

# MINUTES

## DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 28 JUNE 2011

1.00PM



---

### COMMITTEE MEMBERS PRESENT

Councillor Adams  
Councillor Ashberry  
Councillor Higgs  
Councillor Howard  
Councillor Mrs Kaberry-Brown  
Councillor Vic Kerr  
Councillor King  
Councillor Morgan

Councillor Parkin (Chairman)  
Councillor Bob Sandall  
Councillor Mrs Judy Smith  
Councillor Jacky Smith  
Councillor Adam Stokes  
Councillor Sumner  
Councillor Wilkins (Vice-Chairman)  
Councillor Wren

### OFFICERS

Head of Development & Growth (Mark Williets)  
Acting Lead Professional (Paul Green)  
Principal Planning Officers (Kevin Cartwright and Justin Johnson)  
Area Planning Officers (Nigel Bryan, Peter Lifford and Paul Milne)  
Planning Technician (Tim Robertson)  
Acting Principal Conservation Officer (Ian Wright)  
Committee Support Officer (Malcolm Hall)  
Assistant Solicitor (Paul Rushworth)

### OTHER MEMBERS

Councillor Rosemary H Woolley  
Councillor Raymond Wootten  
*(In accordance with Council procedure rule 24.5, Councillor Wootten spoke in connection with application KJC1)*

---

### 7. 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 Powell for this meeting only.

### 8. APOLOGIES

Apologies for absence were received from Councillor Cook.

## 9. DECLARATIONS OF INTEREST

Councillor Judy Smith indicated that she thought she might have a personal and prejudicial interest in relation to application PG3. After clarification, and advice from the Committee Support officer and Assistant Solicitor, it was determined that there was no personal and prejudicial interest.

Councillor Vic Kerr declared a personal and prejudicial interest in application PJM1, as he was a farmer in the area of the application site.

Councillor Adams declared a personal interest in application PG4, as the applicant was known to him personally.

## 10. MINUTES OF MEETING HELD ON 31ST MAY 2011

The minutes of the meeting held on 31 May 2011 were approved as a correct record of decisions taken, subject to the addition, in Minute 111, of the following, to more accurately reflect the situation existing at the meeting:-

*(For clarification, the members involved and unable to vote were Councillors Ashberry, King, Morgan, Powell, Jacky Smith, Adam Stokes, Sumner and Wilkins).*

## 11. PLANNING MATTERS

*Decision:-*

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

### **NB1**

Application ref: S10/2313/LB

Description: Alterations and extensions to listed building

Location: 4, St Marys Place, Stamford, Lincolnshire, PE9 2DN

Decision: Deferred

The Chairman asked that it be recorded that all members of the committee had been lobbied by a group of local residents objecting to the proposal, and had been supplied with a significant amount of information in the forms of plans and additional information relevant to the application. He also asked that it be noted that information from the applicant's agents had been circulated to members by email yesterday.

Noting an objection from Stamford Town Council, comments from English Heritage, Building Control and the the South Kesteven Planning Archaeologist, a number of representations from nearby residents, and an analysis of the environmental impacts in relation to the proposed development; late information report circulated to members present at the meeting including detailed observations from the applicant in relation to matters raised by members, officer comments on the information received and two recommended additional conditions, report of site inspection and comments made by members at the meeting.

Prior to discussion taking place on the reports received, the Committee Support Officer and Assistant Solicitor gave advice in relation to public speaking for the benefit of members who had not been present at the meeting on 31 May 2011.

It was proposed and seconded that the application be approved, subject to the conditions shown in the main report and in the late report, subject to conditions 5 and 8 being amended to more tightly control the development. After discussion, and as an amendment, it was proposed and seconded that further consideration be deferred to enable members to be able to fully and properly consider all the additional information that had been circulated in relation to the application. On being put to the vote the amendment was carried and on being put as the substantive motion was also carried.

