

MINUTES

DEVELOPMENT CONTROL
COMMITTEE
TUESDAY, 23 JUNE 2015



COMMITTEE MEMBERS PRESENT

Councillor Mrs Pam Bosworth
Councillor Barry Dobson
Councillor Mike Exton
Councillor Mrs Rosemary Kaberry-Brown
Councillor Michael King
Councillor Charmaine Morgan
Councillor Helen Powell
Councillor Nick Robins

Councillor Bob Russell
Councillor Mrs Judy Smith
Councillor Jacky Smith (Vice-Chairman)
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Ian Stokes
Councillor Dean Ward
Councillor Rosemary H Woolley

OFFICERS

Business Manager, Development
Management and Implementation (Dylan
Jones)
Planning Officers (Phil Moore, Paul
Milne, Joe Qureshi)
Solicitor (Colin Meadowcroft)
Principal Democracy Officer (Jo Toomey)

OTHER MEMBERS

Councillor Ray Wootten

*(In accordance with Article 9.1.9 of the
Council's Constitution, Councillor
Wootten spoke in connection with
applications KC1: S14/3564 and KC2:
S14/3565)*

8. MEMBERSHIP

The Committee was notified that under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, notice had been received appointing: Councillor Exton for Councillor Goral, Councillor Ward for Councillor Brian Sumner, Councillor Ian Stokes for Councillor Mrs Brenda Sumner and Councillor Russell for Councillor Wilkins.

9. DISCLOSURE OF INTERESTS

Councillor Robins declared a disclosable pecuniary interest in applications S15/1116 and S15/1118 which both related to the Old Church, High Street, Corby Glen because he was the applicant. In accordance with the Council's Constitution, Councillor Robins left the meeting during discussion of the two

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applications.

Councillor Robins also declared a non-registerable interest in application S15/0522 which related to the extension of a warehouse because the applicant was a customer of his business. He stated that his connection to the applicant would not influence his decision-making and confirmed that he approached consideration of the application with an open mind.

10. MINUTES OF THE MEETING HELD ON 26 MAY 2015

The minutes of the meeting held on 26 May 2015 were agreed as a correct record.

13:05 – Councillor Stevens entered the meeting

11. PLANNING MATTERS

(1) **Application ref:** S15/0383

Description: Installation of solar farm (14.82ha) and associated equipment and infrastructure

Location: Land south-east of Pasture Farm, Allington Lane, Allington, Grantham, NG32 1EQ

Decision:

To grant planning permission subject to conditions

Noting comments made during the public speaking session by:

- Wai Kit Cheung (applicant)

Together with:

- No objection subject to appropriate conditions from Lincolnshire County Council Highways
- No objections from Highways England subject to conditions
- Comments from the Heritage Trust of Lincolnshire
- Comments from Historic England
- Support and suggestions from Lincolnshire Wildlife Trust
- Standing advice from Natural England
- No safeguarding objections from the Ministry of Defence or the National Air Traffic Service
- No objection subject to a condition from Network Rail
- No objection from the Environment Agency subject to compliance with mitigation measures
- No objection from the Upper Witham Internal Drainage Board
- An objection and concerns from Sedgebrook Parish Council

- No objection from Great Gonerby Parish Council
- No comments received from Barrowby Parish Council
- Three letters of objection 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
- The additional information report, which reported an independent review of the agricultural land classification and clarification that an ecological management plan had already been submitted, together with officer comments thereon
- Comments made by Members at the meeting

During discussion on the application, members of the Committee referred to the character of Lincolnshire and its role in food production, the distinction in quality between soil classified as 3a and 3b, the appropriateness of using agricultural land for solar farming and sequential testing to identify sites that would be sequentially preferable, screening of the site through landscaping and biodiversity including the grazing of sheep. Landscaping and biodiversity matters were addressed in the Landscape, Biodiversity and Agricultural Management Plan.

It was proposed and seconded that the application be refused, contrary to the planning officer's recommendation to approve the application, because it was adverse in relation to the landscape and visual impact as well as more than substantial harm to the settings of heritage assets that result in conflict with policy EN1 of the South Kesteven Core Strategy and that it was considered that the public benefits of the proposed development were outweighed by the environmental impact and that the development had not been demonstrated to be necessary in accordance with the Core Strategy and Planning Practice Guidance.

The Principal Democracy Officer reminded members of the Committee of the procedure that must be followed where the Committee proposed refusal of an application against officer recommendations. If the Business Manager, Development Management and Implementation accepted that the reason for refusal was defensible, the Committee would be entitled to refuse the application outright. If he did not agree with the reason for refusal then the proposition would become 'minded to refuse' and a cooling off period invoked to allow members to submit reasons for refusal, which would then be considered and the application determined at the next meeting of the Committee.

