

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 23 FEBRUARY 2010
2.00PM



COMMITTEE MEMBERS PRESENT

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

Councillor Sam Jalili
Councillor Mrs Jalili
Councillor Mrs Kaberry-Brown
Councillor Vic Kerr
Councillor Parkin (Chairman)
Councillor Scott
Councillor Mrs Smith
Councillor Avril Williams

OFFICERS

Acting Lead Professional (2)
Area Planning Officer (5)
Planning Technician
Committee Support Officer
Legal Executive

118. MEMBERSHIP

The Committee was notified that a notice under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990 had been received, replacing Councillor Harvey by Councillor Cook until the next annual meeting of the District Council.

119. APOLOGIES

An apology for absence was received from Councillor Turner.

120. DECLARATIONS OF INTEREST

The following interest was declared:-

Councillor Mrs Kaberry-Brown – personal interest in application PJM3, under the Members' Code of Conduct, and further under the Probity in Planning Code



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of Guidance, to avoid the impression of pre-determination or bias towards the application, in view of her having been lobbied by local residents on the application.

Declaration made during the course of the meeting:-

Councillors Holmes and Mrs Smith – personal interest in application JST4, under the Members’ Code of Conduct, and further under the Probity in Planning Code of Guidance, to avoid the impression of pre-determination or bias towards the application, in view of both Members regularly attending meetings at the application site.

121. MINUTES OF MEETING HELD ON 2ND FEBRUARY 2010

The minutes of the meeting held on 2nd February 2010 were approved as a correct record of decisions taken.

122. PLANNING MATTERS

Decision:-

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

NB1

Application ref:	S09/2409/FULL
Description:	Residential development (7 dwellings)
Location:	Land Off, Stephens Way, Deeping St. James
Decision:	Deferred

Noting comments made during the public speaking session from:-

Adrian Copland – objecting

together with comments from Planning Policy, Heritage Lincolnshire Archaeology, and County Council (schools), an objection from the Parish Council, no objection from the Highway Authority, an objection from nearby residents; late information report circulated to Members at the meeting including comments from the Primary Care Trust, report of site inspection and comments made by Members at the meeting.

(2.10pm – Councillor Helyar entered 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 set out by the Case Officer in the circulated report, subject to the completion of a Section 106 Agreement and subject also to appropriate conditions.

NB2

Application ref: S09/2570/FULL

Description: Change of use from financial services (A2) to takeaway (A5)

Location: 9, Abbey Road, Bourne, Lincolnshire

Decision: Approved

Noting no objection from Heritage Lincolnshire or Environmental Protection, objection from Bourne Town Council and local residents, no objection from the Highway Authority, 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. Before the use is commenced, equipment shall be installed as will suppress the emission of fumes or smell and obviate odours from frying or other cooking processes. No development shall take place until details of the equipment have been submitted to and approved by the district planning authority.
3. The bins shall be secure in nature and stored in the enclosed courtyard to the property rear (except on collection day).
4. As stated in the application form, the shop shall not open outside the hours of 1700 hours to 2300 hours.

Note(s) to Applicant

1. This grant of planning permission does not authorise the external alteration of the building which, if material, is likely to require planning permission and/or advertisement consent.
2. This grant of planning permission does not authorise any external alterations to the building which may require permission in its own right.

PJM1

Application ref:	S09/0944/OUT
Description:	Residential development (outline) with all matters reserved
Location:	Fairfield House, Main Street, Claypole, Newark, Notts
Decision:	Approved

Noting comments made during the public speaking session from:-

Oliver Grundy – Agent

together with no objection from the Highway Authority or Anglian Water, comments from Planning Policy, Upper Witham Internal Drainage Board and Arboriculturalist, representations from the Parish Council and comments 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 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. The number of dwelling units authorised by this planning permission shall not exceed five in total.
4. 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.

5. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the submitted report by R M Associates and drawing No. 421/1 Rev 0 dated 17 November 2009.
6. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to the first occupation of any part and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
7. Before development is commenced details of the existing (including land immediately adjacent the application site) and proposed ground levels (Ordnance Datum) shall be submitted to the local planning authority for approval. The submitted details shall include spot levels in addition to cross sections. The development shall be carried out in accordance with the approved details.
8. 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 visibility splays indicated on drawing number F1929-01-F dated 17 November 2009. Thereafter the visibility splays shall be kept free of all obstacles exceeding 0.6 metres in height.
9. Prior to any of the dwellings being occupied, the private drive shall be completed in accordance with the details shown on drawing number F1929-01-F dated 17 November 2009.
10. All dwellings constructed on the site shall be built in accordance with the submitted scale parameters, being a maximum height of 7.2m to ridge and 4.84m to eaves.

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further 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.
3. Please note that 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.

PJM2

Application ref: S09/0954/FULL
Description: Conversion of former shop to two dwellings
Location: Adjacent Fairfield House, Main Street, Claypole
Decision: Approved

Noting comments made during the public speaking session from:-

Oliver Grundy – agent

together with no objection from the Highway Authority or Anglian Water, comments from Planning Policy, the Parish Council and Arboriculturalist, representations from nearby residents, submissions in support from the applicant, 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. The gable which is to be rebuilt to the front elevation shall be reconstructed with brick bonding and mortar to match that of the original building.
4. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the submitted report by R M Associates and drawing No. 421/1 Rev 0 dated 17 November 2009.
5. 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.

6. 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.
7. 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.
8. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number F1588-03-C dated 5 May 2009, and retained for that use thereafter.
9. The arrangements shown on the approved plan F1588-03-C dated 5 May 2009 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further 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.

PJM3

Application ref: S09/1906/FULL

Description: Erection of dwelling with attached double garage

Location: Plot 4, Adj The Nurseries, Bottesford Road,
Allington, Grantham, Lincs

Decision: Approved

Noting comments made during the public speaking session from:-

Mr P Sharp – objecting
Tracey Longworth - agent

together with no objection from the Highway Authority or Environmental Protection, comments from Heritage Lincolnshire, an objection from the Parish 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. 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 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.
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. 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.
6. 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.

7. This permission relates solely to the application as amended by Drawing No. 2009-261 dated 8 January 2010.
8. The first floor side window to bedroom three shall be fixed and obscure glazed and shall remain as such unless otherwise agreed in writing with the local planning authority.
9. The windows to the western side elevation shall be fixed and obscure glazed and shall remain as such unless otherwise agreed in writing with the local planning authority.

Note(s) to Applicant

1. Prior to the submission of details for any access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 782070 for application, specification and construction information.
2. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
3. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

(In accordance with Council Procedure Rule 16.5, Councillor Mrs Kaberry-Brown asked that her abstention from voting be recorded).

JST1

Application ref: S09/2375/FULL

Description: Change of use from highway land to a mixed use of highway land and outdoor seating area ancillary to the existing A3 use and external canopy to the front

Location: Cafe Black, 21, High Street, Stamford

Decision: Deferred

Noting comments made during the public speaking session from:-

Jim Harding – applicant

together with an objection from Stamford Town Council, request to refuse from the Highway Authority, objections from Stamford Civic Society and English Heritage and representations from nearby residents; late information report circulated to Members at the meeting, with a note of further representations received, including a petition of 1500 signatures in support, further observations of the Highway Authority and reference to submissions by the applicant in relation to precedent, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be refused.

As an amendment, it was then proposed and seconded that further consideration be deferred to allow the applicant to discuss with the Planning Officers with a view to securing the canopy within the fascia, and that the proposal to use the outdoor seating is acceptable.

On being put to the vote, the amendment was agreed, and on being put as the substantive motion, was also agreed.

JST2

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

Noting comments made during the public speaking session from:-

Jim Harding – applicant

together with objections from Stamford Town Council, the Historic Building Advisor, Stamford Civic Society and English Heritage, request to refuse from the Highway Authority, representations from nearby residents; late information report circulated to Members at the meeting, with a note of further representations received, including a petition of 1500 signatures in support, further observations of the Highway Authority and reference to submissions by the applicant in relation to precedent, report of site inspection and comments made by Members at the meeting.

It was proposed and seconded that the application be refused.

As an amendment, it was then proposed and seconded that further consideration be deferred to allow the applicant to discuss with the Planning

Officers with a view to securing the canopy within the fascia, and that the proposal to use the outdoor seating is acceptable.

On being put to the vote, the amendment was agreed, and on being put as the substantive motion, was also agreed.