### **PG1**

Application ref:	S11/0783/HSB
Description:	Two storey rear extension
Location:	The Barn, Rectory Lane, Fulbeck, Grantham, NG32 3JS
Decision:	Approved

Noting comments made during the public speaking session from:-

Tim Kelway – objector  
Nigel Brown – applicant

together with no objection from the Parish Council or Conservation Officer, objections from nearby residents and letters in support from nearby residents; late information report circulated to members present at the meeting including additional information in relation to amended plans and officer comment thereon, together with a suggested amended condition, 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. 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.
3. No works shall take place until full details of the all proposed joinery works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
4. The timber boarding to the external elevations of the extension shall remain unstained and be allowed to weather naturally.
5. Prior to the commencement of any works to the existing barn details of any insulation to be installed in the building shall be submitted to the local planning authority and only such materials as may be agreed in writing shall be used to insulate the building.
6. Prior to the commencement of the works of the extension hereby permitted , large scale details of the intersection of the extension and the existing barn shall be submitted to the local planning authority and agreed in writing.
7. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: 222.1001, 222.1002A, 222.1003, 222.1004A, 222.1005, 222.1008.
8. Notwithstanding the submitted plans there shall be no windows at first floor level in the south elevation, ie to the dressing room and master bedroom, of the proposed extension.

Note 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.

## **PG2**

Application ref: S11/0707/FULL

Description: Replacement dwelling and detached garage

Location: 1, Main Road, Uffington, Stamford, Lincolnshire,  
PE9 4SN

Decision: Approved

Noting comments made during the public speaking session:-

Sarah Woolf – objector  
Mike Sibthorp – agent

together with comments from the Parish Council, no objection from the Highway Authority and a letter of 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. The proposed dwelling shall be rendered in the same colour as the adjoining property 3 Main Road and details of the colour finishes to both the windows of the dwelling and the walls of the swimming pool shall be submitted to and agreed with the local planning authority before any development is commenced.
3. Before the dwelling is occupied the access and vehicular turning area shall be completed in accordance with the approved plan number 2634/2 dated 24 March 2011 and retained for that use thereafter.
4. The tree and hedge planting as proposed in the tree report of Michael J Sumner received on 27 May 2011 shall be implemented within the first available planting season.

### **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.

### **PG3**

Application ref: S11/0865/FULL

Description: Change of use from residential (Class 3) to office use ( Class B1)

Location: 69, Abbey Road, Bourne, Lincolnshire, PE10 9EN

Decision: Approved

Noting comments made during the public speaking session:-

Paul Toseland – applicant

together with no objection from the Town Council, objections from nearby residents, 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. The premises shall be used for office purposes only and for no other purpose (including any other purpose in Class B1 .of the Schedule to the Town and Country Planning (Use Classes) Order 1987,as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
3. No parking or surfacing of the garden area to the rear of the property shall be undertaken without the further written approval of the local planning authority.

### **PG4**

Application ref: S10/2181/FULL

Description: Provision of hard standing for outside seating area

Location: The Fighting Cocks, 13, Market Place, Corby Glen, Grantham, Lincolnshire, NG33 4NH

Decision: Approved

Noting an objection from SKDC Environmental Protection, objections from

neighbouring residents, and additional information from the agent for the applicant; late information report together including a letter from the applicant's agent in relation to the requested resiting and comments made by members at the meeting.

*(2.41pm – Councillor Ashberry left the meeting).*

*(2.47pm – Councillor Ashberry returned to the meeting).*

It was proposed and seconded that the application be refused.

The Committee Support Officer gave advice as to those members present who should not vote on this application.

The proposition was put to the vote, but the result was declared void as one of the members present and unable to vote had mistakenly voted. The vote was taken again and the proposition to refuse was lost.

A further proposition that the application be approved was proposed and seconded and on being put to the vote was agreed, 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 use of the seating area commences the screen fencing as submitted to the local planning authority shall be installed and retained at all times thereafter.
3. The outdoor seating area and marquee shall not be used for the purposes authorised by this permission beyond 23:00 hours on any day.
4. The proposed marquee shall not be used on more than 4 occasions in any calendar year and shall be removed from the site within four days of its use.

