposition, which was duly seconded, that determination of this item be deferred pending further detail about issues raised in the late papers. The mover of the original motion agreed to its withdrawal and the motion to defer became the substantive motion. A vote was taken on this motion, which was carried.

94. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Acting Lead Professional submitted his report PLA873 listing details of applications not determined within the eight week time period and a list of applications dealt with under delegated powers. Also submitted was a list of outstanding planning appeals and appeal decisions. Members of the Committee noted the report.

95. CLOSE OF MEETING

The meeting closed at 18:10.