

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 17 NOVEMBER 2009
2.00PM



COMMITTEE MEMBERS PRESENT

Councillor Adams
Councillor Exton
Councillor Mrs Gaffigan
Councillor Harvey
Councillor Helyar
Councillor Higgs
Councillor Holmes
Councillor Howard

Councillor Mrs Jalili
Councillor Sam Jalili
Councillor Mrs Kaberry-Brown
Councillor Vic Kerr
Councillor Parkin (Chairman)
Councillor Bob Sandall
Councillor Scott

OFFICERS

Acting Lead Professional
Area Planning Officer
Planning Technician
Committee Support Officer
Solicitor

86. MEMBERSHIP

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

87. APOLOGIES

An apology for absence was received from Councillor Turner.

88. DECLARATIONS OF INTEREST

There were none declared.



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89. MINUTES OF MEETING HELD ON 27TH OCTOBER 2009

The minutes of the meeting held 27th October 2009 were approved as a correct record of decisions taken.

90. PLANNING MATTERS

Decision:-

To determine applications, or make observations as listed below:

JJ1

Application ref: S09/1699/MJRF

Description: Restoration and conversion of The Croft to wardens accommodation & communal facilities and erection of 68 retirement dwellings and associated infrastructure

Location: The Croft, North Road, Bourne

Decision: Approved

Noting comments made during the public speaking session from:-

Dennis Fitzpatrick – objecting
Jonathon Hassall – objecting
Alan Whyte – applicant

together with comments from the Council’s Aboriculturalist, Community Archaeologist, Partnership and Project Officer, Community Leisure Officer, Lincolnshire Wildlife Trust, Bourne Civic Society and Planning Policy, no objection from Natural England, the Highway Authority or Environmental Protection Officer, an objection from Bourne Town Council, no objection from the Environment Agency and letters of objection and in support from nearby residents; late information report circulated to members at the meeting including reference to amended plans, an additional letter of objection and proposed changes to the recommendation, report of site inspection and comments made by members at the meeting.

(2.11pm – Councillor Mrs Kaberry-Brown entered 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:-

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 within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
3. Prior to any development taking place a photographic record of the Croft shall be undertaken. This record shall include the setting of the building within its grounds. The precise details of the photographic record shall be agreed in writing with the local planning authority prior to being undertaken.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) shall be carried out without Planning Permission obtained from the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed without planning permission having first been obtained from the Local Planning Authority.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modifications), no gates, fences or walls shall be erected (other than those expressly authorised by this permission).
7. With the exception of the wardens accommodation the dwellings hereby permitted shall be used for the purposes of retirement accommodation only. Occupiers shall be:
 - i) persons of 55 years or over;
 - ii) other persons who are living as part of a single household with a person or persons aged 55 years or over;
 - iii) persons who were living as part of a single household with a person or persons aged 55 years or over who have since died.
8. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable

housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 31% of housing units/bed spaces;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

9. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.

10. 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, 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]

11. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are

occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

12. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
13. 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.
14. Prior to the commencement of construction of any building(s) or commencement of the use, the vehicular access to North Road and Maple Gardens shall be improved in accordance with drawing number 181-SK-02 dated 9 July 2009.
15. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.
16. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 181-SK-02 dated 9 July 2009, and retained for that use thereafter.
17. The arrangements shown on the approved plan 181-SK-02 dated 9 July 2009 for the parking/turning of vehicles shall be available at all times when the premises are in use.
18. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the Local Planning Authority and no building shall be occupied before it is connected to the agreed drainage system.
19. No dwellings (or other development as specified) shall be commenced before the first 20 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing 181-SK-02 dated 9 July 2009 has been completed.

20. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved by the Local Planning Authority.
21. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and as assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
22. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved by the local planning authority.
23. This consent relates to the application as amended by Drawing No. 181-H49-V-01, 181-CB-01 and 181-GA-01 received on 11 November 2009.

Note(s) to Applicant

1. Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
2. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
3. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.
4. No works shall commence in the highway until a Section 278 Agreement, Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to improve the access junction The Croft/North Road together with all necessary ancillary works.
5. In respect of the bus stop provision, the applicant will need to liaise with the local highway authority and undertake any consultations deemed necessary prior to the commencement of its construction.
6. The surface water drainage scheme required by condition 21 should include:
 - * Pre-development calculations need to be established and agreed using the Institute of Hydrology (IOH), report 124 method, (sites less than 200 hectares should use IOH124 method for a 50 hectare site and

scale down to the correct site size). Post Development calculations must also be calculated in full. We consider Flood Estimation Handbook appropriate for catchment specific data. Calculations need to be presented and post development figures should be modelled for the 1 year, 30 year, 100 year and 100 year plus allowance for climate change. The maximum volume and peak flow rate will need to be identified in the worse case storm event including seasons and the duration of the event. The developer should refer to Environment Agency/Defra document W5-074 'Preliminary Rainfall Runoff Management for Developments' (revision D) for guidance. As the proposed site is currently Greenfield, it must be proved that surface water runoff is not increased post development.

