

Minutes

Planning Committee
Wednesday, 8 July 2020



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Bob Adams (Chairman)
Councillor David Bellamy
Councillor Harrish Bisnauthsing
Councillor Louise Clack
Councillor John Cottier
Councillor Phil Dilks
Councillor Mike Exton

Councillor Mrs Rosemary Kaberry-Brown
Councillor Penny Milnes
Councillor Robert Reid
Councillor Ian Selby
Councillor Jacky Smith
Councillor Mrs Judy Smith (Vice-Chairman)

Officers

Head of Development Management (Will Richards)
Director of Law and Governance (Shahin Ismail)
Head of Governance (Jo Toomey)
Principal Planning Officer (Chris Brown)
Principal Planning Officer (Reddy Nallamilli)
Democratic Officer (Anita Eckersley)

Other Members

Councillor Ashley Baxter
Councillor Rosemary Trollope-Bellew

(In accordance with Article 9.1.9 of the Council's Constitution, Councillor Trollope-Bellew and Councillor Baxter spoke in connection with application S18/0567)

83. Register of attendance, membership and apologies for absence

Following a register of attendance, it was confirmed that all Members of the Committee were present at the meeting.

84. Disclosure of interests

No interests were disclosed.

85. Minutes of the meeting held on 24 June 2020

The minutes of the meeting held on 24 June 2020 were agreed as a correct record.

Members' attention was drawn to the post-meeting note, which had been included in the minutes, clarifying that Councillor Reid was recusing himself from being consulted on the draft consultation letter in respect of application S19/1244 (Sudbrook Quarry, land west of Rookery Lane, Sudbrook). The Council was a consultee to the application, which related to a matter that would be determined by Lincolnshire County Council's Planning and Regulation Committee, of which Councillor Reid was a member.

86. Planning matters

(a) Application S18/0567

Proposal: Use of land for the siting of 20 touring caravans, change of use of part of building to club house and erection of toilet block, all associated with proposed commercial water skiing and wakeboarding facility on the site.

Location: Moorelake House, Barholm Road, Tallington, Lincolnshire, PE9 4RJ

Decision: To approve the application subject to conditions

Noting comments made during the public speaking session by:

District Councillor	Councillor Rosemary Trollope-Bellew
	Councillor Ashley Baxter
Against	Neil Morgan (read on his behalf)
Applicant's Agent	Matt Hubbard

Together with:

- No objection from Lincolnshire County Council Highways and SUDS Support
- Recommendation for the provision of a package treatment plant by Anglian Water
- No objection to the provision of a non-mains foul drainage system from the Environment Agency
- Comments from Lincolnshire Wildlife Trust
- Environmental Protection Services (SKDC) noted no objection subject to a condition
- Tallington Parish Council support for this application
- No objections from the Police Crime Prevention Officer
- No request for Section 106 funding from NHS England
- Representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by members at the meeting

- The outcome from the Judicial Review and how the issues raised were addressed
- Legal guidance on the robustness of the report in relation to the matters arising from the Judicial Review

A Committee member proposed adding three further conditions to those listed in the report. The suggested additional conditions were:

- Limiting the site to 1 motorboat
- Limiting the use of the site to water skiing and wake boarding
- Linking the use of onsite caravans to the use of the lake and the water skiing and wakeboarding activity

It was noted that limiting the site to one motorboat and the use of the site to water skiing and wakeboarding was included in the application. Some concern was expressed about the enforceability of linking the use of onsite caravans to the use of the lake. A vote was taken on adding the conditions noted above to those listed in the report, which was lost.

It was proposed, seconded and agreed that the application be approved for the summary of reasons set out in the case officer's report together with the ongoing conditions.

Time Limit for Commencement

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

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - i. Site Location Plan - received 30 November 2018
 - ii. Layout Plan and Elevations - dwg. no. CM/DA/7283/18 B - received 30 November 2018
 - iii. Drainage Layout Plan - dwg. no. CM/DA/7284/18 A - received 30 November 2018

Unless otherwise required by another condition of this permission.

Before the Development is Occupied

3. Before the use hereby approved is brought into first use, the foul water drainage scheme shall have been implemented in accordance with the approved details shown on Drawing No. CM/DA/7284/18 A received 30 November 2018.