## **PL1**

Application ref:	S11/0761/OUT
Description:	Residential development for 4 no. 2 storey dwellings and creation of new access
Location:	51, Barrowby Road, Grantham, Lincolnshire, NG31 8AA
Decision:	Deferred

Noting comments during the public speaking session from:-

Peter Harrison - objecting  
Mr M Leahy – objecting  
Mike Sibthorp – agent

together with comments from the Conservation Officer and Highway Authority, a number of objections from nearby residents, report of site inspection and comments made by members at the meeting.

It was proposed and seconded that the application be approved. As an amendment, it was proposed and seconded that further consideration be deferred pending the submission of a full design and access statement together with full details of the dwellings proposed for the site. On being put to the vote the amendment was carried, and on being put as the substantive motion was also carried.

*(The meeting adjourned from 3.36pm to 3.55pm).*

### **KJC1**

Application ref: S10/2388/MJRF  
Description: Erection of 22 apartments  
Location: 85, Manthorpe Road, Grantham, NG31 8DE  
Decision: Refused

Noting comments made during the public speaking session from:-

Mr Dyer – objecting  
Ian Newton – objecting  
Mrs M Robinson – objecting

*(As the meeting had lasted for 3 hours, in accordance with council procedure rule 9, the committee voted for the meeting to continue).*

Mrs V Wheeler – objecting  
Jean Parker – objecting  
Trevor Burdon – objecting  
Mr Defusto – applicants

together with comments from the Open Spaces Officer, Crime Prevention Design Advisor, Environmental Protection, Environment Agency, Lincolnshire Wildlife Trust, Natural England, SKDC Conservation Officer, Landscape Consultant/Tree Officer, Lincolnshire County Council (Education), Senior Historic Environment Officer Archeology, Upper Witham Internal Drainage

Board, Partnership Projects Officer (Affordable Housing) and the Highway Authority, a number of letters of objection from nearby residents in relation to the original and amended plans, a letter of objection from one of the local Ward members, a number of letters in support of the application and a note of the Section 106 Heads of Terms; late information report circulated to members at the meeting including observations in relation to refuse collection/storage from the Recycling and Enforcement Team Leader and officer comments on parking provision for the site, report of site inspection and comments made by members at the meeting.

It was proposed and seconded that the application be deferred for further negotiation with the applicant in relation to design and numbers, and also with the Highway Authority. As an amendment, it was proposed and seconded that the application be refused for reasons of character and appearance, over development and for reasons put forward by the Inspector at the appeal in 2010. The proposition to defer was withdrawn and the proposition to refuse was then put and agreed, and the application was refused for the following reasons:-

1. It is considered by reasons of bulk and mass the proposal would not relate well to the surrounding properties and wider area. It would be out of keeping with the scale of surrounding properties and be overdevelopment of the plot when compared with the existing plot ratios and urban grain to the detriment of the character and appearance of the surrounding area and street scene.
2. The scale and prominent location of the proposed development would be dominating not only in relation to the neighbouring properties but would also have a detrimental impact on the character and appearance of the adjacent conservation area.
3. As such the proposal is considered to be contrary to policy EN1 (1, 3, 4, 5, 10 and 12 of the adopted South Kesteven Core Strategy, the Grantham Townscape Character Assessment, PPS1 and PPS3 which promote high quality development through good inclusive design and PPS5 Policy HE10 which seeks to ensure that development that affect the setting of a heritage asset preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.

Note(s) to Applicant

1. A revised scheme reducing the overall numbers on the site and thereby the bulk and mass of the development would significantly reduce the impact of the proposal. Any scheme should attempt to 'turn the corner' to make a coherent transition between the two frontages of this important gateway to the town.

