

MINUTES

DEVELOPMENT CONTROL COMMITTEE TUESDAY, 13 DECEMBER 2011



COMMITTEE MEMBERS PRESENT

Councillor Ashberry
Councillor Cook
Councillor Higgs
Councillor Vic Kerr
Councillor King
Councillor Morgan
Councillor Parkin (Chairman)
Councillor Powell

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

OFFICERS

Head of Development and Growth
(Mark Williets)
Development Management Service
Manager (Pat Reid)
Area Planning Officers (Phil Moore, Alan
Harvey, Peter Lifford, Nigel Bryan and
Paul Milne)
Planning Technician (Tim Robertson)
Committee Support Officer (Malcolm
Hall)
Assistant Solicitor (Paul Rushworth)

OTHER MEMBERS

Councillor Channell
*(in accordance with council procedure
rule 24.5, Councillor Channell spoke in
connection with applications NB3 and
NB4).*

54. 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.

55. APOLOGIES

An apology for absence was received from Councillor Mrs Kaberry-Brown.

56. DECLARATIONS OF INTEREST

Councillor Mrs Brenda Sumner declared a personal interest in application NB1, as former secretary of the outdoor bowls club in Stamford.

Councillor Mrs Brenda Sumner declared a personal and prejudicial interest in application AH2, as she knew one of the objectors to the application.

Councillor Vic Kerr declared a personal interest in application PL1, as a neighbouring farmer and contractor.

57. MINUTES OF MEETING HELD ON 15TH NOVEMBER 2011

The minutes of the meeting held on 15 November 2011 were approved as a correct record of decisions taken, subject to a further small amendment to minute 48 to indicate that Councillor Ashberry declared a personal interest as a member of the Co-operative party.

58. PLANNING MATTERS

Decision:-

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

PWM1

Application ref:	S11/2030/MJRO
Description:	Residential development - 28 dwellinghouses
Location:	The Quarry site, Grantham Road, Ropsley, Grantham
Decision:	Refused

Noting comments made during the public speaking session from:-

Roman Hoffman – objecting
Mr G Machin – agent

together with comments from the Community Archaeologist, Highway Authority, SKDC Projects Officer (Drainage), SKDC Environmental Protection, SKDC Housing Solutions Officer (Affordable Housing), Ramblers Association, LCC (Footpaths), Environment Agency, Lincs Police Crime Prevention Design Advisor, Lincs Wildlife Trust, Natural England, SKDC Community Leisure Officer, LCC (Education), together with comments from the Parish Council and a number of representations from nearby residents and submissions in support from the applicants; late information report circulated to members present at the meeting including further comments from the Highway Authority, no objections from SKDC Arboriculturalist, a

further letter of objection from a nearby resident, further correspondence from the applicant's agent and officer comments thereon, together with additional and amended reasons for refusal, report of site inspection and comments made by members at the meeting.

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

1. The application site is greenfield land in the countryside, on the edge of a small village with limited local services or amenities. Ropsley is not designated as a Local Service Centre in the South Kesteven Core Strategy and is therefore not considered a sustainable location for most new development. It is considered a sustainable location for most new development. It is considered that the proposed development of 20 market dwellings and 8 affordable dwellings does not fall within any of the categories of development allowed in such a location, and that there are no other overriding material considerations relevant to the specific site or the district as a whole which justify development of an additional greenfield site for housing. Taking the above into account, it is considered to be an unsustainable site, the development of which would be contrary to national planning policy given in PPS1 (Sustainable Development), PPS3 (Housing), policies 1 & 3 of The East Midlands Regional Plan and policies SP1 and H1 of The South Kesteven Core Strategy.
2. It is considered that the development would extend the built up area of the village disproportionately to the northwest. The proposal would create an unacceptable pattern of development which would not be well integrated with the majority of the village which has a historically nucleated settlement pattern. Furthermore, it would be an encroachment onto greenfield land which although not cultivated for agricultural purposes, has effectively become part of the surrounding countryside and which contributes positively to the established character and appearance of this part of the village. Taking the above into account, it is considered that the proposal would be detrimental to the form and character of the village contrary to PPS1 (Sustainable Development), PPS3 (Housing), policies 1 & 3 of The East Midlands Regional Plan and 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 application includes provision for 28.5% affordable housing, no evidence has been provided to demonstrate that provision of the target level of 35% would make the scheme unviable, contrary to Policy H3 of The South Kesteven Core Strategy.