4. Before any part of the development hereby permitted is brought into use the compensation and enhancements recommendations outlined on page 30 of the Ecological Impact Assessment-July 2019 (RSE_2113_02_V1) by Ramm Sanderson submitted 22 July 2019 shall be implemented. These shall then be maintained for the lifetime of the development.
5. Before any part of the development hereby permitted is brought into use, a scheme for the provision of site rules and signage in order to keep dogs on leads and ensure restricted access to areas of the lake already used for water sports or leisure.
6. Before any part of the development hereby permitted is brought into use a minimum of 3 no. electric vehicle charging points shall be made available for use by visitors to the site and shall be retained as such for the lifetime of the development.
7. Before the use of the land hereby permitted is commenced, the touring caravan pitches shall have been laid out in accordance with approved Layout Plan (CM/DA/7283/18 B). Caravans brought onto the site shall only be sited within the approved plots, shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.
8. Before any part of the development hereby permitted is occupied/brought into use, a landscape management plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 1. long term design objectives,
 2. management responsibilities and
 3. maintenance schedules for all landscape areas, other than privately owned, domestic gardens.

Ongoing Conditions

9. The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of the individual touring caravans, and of their main home addresses, and the dates and duration of their stays. This information shall be made available at all reasonable times to the District Planning Authority on request.
10. The clubhouse hereby approved shall only be used for purposes ancillary to the water skiing and wakeboarding facility on site and shall not be used for any other purpose including any other use within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) nor shall it be used for the provision of any bar facility (whether ancillary or not to the water skiing and wakeboarding facility).

11. There shall be no use of the lake for water sports after day light hours.
12. No external lighting shall be provided at the site unless details (including bat sensitive lighting) have first been provided for approval by the Local Planning Authority. No lighting of the lake shall be included. External lighting shall only be provided in accordance with the approved details.
13. For a period of not less than 5 years following the first occupation of the final dwelling/unit hereby permitted; the approved Landscape Management Plan shall be adhered to in full unless otherwise agreed in writing by the Local Planning Authority.

The meeting adjourned at 11:35 and reconvened at 11:50.

(b) Application S19/2140

Proposal: Approval of Reserved Matters for appearance, landscaping, layout and scale for 49 dwellings following grant of Outline Permission S18/0093

Location: Land East of Low Road, Barrowby

Decision: Minded to refuse the application contrary to officer recommendations

The Chairman wished to place on record his and the Committee's recognition and appreciation for the work undertaken by the Principal Planning Officer, Reddy Nallamilli in respect of communicating and taking on board concerns raised by residents, the parish council, the neighbourhood plan group, developers and Committee Members in respect of this application.

Noting comments made during the public speaking session by:

Barrowby Parish Council	Councillor Phil Cupit
Against	Nigel Jones
	Patricia Scriven
Applicant/Applicant's Agent	Robert Jays

Together with:

- Comments and an objection from Barrowby Parish Council
- Comments and an objection from Barrowby Neighbourhood Plan Group
- No comments to make by SKDC's Environmental Protection Services
- Comments from SKDC's Affordable Housing Officer
- No observations to make by Anglian Water Services
- No comments from Witham Third Internal Drainage Board

- No objection from Lincolnshire County Council Highways and SUDS Support
- No comments from Lincolnshire County Council's Education and Cultural Services
- Representations received as a result of public consultation
- Reference to the requirement for a Master Plan that encompassed the proposed design for all three sites together with an insight into connectivity between the sites
- Significant changes and additions to the proposed site
- Provisions within the National Planning Policy Framework, the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by members at the meeting

Members debated the application at length and expressed concerns about: the significant changes in this application to the one previously submitted for the outline planning application; the siting of a retail store that had now been included in the plan and would require a separate planning application; the lack of the master plan for all three sites; the distribution of affordable housing, whether this site, which was 100% affordable housing would be the only affordable housing provision across the three sites or whether the other two sites would also contain 35% affordable housing in addition to this site. Members felt there should be more integration of types of housing across the proposed three sites.

Members acknowledged the work that had been undertaken to improve the design of the site since the outline planning permission stage but were concerned that the Master Plan was only just being consulted on and was not at a stage that included the design proposals for the other two sites. Members felt the planning application had been premature in its submission.

It was proposed and seconded that the application be refused because it was considered contrary to section LVH3 of the Council's adopted Local Plan, the application was therefore considered premature as it preceded the Masterplan which was required for the site. Members also considered the application was not in accordance with the original approved outline application.

The Council's Virtual Planning Committee procedure required that any proposal to refuse an application contrary to officer recommendations would invoke the cooling off period set out Article 9.1.9 (c) of the Council's Constitution.