The Business Manager, Development Management and Implementation stated that he accepted the reason that had been put forward by members, however, on being put to the vote, the proposition was lost.

A new proposal was put forward that the application be approved for the

reasons set out in the case officer's report and subject to the following conditions and notes:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Written notification of the date of commencement of the development hereby permitted shall be submitted to the Local Planning Authority no later than 14 days after the event.
2. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application, unless otherwise agreed in writing with the local planning authority:

Site Layout 1:10000

Site Layout 1:2500

Grantham Solar Farm P03 CC RevA
Grantham Solar Farm P04 DI RevA
Grantham Solar Farm P06 SA RevA
Grantham Solar Farm P07 TS RevA
Grantham Solar Farm P08 CS RevA
Grantham Solar Farm P09 CT RevA
Grantham Solar Farm P11 SC RevA
Grantham Solar Farm P12 PC RevA
Grantham Solar Farm P13 PE RevA
Grantham Solar Farm P15 MB RevA
Grantham Solar Farm P16 AT RevA
Grantham Solar Farm P18 Sensor RevA
Grantham Solar Farm P18 FGE RevA
Grantham Solar Farm CCTV1 RevA
Grantham Solar Farm CCTV2 RevA
Grantham Solar Farm P22 PAT RevA

All received 31 March 2015

Grantham Solar Farm P14 DNO RevB received 26 May 2015

3. The development hereby permitted shall be removed in accordance with condition 4 below after a period of 30 years from the date when electricity is first exported from the solar farm to the electricity grid ("First Export Date"). Written notification of the First Export Date shall be submitted to the Local Planning Authority no later than 14 days after the event.
4. No later than 9 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the solar panels and

associated above ground works approved under this permission. The scheme, as approved, shall be implemented within 6 months of the expiry of this permission. For the avoidance of doubt, the expiry of this permission is 30 years from the date when electricity is first exported from the solar farm to the electricity grid ("First Export Date

5. If, as a result of events or conditions within its control after the first export date, the solar farm hereby permitted fails for a continuous period of 12 months (the "cessation period") to produce electricity for supply to the local electricity grid network, then, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Local Planning Authority within three months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 6 months of the date of its agreement by 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 access track or means of enclosure other than those expressly permitted pursuant to condition 2 shall be constructed.
7. The development shall be carried out in accordance with the submitted Landscape, Biodiversity and Agricultural Management Plan (LBAMP) in conjunction with the amended Landscape and Biodiversity Masterplan received 05 June 2015.
8. No external artificial lighting shall be installed during the operational phase of the solar farm unless otherwise agreed in writing by the local planning authority.
9. 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.
10. The development shall be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures detailed within the FRA
11. The delivery of plant, materials and equipment to the development hereby permitted shall be undertaken in accordance with the submitted details of Construction Traffic Management Plan (CTMP) dated 13 May 2015. In particular, only HGV traffic to use Allington Lane, other site traffic to access via Gonerby Lane.

12. Within 24 months of the completion and commencement of operations of the development hereby approved in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the LPA, the applicant or operator of the solar farm shall within 28 days submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Note(s) to Applicant

1. You are advised that the development should be carried out in accordance with the submitted Construction Management Plan.
2. Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, in any watercourse will require consent from the Board including the access culvert within the site. A consent form is attached for the use of the applicant. (Upper Witham, Witham First District & Witham Third District IDB)
3. 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.

(2) **Application ref:** S14/3564

Description: Construction of four apartment buildings comprised of 5no. one bed apartments and 21no two bed apartments

Location: 85 Manthorpe Road, Grantham, NG31 8DE

Decision:

To refuse planning permission

14:54 – Councillor Mrs Kaberry-Brown left the meeting

Noting comments made during the public speaking session by:

- Councillor Ray Wootten (St Wulfram's Ward Councillor)
- Trevor Burdon (against)

- Jean Parker (against)
- Veronica Wheeler (against)
- Madge Robinson (against)
- John Manterfield (against)
- Dr F. N. Porter (against)
- Richard Marriott (against)
- Kate Midgley (against)
- Adam Partington (for)
- Rachel Bradley (for)
- Keith Clarke (applicant's agent)

Together with:

- No objection from Lincolnshire County Council Highways subject to conditions
- Comments from Planning Policy
- No objection from the Environment Agency
- Comments from Anglian Water
- Comments from Grantham Civic Society
- Comments and a requested condition from the Environment Agency
- Concerns from Waste and Recycling
- Comments from the Lincolnshire Police Crime Prevention Design Advisor
- No objection from the South Kesteven District Council drainage officer
- No objection from Heritage Lincolnshire
- Comments from the Principal Conservation Officer
- Request for financial contributions for affordable housing and open space
- No requests for contributions from Lincolnshire County Council (Education) and NHS England (Health)
- Comments from the District Valuer
- 29 letters of objection 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