4. Insufficient information has been submitted to demonstrate that the proposal would not be detrimental to highway safety or traffic capacity, contrary to national planning policy given in PPG13.

AH1

Application ref: S11/2064/FULL

Description: Change of use of premise from office use (Class A2) to cafe use (Class A3), along with provision of associated flue to rear of premises

Location: 12A, Green Lane, Stamford, Lincolnshire, PE9 1HE

Decision: Approved

Noting comments made during the public speaking session from:-

Mr J M Bales – agent

together with an objection from Stamford Town Council and comments from the Highway Authority, Heritage Trust of Lincolnshire and SKDC Environmental Protection together with a representation from a nearby resident; late information report circulated to members present at the meeting including additional information from the applicants and officer comment thereon, 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 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 approved odour abatement system shall be installed and brought into operation before the premises are first brought into use as a cafe and shall thereafter be retained in use at all times during the hours of operation of the premises.
3. The use hereby permitted shall not commence at the site until details of a scheme for the means of the collection of litter externally of the premises have been submitted to and approved by the Local Planning Authority. Upon the first commencement of the use the scheme shall be implemented in strict accordance with the agreed details and shall thereafter be retained at all times.
4. The use hereby permitted shall not commence until details of a

scheme for the storage of refuse and recycling at the premises have been submitted to and approved by the Local Planning Authority. Upon the first commencement of the use the scheme shall be implemented in strict accordance with the agreed details and shall thereafter be retained at all times.

5. The cafe use shall only operate between 0730 hours and 1630 hours Monday to Saturday and 1000 hours and 1630 hours on Sundays.
6. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Location plan (Scale 1:1250) received on 25 August 2011.
Ground Floor Plan (Scale 1:100) received on 25 August 2011.
Proposed Odour Abatement System received on 18 October 2011.

AH2

Application ref: S11/1778/HSB

Description: Single storey extension to side elevation of existing bungalow and associated works

Location: High Bank, Little Casterton Road, Stamford, Lincolnshire, PE9 1BB

Decision: Refused

Noting comments made during the public speaking session from:-

Joan Hayre – objecting
James Richardson – Agent

together with comments from Stamford Town Council and Heritage Trust of Lincolnshire, representations from neighbouring residents, report of site inspection and comments made by members at the meeting.

(2.20pm – Councillor Mrs Brenda Sumner left the meeting, having declared an interest).

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

1. Having regard to its relationship with the adjoining property at Winchenden the proposed extension would by reason of its siting and scale have an overbearing and overshadowing impact to the severe detriment of the residential amenities of the occupant of Winchenden. As a result the application is considered to be contrary to Policy EN1 of the South Kesteven Core Strategy.

(2.25pm – Councillor Mrs Brenda Sumner returned to the meeting).

(2.25pm – Councillor Vic Kerr left the meeting, having declared an interest).

PL1

Application ref: S11/2420/FULL
Description: Retention of general purpose agricultural building
Location: Odd House Farm, Holme Lane, Claypole, Newark, NG23 5AP
Decision: Approved

Noting comments made during the public speaking session from:-

Ben Wills – Agent

together with no objection from the Parish Council and comments from the Highway Authority and from the Case Officer in relation to a recent appeal decision in regard to the site, and also in relation to a suggested amendment to condition 2 to remove reference to the 'applicants' and insert ' owners, lessees or their contractors', together with comments made by members at the meeting.

It was proposed and seconded that the application be approved subject to the conditions listed in the report, and as amended.

As an amendment it was proposed and seconded that the application be approved, but with the removal of condition 2 prohibiting the use of the building for the housing of livestock.