(The meeting adjourned from 3.55pm – 4.10pm).

JST3

Application ref: S09/2750/FULL
Description: New lift shaft to existing care home
Location: 126-186, Essex Road, Stamford
Decision: Approved

Noting no objection from Stamford Town Council 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 external finishes of the development hereby approved shall proceed fully in accordance with material details provided within the submitted Design and Access Statement dated 19 November 2009.

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.

JST4

Application ref: S09/2752/FULL
Description: New lift shaft to existing care home

Location: Meadow Close, Bourne

Decision: Approved

Noting comments made during the public speaking session from:-

Sandra Turner – objecting

together with no objection from Bourne Town Council and 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 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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.

PL1

Application ref: S09/2002/HSH

Description: Ground floor extension & additional first floor accommodation to existing bungalow

Location: 138, Main Street, Claypole, Newark

Decision: Approved

Noting no objection from the Parish Council, comments from Anglian Water and 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 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 development shall be built in accordance with the materials detailed on the submitted application forms unless otherwise agreed in writing by the local planning authority.
3. This permission relates solely to the application as amended by drawings received on 21 October 2009.
4. Before the extensions and alterations hereby approved are first brought into use the works to the driveway as shown on the approved drawings shall be completed to the satisfaction of the local planning authority.

PWM1

Application ref: S09/2934/HSB

Description: Erection of conservatory to rear

Location: 129, Fifth Avenue, Grantham

Decision: Approved

Noting comments from Heritage Lincolnshire 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 development shall be built in accordance with the materials detailed on the submitted drawings and application forms unless otherwise agreed in writing by the local planning authority.

Note(s) to Applicant

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.

123. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Acting Lead Professional submitted his report PLA807 listing details of applications not determined within the eight week time period. Also submitted was a list of applications dealt with under delegated powers, and a planning appeals update.

124. S09/2155 - ERECTION OF 7 DWELLINGS (SUBSTITUTION OF HOUSE TYPES ON PLOT 107, 109, 110, 120, 121 AND 122) FORMER IMPRESS CANNING WORKS, SPRINGFIELD ROAD, GRANTHAM

Decision:-

That authority be given for the completion of a Deed of Variation to link this application to the original outline approval (S09/0220) with regard to the associated Section 106 Agreement.

The Acting Lead Professional reported that the above application had been received in substitution for houses on the approved layout (S07/0588). The proposed substitutions of house types was considered acceptable and in accordance with local policies and guidance. However, there was a requirement to link the application to the original outline permission (S05/0220). There would otherwise be a likelihood that the trigger point at which the various developer contributions were required may never be reached, as what was being built on the site would not be under the outline planning permission referred to or associated reserved matters applications.

It was proposed, seconded and agreed that an appropriate Deed of Variation be made to link application S09/2155 to the original outline approval S05/0220 and the associated Section 106 Agreement.

125. SCHEDULE OF MEETINGS 2010/11

Decision:-

That the proposal to move to a four week cycle with effect from the first meeting after the Annual Full Council for a trial period of 12 months, be supported.

The Chairman proposed, and it was seconded, that the Committee move to a four-week cycle for a trial period of one year with effect from the first meeting after the annual meeting of the Council.

He supported this proposal by stating that as many as 60% of applications on recent agendas had been out of time, one reason being that the Development Control staff had little or no time to properly consider and report owing to a

significant overlap between one meeting and the next. It was anticipated that the move to a four-week cycle would not affect the overall figures.

The Acting Lead Professional reminded Members that some 90-92% of all applications were delegated. The proposal now made would ensure that the Case Officers would have more time to prepare reports to Committee for the remaining applications, although it was also expected that there would be slightly more applications per meeting.

Members discussed the proposal and whilst there was some opposition, it was generally agreed to support the request. The Committee Support Officer pointed out that whilst the frequency of ordinary meetings was indeed a matter for the Annual Council to agree, Members could add special meetings where required, perhaps to consider large applications, and could fix the time of meetings to ensure that longer agendas did not mean necessarily a later finish. It was agreed that the time of meetings be fixed between the Chairman, Acting Lead Professional and Committee Support Officer to reflect the number of applications to be considered.

126. CLOSE OF MEETING

The meeting closed at 4.59pm.