*(5.10pm – Councillor Vic Kerr left the meeting, having declared an interest).*

## **PJM1**

Application ref:	S10/2884/MJNF
Description:	Erection of 3 poultry units, 3 feed bins and a general purpose building
Location:	Land Off, Gonerby Lane, Allington
Decision:	Deferred

Noting comments from the applicants in support, comments from Planning Policy and the Parish Council, no objection from Natural England, Highways Agency, Highway Authority, Environment Agency or Lincolnshire County Fire and Rescue, comments from Lincolnshire Wildlife Trust, Environmental Health and the Environment Agency (Noise and Odour), representations from nearby residents, report of site inspection 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 contributions towards highway improvements, and to appropriate conditions as listed in the report, but in this case as the agreement has not been concluded prior to the committee, a period not exceeding six 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 within the six week period and where in the opinion of the Acting Lead Professional acting in consultation with the Chairman, there are no extenuating circumstances which 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 an unacceptable development acceptable have not been forthcoming.

*(5.31pm – Councillor Vic Kerr returned to the meeting).*

*(5.34pm – Councillor Wren left the meeting).*

*(5.34pm – Councillor Morgan left the meeting).*

*(5.35pm – Councillor Wren returned to the meeting).*

*(5.40pm – Councillor Bob Sandall left the meeting).*

## JJ1

Application ref:	S10/1978/FULL
Description:	Conversion, alteration and extension of barns to create 5 dwellings; erection of 2 dwellings and car port and shed, erection of 3m earth bund
Location:	Towngate House Farm, Towngate West, Market Deeping
Decision:	Deferred

Noting no objection from the Highway Authority, detailed comments from English Heritage, comments from Planning Policy, Welland and Deepings Internal Drainage Board and Market Deeping Town Council, no objection from Natural England, comments from the Society for the Protection of Ancient Buildings, comments from the Ramblers Association and Conservation Officer, no objection from Heritage Lincolnshire and comments from the Environmental Protection Officer together with a note of the Section 106 Heads of Terms; late information report circulated to members at the meeting including further comments from English Heritage, Market Deeping Town Council and the Conservation Officer; and comments made by members at the meeting.

*(5.45pm – Councillor Mrs Kaberry-Brown left the meeting).*

*(5.47pm – Councillor Morgan returned to the meeting).*

*(5.50pm – Councillor Mrs Kaberry-Brown returned to 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 relating to affordable housing, to appropriate conditions as listed in the report, but in this case as the agreement has not been concluded prior to the committee, a period not exceeding six 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 within the six week period and where in the opinion of the Acting Lead Professional acting in consultation with the Chairman, there are no extenuating circumstances which 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 an unacceptable development acceptable have not been forthcoming.

## **JJ2**

Application ref:	S10/2015/LB
Description:	Conversion, alteration and extension of listed building
Location:	Towngate House Farm, Towngate West, Market Deeping
Decision:	Deferred

Noting comments from English Heritage, Market Deeping Town Council and the Society for the Protection of Ancient Buildings; late information report circulated to members at the meeting including further information from English Heritage, comments from Market Deeping Town Council and the Conservation Officer and a recommended additional condition, together with 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, subject to the Secretary of State not requiring the application to be referred to him, and subject to appropriate conditions to include the conditions in the main report and the additional condition in the late report.

## **JJ3**

Application ref:	S10/2020/FULL
Description:	Extension to existing dwelling, change of use and extension to existing barns to form dwelling and erection of 3 dwellings
Location:	47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP
Decision:	Deferred

For the submission of further information from the applicant.

#### **JJ4**

Application ref: S10/2021/LB

Description: Extension and alterations of farmhouse, conversion and extension and rebuild of barn and dovecote

Location: 47, East End, Langtoft, Peterborough, Lincolnshire, PE6 9LP

Decision: Deferred

For the submission of further information from the applicant.