On being put to the vote the amendment was lost. The proposition was then put to the vote and carried, and the application was 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 agricultural building hereby permitted shall only be used for the purposes of, and in conjunction with, land farmed by the owners, lessees or their contractors and shall not be used to house livestock.
3. Within two months from the date of this permission a scheme of planting for the hedge boundary, using native species, to the south side of the application site, shall be submitted to and approved in

writing by the local planning authority. The approved scheme shall be implemented in the next available planting season. Any hedging removed, dying, becoming seriously damaged or diseased within 5 years of planting shall be replaced by hedging of similar size and species to that originally planted.

(2.48pm – Councillor Vic Kerr returned to the meeting).

PJM1

Application ref: S11/2009/FULL

Description: Change of use from D1 use to storage and display of double glazing products and ancillary offices

Location: The Old Barn, Elms Farm, Frieston Heath Lane, Caythorpe, Grantham, NG32 3HD

Decision: Deferred

Noting no objection from the Highway Authority and comments from Local Plans (Policy) and a note of the Section 106 Heads of Terms, 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 Development Management Service Manager, 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 to ensure the route taken by vehicles and subject 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 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 within the six week period, and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman or Vice 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.

(The meeting adjourned from 3.00pm to 3.18pm).

(Councillor Mrs Brenda Sumner did not return to the meeting on its resumption).

NB1

Application ref: S11/1689/FULL
Description: Erection of club house (amendments to permission S10/2619)
Location: Stamford & District Indoor Bowling Club Ltd, Exeter Gardens, Stamford, Lincolnshire, PE9 2SA
Decision: Deferred

Noting comments made during the public speaking session from:-

Felicity Chedd – objecting

together with no objection from Lincolnshire Heritage, the Highway Authority, Planning Policy or Sport England, comments from Stamford Town Council and objections from nearby residents; late information report circulated to members present at the meeting including (in full) a further letter from a neighbouring resident together with officer comment thereon, and comments made by members at the meeting.

It was proposed and seconded that the application be refused, as being visually intrusive, out of keeping and overdominant in the area.

As an amendment, it was proposed and seconded that the application be deferred for consideration at a future meeting, pending a site inspection and further discussions with the applicants in regard to all the matters raised in relation to windows, lighting, proximity to nearby residents and boundary treatment. On being put to the vote the amendment was carried, and on being put as the substantive motion was also carried. The proposal was therefore deferred to a future meeting for the reasons noted above.

(Following further comments from members, the Development Management Service Manager was requested to ensure that the lighting at the premises was not used beyond the times currently permitted).

(4.03pm – Councillor Mrs Brenda Sumner returned to the meeting).

NB2

Application ref: S11/1723/MJNF
Description: Application under Section 73 of the Town & Country Planning Act for variation of conditions 3 (ecology), 4 (site clearance), 6 (fencing), 8 (construction method statement) & 11 (landscaping) of permission S11/0431; for the erection of a solar farm including 2.2m high boundary fence and associated equipment

Location: The Limes Farm, 32, Spalding Road, Bourne,
Lincolnshire, PE10 0AU

Decision: Approved

Noting comments made during the public speaking session from:-

Jo Wall – Agent

together with an objection from Bourne Town Council, no objection from the Highway Authority or Natural England and comments from Heritage Lincolnshire, the Environment Agency and the Black Sluice Internal Drainage Board, together with an objection from a neighbouring resident; late information report circulated to members at the meeting, including a request from the agent for an amendment to the wording of condition 4, officer comment thereon and a suggested amended to condition 4, in full in the report, together with 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. Before development commences on phase II, as defined in drawing 3039 08, a working design, methods statement and timetable of works to mitigate any adverse impacts to badgers shall be submitted to and agreed in writing with the Local Planning Authority.
2. Site clearance operations that involve the destruction and removal of vegetations on site, except for the removal of agricultural crops, shall not be undertaken during the months of March to August inclusive, except when approved by the Local Planning Authority, to ensure that breeding birds are not adversely affected.
3. No permanent lighting shall be erected on the site without the prior written approval of the Local Planning Authority.
4. The fencing surrounding the site, including Phase 1, as defined in drawing 3039_08, shall be painted a green colour, namely RAL 6005. The colour as approved shall be utilised on the fencing.
5. No development shall take place in phase II, as defined in drawing 3039 08, including site clearing or preparation, until a detailed Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout and the detailed report shall provide for:
 - i. Delivery details including proposed numbers and types of vehicles to the site.

ii. Access arrangements, including temporary or proposed and details of how any vehicle will turn within the site.

iii. Details of any junction improvements or widening required at the A151.

iv. Details of edge protection or strengthening works to accommodate such proposals.