* Full details of any attenuation methods must also be included. The site should be able to attenuate up to and including the 100 year event with the inclusion of climate change. The developer should use Sustainable Drainage methods (SuDS) wherever possible for managing flood risk. Relevant documents for SuDS include the Interim Code of Practice for SuDS and CIRIA publication C697 (The SuDS Manual). Details of all elements of the proposed drainage systems should be included as should clear details of the ownership and responsibility of maintenance of all drainage elements for the lifetime of the development. If appropriate, details of adoption of any drainage elements of the drainage system should be included.

* The Flood Risk Assessment will need to state the overland flood flow routes and subsequent flood risk in the event of surface water system failure, it is essential the flood flow is routed away from vulnerable areas and property, and that the development remains 'safe', as according to Planning Policy Statement 25. The applicant should consider the impact of the development to adjacent properties in regards to surface water flooding.

7. The applicants attention is drawn to the attached comments of the Community Archaeologist.

(The meeting adjourned from 3.30 – 3.42pm).

JJ2

Application ref:	S09/0488/OUT
Description:	Replacement of four static caravans with four small detached cottages (outline)
Location:	Pickworth Hall, Folkingham Road, Pickworth, Sleaford

Decision: Approved

Noting no objection from the Highway Authority, comments from the Community Archaeologist, Planning Policy and Pickworth Parish Meeting, together with representations from nearby residents; late information report circulated to members at the meeting including a proposed change to the recommendation, report of site inspection and comments made by members at the meeting.

(4.05pm – Councillor Harvey left 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 or two years from the approval of the last of the reserved matters, whichever is the later.
2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (a) layout;
 - (b) scale;
 - (c) appearance;
 - (d) access; and
 - (e) landscaping.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

3. No development shall commence until final details of the materials to be used in the construction of external walls and roofs have been submitted to and agreed in writing by the Local Planning Authority. Only the agreed materials shall be used in the development.
4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.
5. No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by

the local planning authority and no building shall be occupied before it is connected to the agreed drainage system.

6. All the existing mobile homes / caravans shall be removed from the site within one month of the occupation of the first dwelling hereby approved, unless otherwise agreed in writing by the District Planning Authority.
7. Unless otherwise agreed the scheme to be submitted pursuant to condition 2 above shall be in accordance with the design and principles set out on the indicative drawings 1440.A.2C and 1440.A.1B

Note(s) to Applicant

1. This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

HB1

Application ref: S09/0805/FULL

Description: Change of Use to mixed use - sports pavillion to include provision for childcare facilities (re-submission of S08/1315 to include outdoor play area)

Location: Barrowby Sports Pavilion, Low Road, Barrowby

Decision: Deferred

Pending reconsideration of the proposed conditions, owing to safety reasons.

91. SITE VISITS

Decision:-

That the existing arrangements for members site visits be continued, i.e. site visits be held to all sites listed on an agenda, except those visited by the Committee before, and for small scale applications, where the Lead Professional determines that a site inspection would be unnecessary.

The Committee Support Officer reminded members that the site visit arrangements as existing has been agreed in April 2008 for a trial period, but that these arrangements had not been reviewed or confirmed.

Members agreed that the arrangements had worked well and it was proposed, seconded and agreed that the arrangements continue.

92. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Lead Professional submitted his report PLA 794, listing details of applications not determined within the 8 week time period. Also submitted was a list of applications dealt with under delegated powers, together with a planning appeals update.

It was proposed and seconded that:-

EXCLUSION OF THE PUBLIC

IN ACCORDANCE WITH SECTION 100A (4) OF THE LOCAL GOVERNMENT ACT 1972, THE PUBLIC BE EXCLUDED FROM THE MEETING BECAUSE OF THE LIKELIHOOD, IN VIEW OF THE NATURE OF THE BUSINESS TO BE TRANSACTED, THAT IF MEMBERS OF THE PUBLIC WERE PRESENT, THERE WOULD BE A DISCLOSURE TO THEM OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPHS 2, 5 and 6 OF PART 1 OF SCHEDULE 12A OF THE ACT.

This proposition was approved.

(4.17pm – the press and left the meeting).

93. ENFORCEMENT ACTION - UNAUTHORISED BOUNDARY FENCE AND GATES, 14 BERKELEY DRIVE, BOURNE

Decision:-

That authority be given for the issue of an Enforcement Notice to secure compliance with the requirements of the Local Planning Authority in respect of the unauthorised fence and gates at 14, Berkeley Drive, Bourne.

Members considered report PLA 793 from the Planning Enforcement Officer in relation to the unauthorised erection of a boundary fence and gates at 14 Berkeley Drive Bourne.

The report set out the history to the site, detailed the breach which had been undertaken, and set out the relevant planning policy, together with appropriate legal advice which had been sought.

It was proposed, seconded and agreed that authority be given for the issue of an enforcement notice in relation to the unauthorised erection of a boundary fence and gates at 14 Berkeley Drive Bourne.

94. CLOSE OF MEETING

The meeting concluded at 4.20pm.