In accordance with the Constitution, a recorded vote was taken:

For: Councillors Adams, Bellamy, Dilks, Kaberry-Brown, Milnes, Reid, Selby, Jacky Smith and Judy Smith (9)

Against: No member voted against (0)

Abstain: Councillors Clack, Cottier and Exton (3)

The vote was carried and those Committee members who voted in favour of refusal of the application had five working days to provide the Head of Development Management with the planning reasons for their view, together with supporting evidence. The application would be placed on the agenda for consideration at the next available meeting of the Planning Committee, when the Head of Development Management would provide his opinion on whether the reasons advanced were substantial enough for the authority to defend the decision at an inquiry. In light of any additional information, the Committee would then be empowered to determine the application without being fettered by their vote at the previous meeting.

A request was also made for the Case Officer to facilitate a meeting between the developers, the Chairman of the Planning Committee and the Cabinet Member for Housing and Planning.

Councillor Jacky Smith left the meeting at 13:16

13:16 – As the meeting had been in progress for 3 hours, the Chairman asked for Members' consent to continue. Members agreed

The meeting adjourned at 13:16 and reconvened at 13:35.

As there were members of the public registered to speak on application S19/2227, the Chairman stated that application would be considered before application S20/0174, because that application was part-heard and public speaking on the application had taken place on 12 May 2020, when the application was first considered.

(c) Application S19/2227

Proposal: Demolition of single storey utility room to the rear and erection of new single storey rear extension and 3 bay garages (Resubmission of time lapsed application S16/2277)

Location: Greytrex House, Tinwell Road Lane, Stamford, Lincolnshire, PE9 2SB

Decision: That the application is approved subject to conditions

Noting comments made during the public speaking session by:

Against Dr Stephen Merrill (Read on his behalf)
Applicant/Applicant's Agent Helen Raymond

Together with:

- No objection from the SKDC Tree Consultant subject to a condition

- No objection from Lincolnshire County Council Highways and SUDS Support
- An objection from Stamford Town Council
- Representations received as a result of publicity
- Provisions within the National Planning Policy Framework, the South Kesteven Core Strategy and supplementary planning documents
- Site visit observations
- Comments made by members at the meeting

It was proposed, seconded and agreed that the application be approved for the summary of reasons set out in the case officer's report and subject also to the following conditions:

Time Limit for Commencement

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

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - i. Site Plans re. 0228-A100 received 20 December 2019
 - ii. Proposed Elevations re. 0228-A301 received 20 December 2019
 - iii. Proposed Plans re. 0228-A102 REVA received 20 December 2019

Unless otherwise required by another condition of this permission.

During Building Works

3. During building works, the retained trees inside and outside the site boundaries are to be protected as prescribed in the accompanying arboricultural report by Caroline Hall dated March 2020.

Before the Development is Occupied

4. Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed using only the materials stated in the planning application forms unless otherwise agreed in writing by the Local Planning Authority.

5. Notwithstanding the submitted plans, before any part of the development hereby permitted is occupied/brought into use, the rooflights on the northern elevation shall have been installed with no part being less than 1.7m above the floor level.

Ongoing Conditions

- 6 Notwithstanding the provisions of Schedule 2, Part 1, Classes B & C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window, rooflight or other development consisting of an alteration to the roof of the property other than those expressly authorised by this permission on the north facing roof slope shall be constructed without Planning Permission first having been granted by the Local Planning Authority.

The meeting adjourned at 13:55 and reconvened at 14:00.

(d) Application S20/0174

Proposal: Single storey rear extension and external alterations. Relocation of rear access and installation of boundary fence

Location: 45 Warrenne Keep, Stamford, PE9 2NX

Decision: That the application is approved subject to conditions

Noting:

- An objection from Stamford Town Council
- Comments from the SKDC Historic Buildings Advisor
- No comments given by Heritage Lincolnshire
- Representations received as a result of public consultation
- Provisions within the National Planning Policy Framework and the South Kesteven Local Plan and supplementary planning documents
- Site visit observations
- The additional information report issued on 7 July 2020 and officer comment thereon
- Comments made by members at the meeting
- The additional information report from the meeting held on 12 May 2020
- Comments made during the public speaking session on 12 May 2020
- Comments made by Members on 12 May 2020 when the application was first considered

It was proposed, seconded and agreed that the application be approved for the summary of reasons set out in the case officer's report and subject also to the following conditions:

Time Limit for Commencement

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

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - i. Location and Block Plan re. (08)001 REV P received 5 February 2020
 - ii. Existing and Proposed Elevation Plan re. (08) 002 Pb received 9 June 2020

Unless otherwise required by another condition of this permission.

Before the Development is Occupied

3. Before any part of the development hereby permitted is occupied/brought into use, all external walls shall have been completed to match in material, colour, style, bonding and texture, those of the existing building.

87. Close of meeting

The meeting was closed at 14.45.