15:01 – Councillors Powell and Dobson left the meeting

15:02 – Councillor Powell returned to the meeting

15:04 – Councillor Dobson returned to the meeting

The meeting was adjourned at 15:13 following the representation put by Councillor Wootten and resumed at 15:36

15:56 – Councillor Mrs Kaberry-Brown returned to the meeting

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

Lengthy discussion on the proposal ensued, which included the viability assessment of the scheme, the proposed retention of trees and new landscaping, and the impact of additional vehicles on the Manthorpe Road/Belton Lane junction. Members expressed concerns about the mass, density and character of the building in the context of the heritage setting of the application site, notably the Conservation Area and a number of listed buildings.

A proposal was put forward to defer determination of the application to enable the Committee to examine and understand the viability assessment. Officers advised that to defer making a decision could lead to an appeal for non-determination. Following further discussion, the proposal to defer the application was withdrawn.

A new proposal was put forward: that the application be refused, contrary to an officer recommendation to approve, because the mass, impact and size of the proposed development would unacceptably affect the character and appearance of the area and detract from the setting of the Grantham Conservation Area. This was seconded and the Business Manager, Development Management and Implementation confirmed that he was prepared to accept the reason for refusal to allow the committee to make an outright decision rather than invoking the cooling off period.

During discussion certain members expressed concern over the impact of the development on highway safety. The Business Manager, Development Management and Implementation stated that he could not support this as a reason for refusal because no objection had been raised by Lincolnshire County Council Highways and there was no independent evidence to support the views voiced by members of the public and Councillors' local knowledge. It was also suggested reference to the viability appraisal might be included in the reason for refusal, however, officers again advised that this could not be supported.

On being put to the vote the application was refused for the following reason:

It is considered that the proposal, by virtue of the design, scale, massing, and prominent location within the streetscene, would not be in keeping with the character and appearance of the area and would harm the settings (and therefore the significance) of the conservation area and nearby listed buildings. Whilst the harm would be less than substantial, it is not considered to be outweighed by the public benefits of the proposal. It is therefore considered that the proposal is contrary to NPPF sections 7 & 12

and South Kesteven Core Strategy policy EN1.

There are fundamental objections to the proposal which have not been overcome. In order to avoid further delay, the decision has been issued in a timely fashion. As such it is considered that the decision is in accordance with paras 186 -187 of the National Planning Policy Framework

17:18 – Councillor Morgan left the meeting

17:20-17:33 – the meeting was adjourned. Councillor Dobson did not return to the meeting after the recess.

(3) **Application ref:** S14/3565:

Description: Construction of 26no. two bedroom apartments and associated parking

Location: 85 Manthorpe Road, Grantham, NG31 8DE

Decision:

To refuse planning permission.

Noting comments made during the public speaking session by:

- Councillor Ray Wooten (St Wulfram's Ward Councillor)
- Trevor Burdon (against)
- Jean Parker (against)
- Veronica Wheeler (against)
- Madge Robinson (against)
- John Manterfield (against)
- Kate Midgley (against)
- Adam Partington (for)
- Keith Clarke (applicant's agent)

Together with:

- No objection from Lincolnshire County Council Highways subject to conditions
- Comments from Planning Policy
- Comments from Grantham Civic Society
- Request for a condition from the Environment Agency
- Comments from Waste and Recycling
- Comments from the Lincolnshire Police Crime Prevention Design Advisor
- Comments from the South Kesteven District Council drainage officer
- No objection from Heritage Lincolnshire
- Comments of the Principal Conservation Officer
- Comments of the consultant arboriculturalist
- Request for contributions from the Open Space Officer and for

- affordable housing
- No requests for contributions towards education of health
- Comments of the district valuer
- 29 letters of objection 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

17:58 – Councillor Exton left the meeting

It was proposed and seconded that the application be refused, contrary to an officer recommendation to approve, because the mass, impact and size of the proposed development would unacceptably affect the character and appearance of the area and detract from the setting of the Grantham Conservation Area and that the proposed design was not compatible with the Conservation Area. The Business Manager, Development Management and Implementation confirmed that he was prepared to accept the reason for refusal to allow the committee to make an outright decision rather than invoking the cooling off period.

