

# MINUTES

DEVELOPMENT CONTROL  
COMMITTEE  
TUESDAY, 15 DECEMBER 2009  
2.00PM



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## 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 Parkin (Chairman)  
Councillor Bob Sandall  
Councillor Scott  
Councillor Mrs Smith  
Councillor Turner

## OFFICERS

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

## OTHER MEMBERS

Councillor Moore  
Councillor Wootten  
*(in accordance with council procedure rule 24.5, Councillor Moore spoke in connection with application JST1 and Councillor Wootten spoke in connection with application BJM1)*

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## 95. MEMBERSHIP

The Committee was notified that notices under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990 had been received, appointing Councillor Judy Smith in place of Councillor Newcombe-Jones until the next annual meeting of the District Council, and appointing Councillor Bob Sandall in place of Councillor Vic Kerr for this meeting only.

## 96. APOLOGIES

An apology for absence was received from Councillor Avril Williams.



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**South Kesteven District Council**

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**97. DECLARATIONS OF INTEREST**

Declarations made during the meeting:-

Councillor Holmes - personal interest in application PJM3, under the members' code of conduct, and further under the Probity in Planning Code of Guidance, to avoid the impression of predetermination or bias towards the application in view of his knowledge, by distant relationship by marriage, of one of the applicants.

Councillor Exton – personal interest in application PL2, under the members' code of conduct, and further under the Probity in Planning Code of Guidance, to avoid the impression of predetermination or bias towards the application, in view of his being a member of Lincolnshire County Council, who are the decision making body for this application.

**98. MINUTES OF MEETING HELD ON 17TH NOVEMBER 2009**

The Committee Support Officer apologised to the Committee for a computer problem which had resulted in the list of committee members present shown in the minutes circulated with the agenda showing some members twice and some members not at all. For clarification he read the list of members who were actually present, and confirmed that the minutes now published on the Council's website had been amended accordingly.

The minutes of the meeting held on 17<sup>th</sup> November 2009, were approved as a correct record of decisions taken, subject to the amendment mentioned in the preceding paragraph.

**99. PLANNING MATTERS**

*Decision:-*

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

**JST1**

Application ref:	S09/0827/FULL
Description:	Erection of 9 affordable dwellings
Location:	Land Adjacent, 18, New Road, Langtoft
Decision:	Deferred

Noting comments made during the public speaking session from:-

Jim Winstone - Chairman of Langtoft Parish Council – objecting  
Mrs P Greenwood – objecting  
Miss S Mackenzie – objecting

together with no objection from the Highway Authority, comments from the County Council (footpaths), Ramblers Association, LCC Education, Housing Solutions, Landscape and Tree officer and Planning Policy, an objection from Langtoft Parish Council, a number of letters of objection and in support from nearby residents; late information report circulated to members at the meeting including further comments from Planning Policy, a statement from Langtoft Parish Council separately circulated with the late report, comments from the Community Archaeologist and no objection from the Highway Authority, together with a list of conditions to be attached, report of site inspection and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be deferred pending a decision on the application for 15 dwellings at Stowe Road, Langtoft.

### **PJM1**

Application ref:	S09/2454/FULL
Description:	Demolition of garages and erection of 5 dwellings with associated access roads, car parking and private amenity space
Location:	Land R/o 13 - 23 Gladstone Terrace, Grantham
Decision:	Approved

Noting comments made during the public speaking session from:-

Mr P McLeavy – objecting  
Dr M Pearce – objecting  
Peter McQuillan – applicant

together with no objection from the Highway Authority, comments from the Arboriculturalist, Community Archaeologist, Conservation Officer and Planning Policy, a number of objections from nearby residents and submissions in support from the applicants; late information report circulated to members at the meeting including reference to a further 10 letters of objection 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 or 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 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.
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 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, hard surfacing materials, minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc), proposed and existing functional above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports, etc). Soft landscape works shall include (planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme).
5. 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.
6. 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.
7. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number M08/07 dated 27 October 2009, and retained for that use thereafter.
8. Before development is commenced, the approval of the local planning

authority is required to any details for the improvement of the Gladstone Terrace access and the access shall be improved in accordance with such details as may be approved before the building is commenced. The new access road must conform to the requirements of BS 5837 : 2005, Trees in relation to construction.

9. This permission relates to the application as amended by drawing number M/08/07 received on 24 November 2009.

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.

You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

2. This road is a private road and will not be adopted as 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: S09/2211/FULL

Description: Application to vary Condition 7 of planning approval S08/1026 to increase the number of car parking spaces from 61 to 80

Location: Kempton Way, Dysart Road, Grantham, Lincs

Decision: Deferred

Noting comments made during the public speaking session from:-

Julian Purvis – applicants

together with comments from the Highway Authority and submissions in support from the applicants together with comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be deferred for

determination by the Lead Professional, after consultation with the Chairman and 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 to secure a developer contribution towards public transport improvements, and subject also to appropriate conditions.