Reason: To ensure that the proposal would not be detrimental to highway safety and to comply with guidance contained in PPG13.

6. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment undertaken by HSP Consulting (Rev. B) and dated January 2011. In particular, the finished floor levels of the inverter houses shall be set no lower than 0.822 metres above Ordnance Datum. The applicant shall confirm in writing to the Local Planning Authority that this has taken place within one month of completion.
7. In the event that the solar panels are no longer used for the generation of electricity all structures associated with the solar farm shall be removed and the land restored to its original condition within six months.
8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out during the first planting season after the completion of each phase and any plants or shrubs that die within the first five years shall be replaced, unless otherwise agreed in writing with the Local Planning Authority.

Note(s) to Applicant

1. Please note that condition 2 of permission S11/0431/MJNF, relating to archaeology, has been partially discharged under S11/1724/DC, but there would still be a requirement for the remainder of the site e.g. phase 2, to be appropriately investigated for potential archaeological remains.

NB3

Application ref:	S11/1384/CAC
Description:	Demolition of timber buildings in Conservation Area
Location:	The Old Rectory, Carlby Road, Greatford, Stamford, Lincolnshire, PE9 4PR
Decision:	Deferred

Noting comments made during the public speaking session from:-

Councillor Channell – local Ward member
Graham Campbell – objecting

together with comments from Heritage Lincolnshire, the Parish Council and Natural England and no objection from the Environment Agency or Lincolnshire Wildlife Trust, objections from nearby residents and comments made by members at the meeting.

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

Following further comments from members, it was agreed to consider this application together with application NB4, in relation to a proposed new driveway to the same property. The Development Management Service Manager and Assistant Solicitor gave information for members in relation to the Wildlife and Ecological Surveys which had been undertaken.

It was proposed and seconded that, in view of the lack of consistent information in regard to environmental matters connected to the application further consideration of both applications for the demolition of buildings and the new driveway be deferred until this information is complete and more detailed, and also for consultation with the Lincolnshire Ecological Society and Bat Group.

As an amendment, it was proposed and seconded that both applications be refused, as being against planning policy EN1 and also because of the impact on the setting of the listed building (The Old Rectory). Following further discussion, the amendment to refuse was withdrawn and the proposition to defer was put and carried.

NB4

Application ref:	S11/0979/FULL
Description:	New driveway to residential property
Location:	The Old Rectory, Carlby Road, Greatford, Stamford, Lincolnshire, PE9 4PR
Decision:	Deferred

Noting no objection from the Highway Authority or SKDC Property and Facilities, comments from the Parish Council, Heritage Lincolnshire, Natural England and the Consultant Arboriculturalist, no objection from the Environment Agency and comments from Lincolnshire Wildlife Trust together with objections from nearby residents; late information report circulated to members present at the meeting including an update on the ecological survey from Lincolnshire Wildlife Trust and the observations of

the Parish Council (in full) on both applications together with officer comment thereon, together with comments made by members at the meeting.

Following further comments from members, it was agreed to consider this application together with application NB3, in relation to a proposed new driveway to the same property. The Development Management Service Manager and Assistant Solicitor gave information for members in relation to the Wildlife and Ecological Surveys which had been undertaken.

It was proposed and seconded that, in view of the lack of consistent information in regard to environmental matters connected to the application further consideration of both applications for the demolition of buildings and the new driveway be deferred until this information is complete and more detailed, and also for consultation with the Lincolnshire Ecological Society and Bat Group.

As an amendment, it was proposed and seconded that both applications be refused, as being against planning policy EN1 and also because of the impact on the setting of the listed building (The Old Rectory). Following further discussion, the amendment to refuse was withdrawn and the proposition to defer was put and carried.

59. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA919 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 including copies of appeal decisions, as at the end of November 2011.

60. CLOSE OF MEETING

The meeting closed at 5.09pm.