On being put to the vote the application was refused for the following reason:

It is considered that the proposal, by virtue of the design, scale, massing, and prominent location within the streetscene, would not be in keeping with the character and appearance of the area and would harm the settings (and therefore the significance) of the conservation area and nearby listed buildings. Whilst the harm would be less than substantial, it is not considered to be outweighed by the public benefits of the proposal. It is therefore considered that the proposal is contrary to NPPF sections 7 & 12 and South Kesteven Core Strategy policy EN1.

There are fundamental objections to the proposal which have not been overcome. In order to avoid further delay, the decision has been issued in a timely fashion. As such it is considered that the decision is in accordance with paras 186 -187 of the National Planning Policy Framework.

As applications S15/1116/FULL and S15/1118/LB related to the same site, the Chairman stated that the applications would be considered together but voted on separately

18:10 – Councillor Robins left the meeting having disclosed a pecuniary interest in the applications S15/1116 and S15/1118.

(4) **Application Ref:** S15/1116

Description: Change of use of former Church to dwelling including proposed vehicular access and alterations to front boundary wall

Location: The Old Church, High Street, Corby Glen, NG33 4LU

Decision:

To grant planning permission subject to conditions

Noting comments made during the public speaking session by:

- Ian Williams

Together with:

- No objection from English Heritage subject to appropriate conditions
- No objection and comments from Environmental Protection
- Comments from Lincolnshire County Council Highways
- Comments from the consultant arboriculturalist
- Letters of representation 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

During his presentation, the officer informed members that the recommendation had been updated because of ongoing discussions with Lincolnshire County Council Highways regarding visibility from the access and traffic speed readings that the applicant had not submitted.

It was proposed and seconded that the application be approved outright and that the applicant should not be required to commission a transport speed survey. The Business Manager, Development Management and Implementation recommended that the Committee follow the recommendation to delegate approval to him in conjunction with the Chairman and Vice-Chairman to enable consultation with Highways to continue or the speed survey was undertaken.

A number of members expressed their opinion that the speed survey was not necessary, citing 'Manual for Streets' while other members said they had concerns about determining the application without the professional advice of Highways.

On being put to the vote it was agreed that the application be approved subject to the list of reasons set out in the case officer's report subject to the following conditions and note:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. Before any development commences details of any pruning to the yew tree within the car park area will be submitted to and approved in writing by the local authority.
3. The construction of the parking area shall be by way of the no-dig method only in line with the method statement in the accompanying report.
4. Before any development commences details of how the pillars are to be installed inside the Root Protection Areas shall be submitted and approved in writing by the local authority.
5. Site tree protection during development shall be carried out as described in the submitted arboricultural report and tree protection plan.
6. 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.
7. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing Number: 1850/02 Rev B received on 26th May 2015

Note(s) to Applicant

If further pruning to the trees to facilitate access to the site is required, site specific detail relating to pruning works required to facilitate the development area should be submitted to & approved by the LPA in writing.

(5) **Application Ref:** S15/1118

Description: Alterations to access and front boundary wall

Location: The Old Church, High Street, Corby Glen, NG33 4LU

Decision:

To grant planning permission subject to conditions

Noting comments made during the public speaking session by:

- Ian Williams (for)

Together with:

- Comments from English Heritage
- 3 letters of representation 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

It was proposed, seconded and, on being put to the vote, agreed that the application be approved subject to the list of reasons set out in the case officer's report and subject to approval of final details by the Highway Department and subject also to the following conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
2. No works shall take place on the site until drawings showing full details (including cross-sections and external finishes) of an east-west section through the site show existing and proposed ground levels are submitted to and approved in writing by the local authority. The works shall be carried out in strict accordance with the approved details.
3. All works in relation to making good in connection with the re-building works hereby approved shall be undertaken in materials which match those of the existing immediate surrounding historic built fabric.
4. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing Number 1850/02 Rev B received on 26th May 2015.

18:49-18:57- the meeting adjourned. Councillors Mrs Kaberry-Brown, Powell and Ward did not return to the meeting following the recess while Councillor Robins returned to the meeting on its resumption.

(6) **Application Ref:** S15/0522

Description: Extension to warehouse

Location: Barnswell Limited, North Witham Road, South Witham, Grantham, NG33 5QQ

Decision:

To grant planning permission subject to conditions

Noting comments made during the public speaking session by:

- Drew Sandham (applicant)

Together with:

- An objection from South Witham Parish Council
- 1 letter of representation 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
- Additional location plans circulated with the additional information report

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The 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. The arrangements shown on the approved plan 2736-14/05B dated 29-05-2015 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.
4. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Drawing No. 2736-14 02B. Received 02-03-2015.

Drawing No. 2736-14 03B. Received 02-03-2015.

12. CLOSE OF MEETING

The meeting was closed at 19:11.