*(The meeting adjourned from 3.25pm – 3.42pm).*

**PJM3**

Application ref: S09/1997/FULL  
Description: Substitution of house types on Plots 6, 7 and 8  
Location: Dysart Farm, Great North Road, Long Bennington, Grantham, Lincs  
Decision: Deferred

Noting no objection from the Highway Authority or Planning Policy and submissions in support from the applicants, together with comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be deferred for determination by the Lead Professional, after consultation with the Chairman and 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 in relation to the educational contribution, and subject also to appropriate conditions.

**NB1**

Application ref: S09/2108/MJRF  
Description: Residential development (14 flats)  
Location: Former Welland Motor Factors Site, North Street, Stamford, Lincs

Decision:

Application withdrawn.

## **NB2**

Application ref:	S09/2558/HSB
Description:	Erection of two storey side extension (including first floor balcony) and single storey rear extension (amendments to S08/1121)
Location:	Hightree House, Main Street, Greatford, Stamford, Lincolnshire
Decision:	Approved

Noting comments made during the public speaking session from:-

Richard Anderson – applicant

together with no objection from South Kesteven District Council Archaeology, no objection from the Parish Council; late information report circulated to Members at the meeting including an additional letter from the Parish Council and no further comment from the officers; 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. Samples of the materials to be used for all external walls and roofs shall be submitted to the district planning authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development saving that the front wall shall be constructed of materials to match the existing dwelling.
3. As indicated on the approved drawings, the balcony on the first floor shall only extend beyond the rear elevation of the proposed master bedroom and not to the rear elevation of the original house.
4. This permission relates solely to the application as amended by plans received on 23 November 2009.

## JJ1

Application ref:	S09/1663/FULL
Description:	Erection of detached dwelling
Location:	Land adjacent to the Surgery, St. Johns Drive, Corby Glen
Decision:	Approved

Noting comments made during the public speaking session from:-

Brian Johnson – Corby Glen Parish Council – objecting  
Major David Hemming – on behalf of the applicant

together with comments from the Parish Council, no objection from the Highway Authority, an objection from English Heritage and comments from the Conservation Officer together with representations from nearby residents; late information report circulated to Members at the meeting including additional conditions, 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 shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where

relevant.] Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme]

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. Before development is commence on site details shall be provided indicating how all existing trees on or adjacent to the site shall be protected during construction. The development shall then only be undertaken in accordance with the approved details.
6. Before the dwelling is occupied, the access and turning space shall be competed in accordance with the approved plan drawing number 1016/TP/003 dated 08 July 2009 and retained for that use thereafter.
7. 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.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking the re-enacting that Order) no windows (other than those approved by this permission) shall be formed on the elevations of the herby approved development without the prior written approval of the Local Planning Authority.
9. The 1st floor windows to the wardrobes and en-suites on the northern elevation shall be glazed in highly obscured (non see through) glass as indicated on drawing 1016/TP/010 received on 23 July 2009. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.
10. No development shall take place until precise details of the ground source heat pump system has been submitted to and agreed in writing by the Local Planning Authority. The development shall then only be undertaken in accordance with the approved details.

## **PL1**

Application ref: S09/2533/FULL

Description: Extension to chimney

Location: Vacu-Lug Tyres Ltd, Gonerby Road, Gonerby Hill Foot, Grantham

Decision: Approved

Noting comments made during the public speaking session from:-

Mr Thorpe – objecting  
Mrs Crawford – objecting

together with comments from Environmental Protection and representations from nearby residents together with comments made by Members at the meeting.

*(4.32pm – Councillor Exton 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 condition:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*(4.36pm – Councillor Sam Jalili left the meeting).*

*(4.38pm – Councillor Exton returned to the meeting).*

## **PL2**

Application ref: S09/2641/CM

Description: Extension to bus shelter waste storage building (revised application)

Location: Mid-UK Recycling Ltd, Station Road, Caythorpe, Grantham

Decision: No objection

Noting comments made by Members at the meeting, it was proposed, seconded and agreed that, subject to the summary of reasons set out by the

Case Officer in the circulated report, the County Council be advised that the District Council has no objection to the application.