*(6.00pm – Councillor Sumner left the meeting).*

#### **JST1**

Application ref: S10/2650/OUT

Description: Erection of 5 dwellings

Location: 28, Main Street, Baston, Peterborough, Lincolnshire, PE6 9PB

Decision: Deferred

Noting comments made during the public speaking session from:-

David Shaw – Agent

together with no objection from the Highway Authority, Environment Agency, Community Archaeologist or Parish Council, comments from Planning Policy, Property and Facilities and Housing Solutions and a number of objections from nearby residents, report of site inspection 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 contributions towards affordable housing, and to appropriate conditions, as listed in the report, and to an additional condition restricting the number of properties on the site to 5, but in this case as the agreement has not been concluded prior to the committee, a period not exceeding six 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 within the six week period and where in the opinion of the Acting Lead Professional acting in consultation with the Chairman, there are no extenuating circumstances which 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 an unacceptable development acceptable have not been forthcoming.

### **JST2**

Application ref: S11/0592/FULL

Description: Erection of four dwellings on garden land at rear of existing dwelling

Location: Eglesfield, 40A, Stamford Road, Market Deeping, Peterborough, Lincolnshire, PE6 8AB

Decision: Deferred

At the request of the Highway Authority, for further information.

*(Meeting adjourned from 6.10pm to 6.14pm).*

### **JST3**

Application ref: S11/0623/FULL

Description: Erection of six dwellings and associated works

Location: Part OS 1037, East Lane, Morton, Bourne, Lincs

Decision: Deferred

Noting no objection from the Highway Authority or Parish Council and comments from Planning Policy, Housing Solutions, the Ramblers Association and Waste and Recycling and a note of the Section 106 Heads of Terms, together with comments made by members at the meeting.

After members had expressed concerns at the level of the Section 106 monies requested in relation to a payment in lieu towards affordable housing, it was proposed, seconded and agreed that further consideration be deferred for a recalculation of the Section 106 amount, and for a report to the next meeting.

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

The Acting Lead Professional submitted his report PLA894 listing details of applications not determined within the 8 week time period. Also submitted was a list of applications dealt with under delegated powers and a planning appeals update/summary as at the end of May 2011.

## **13. PUBLIC SPEAKING - AMENDMENT TO RULES**

*Decision:-*

*That the Constitution Committee be requested to agree to an amendment to the constitution, Paragraph 24.7 (i) to delete "24 hours prior to the meeting" and amend to "one working day prior to the meeting".*

The Chairman advised members that the current constitution rule in relation to public speaking required any person wishing to speak to notify the committee administrator or planning case officer at least 24 hours prior to the meeting. A failure to make such a notification would mean that the person would not be allowed to speak. It had happened on a number of occasions, and most recently on the Tuesday after the Bank Holiday Monday in May, that this was not strictly adhered to, as there were no staff available to take the request to speak.

In the circumstances it was suggested that the rule be amended to alter the 24 hour period to one working day, meaning that the request would be with the committee administrator either on the Friday or in the case of Easter, on the Thursday prior to the meeting. He proposed, and it was seconded, that the Constitution Committee be asked to amend the constitution accordingly. On being put to the vote the proposition was carried.

## **14. COMMITTEE REVIEW**

The Chairman advised the committee that he was intending to introduce a 3 monthly "committee review" whereby an informal meeting would be held, starting at 12.15pm before a scheduled meeting, to enable a review of matters considered by the committee at previous meetings, and also such matters as recent appeal decisions. It was also intended to allow members to bring forward any ideas for improvements to the administration of the committee. The first of these meetings would be held prior to the next scheduled meeting of the committee on 26 July.

## **15. VOTING ISSUES**

Councillor Morgan advised the meeting that the matter of voting issues which had been the subject of some discussion at the last meeting of the committee, in relation to the inability of members who had not heard all the debate on a matter to vote, had been referred to solicitors for advice, and she would report in due course.

## **16. CLOSE OF MEETING**

The meeting closed at 6.39pm.