**IVW1**

Application ref: S09/1867/LB  
Description: Erection of railings to existing boundary wall (1.7m high) and metal gates  
Location: Middlemore House, Castlegate, Grantham, Lincolnshire  
Decision: Approved

Noting no objection from the Community Archaeologist, 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 condition:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**IVW2**

Application ref: S09/2125/HSB  
Description: Erection of railings to existing boundary wall (1.7m high) and metal gates  
Location: Middlemore House, Castlegate, Grantham, Lincolnshire  
Decision: Approved

Noting no objection from the Community Archaeologist, 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 condition:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

## **100. ENFORCEMENT SERVICE - REVIEW OF SCHEME OF DELEGATION**

*Decision:-*

*That the current scheme of delegation in relation to planning enforcement be amended so that the Corporate Head of Sustainable Communities, in consultation with the Development Services Manager (Lead Professional in his absence) and Legal Services have authority to issue the following formal notices:*

*Breach of condition Notices  
Hazardous substance Notice  
Section 215 Notice (untidy land)  
Enforcement Notice  
Listed Building Enforcement Notice  
Stop Notice  
Temporary Stop Notice*

*and that the above policy approach be endorsed by the Constitution Committee.*

The Planning Enforcement Officer introduced his report PLA790 in relation to a review of the Scheme of Delegation in relation to enforcement services which had taken place. In order to improve the effectiveness and efficiency of the planning enforcement function undertaken by the Council, in cases where formal action was required, it was proposed to amend the current scheme of delegation so that the Corporate Head, in consultation with the Development Services Manager (or Lead Professional) and Legal Services had the power to issue appropriate notices. This would ensure that the speed and effectiveness of the service was improved, resulting in less delay and a more efficient and effective compliance mechanism. Currently such action as recommended above for delegation was only able to be authorised by reporting to meetings of the Development Control Committee, with the obvious and consequent delays, sometimes of three weeks or more.

Members noted particularly the detailed explanation of the planning enforcement role and enforcement framework which had been set out by the Planning Enforcement Officer, together with details of the planning policy position and current working arrangements, which were set out in a table within the report.

*(4.50pm – Councillor Mrs Kaberry-Brown left the meeting.*

Members discussed the report in detail and some Members expressed concern at the removal of powers from Members of the Development Control Committee. The Acting Lead Professional responded that the proposals now made would ensure effective and quick action, which was often required, whereas the current process slowed down the system considerably. A Member suggested that if a case requiring enforcement action was strong enough then rather than delegation, action could be taken subject to ratification afterwards. In response, the Acting Lead Professional said that if authority was to be given after action had been taken this could be subject to legal challenge. However, if effective delegated authority was in place this was more certain and less likely to be challenged legally. The Acting Lead Professional's comments were endorsed by the Legal Executive.

After further discussion, it was proposed, seconded and agreed that the proposals for an amended scheme of delegation, set out in the report, be endorsed for submission to the Constitution Committee.

*(4.55pm – Councillor Mrs Kaberry-Brown returned to the meeting).*

#### **101. DIVERSION OF FOOTPATH NO.16 – GRANTHAM**

*Decision:-*

*That approval be given to the diversion of part of public footpath number 16 at Grantham.*

The Committee Support Officer introduced report DEM036 in relation to the above matter, and confirmed that if approval was given to an order being made, it would be subject to the usual publicity. The order was necessary because of proposals for industrial development at Spittlegate Level Grantham, which also had necessitated a new access off the A1 to west, which directly affected the path.

It was accordingly proposed, seconded and agreed that authority be given for the appropriate order to be made.

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

The Lead Professional submitted his report PLA801 listing details of applications not determined within the eight week time period. Also submitted was a list of applications dealt with under delegated powers.

**103. S09/1415 - REMOVAL OF CONDITION 2 OF PLANNING PERMISSION SK55/1056/92 - AGRICULTURAL OCCUPANCY CONDITION - THE OLD BARN FEN LANE LONG BENNINGTON**

*Decision:-*

*That authority be given for the Section 106 Agreement to be entered into in relation to the removal of the condition in relation to the agricultural occupancy of the Old Barn, Fen Lane, Long Bennington.*

The Acting Lead Professional reported that the above application related to the removal of an agricultural occupancy condition attached to the Old Barn, Fen Lane, Long Bennington. In order to ensure that there was no loss in the number of dwellings available for occupation for persons employed in agriculture, the applicant had submitted a request for a Section 106 Agreement requiring Willow Tree Farm House (the parent farm building) to be occupied by persons employed in agriculture subject to the removal of the condition for the Old Barn.

It was necessary for an appropriate Section 106 Agreement to be completed to cover the removal of the condition, and Legal Services had indicated that this had in fact been drafted, however a committee minute was required to allow the agreement to be released. As there was no loss in agricultural dwellings, it was considered that the request was acceptable.

It was proposed, seconded and agreed that an appropriate Section 106 Agreement be entered into to allow the agricultural occupancy condition for the Old Barn Fen Lane, Long Bennington to be removed.

**104. CLOSE OF MEETING**

The meeting closed at 5.05pm.