



MINUTES

DEVELOPMENT CONTROL COMMITTEE
TUESDAY 25TH APRIL 2006

2.00PM

COMMITTEE MEMBERS PRESENT

Councillor Chivers
Councillor Exton
Councillor Fines
Councillor Mrs Gaffigan
Councillor Kerr
Councillor Parkin (in the Chair)
Councillor Pease

Councillor N Radley
Councillor Sandall
Councillor Stokes
Councillor Turner
Councillor Wilks
Councillor Mrs A Williams

OFFICERS

Head of Planning Policy and Economic
Regeneration
Principal Planning Officer (2)
Senior Planning Officer
Committee Support Officer
Legal Executive

676. MEMBERSHIP

The committee was notified by the Chief Executive that he had received a notice under regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990 and had appointed Councillor Wilks in place of Councillor Howard for this meeting only.

677. APOLOGIES

Apologies for absence were received from Councillors Helyar, Mrs Jalili, Mrs Percival and M G Williams.

678. DECLARATIONS OF INTEREST

There were none declared.

679. MINUTES

The minutes of the meeting held on 4th April 2006 were confirmed as a correct record of decisions taken.

680. CONSTITUTIONAL CHANGE

Decision: -

- 1. That the Constitution and Accounts Committee be recommended to agree to a change in the Constitution in relation to the responsibility for Council functions of the Development Control Committee, as shown on pages 58 and 59 of the Council's yearbook, by the deletion, in numbered paragraph (2), of the second paragraph and subsequent lettered paragraphs (a) to (e).*
- 2. That further consideration of the appointment of paid professional representation at appeal inquiries/hearings following decisions taken against officer recommendations be deferred pending the decision of the Constitution and Accounts Committee on recommendation (1) above.*

The Committee Support Officer reminded members that at the last meeting of the committee, considerable discussion had taken place about the provisions in the Constitution in relation to a mechanism for dealing with decisions which the committee wished to make against officer advice/recommendation. At the last meeting, members had had some doubt about the necessity for these procedures to be employed, and had quoted the doubts which had been expressed by the Peer Review Group which had recently visited the Council. In addition, members quoted other authorities, where there was no such procedure in existence.

The Committee Support Officer told the committee that the matter had first been considered by them in August 2004 when, after lengthy consideration, it had been decided to agree to the recommendations of the Constitution and Accounts Committee which had led to the current constitutional situation. For the benefit of members, the Committee Support Officer outlined the considerations which had led to the decisions by both Constitution and Accounts and Development Control Committees.

Members discussed the proposed constitutional change in detail and went on to consider whether, as a result of the current situation, there would be a need to appoint paid professional representation at appeal inquiries/hearings following any decisions taken against officer recommendation. The Chairman pointed out that since the changes had been implemented only two members had appeared at a hearing or inquiry. He said that he personally would have no problem in

appearing as a witness for the Council, to explain the committee's decision, and an officer would, in any event, provide a member with a technical brief and there would also be legal representation. Some members expressed doubt as to whether there was anything wrong with the Council's planning staff appearing at hearings or inquiries to defend a case where they had recommended approval. The Head of Planning Policy and Economic Regeneration accepted that officers could appear for the Council although it did not make good sense, as the officers were bound by their own professional rules and would have difficulty in defending a decision with which they did not agree. He commended the current "cooling off" rules, as included in the Constitution, which would enable any risk of costs to be considered and to enable the committee to be made more aware of the risks and their responsibility for decisions against officer advice.

Following further consideration, and on a suggestion from the Committee Support Officer, it was proposed and seconded that the Constitution and Accounts Committee be recommended to remove the August 2004 amendment to the Constitution from the responsibilities of the Development Control Committee as shown on pages 58 and 59 of the current yearbook, and that further consideration of the appointment of paid professional representation be deferred pending a decision of that committee. On being put to the vote the proposition was agreed.

681. PLANNING APPLICATIONS – LIST FOR DEBATE

Decision: -

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

NR.1

| | |
|-------------------------|---|
| <u>Application ref:</u> | S05/LD/1534/47 |
| <u>Description:</u> | Use of converted barn as a separate dwelling (existing) |
| <u>Location:</u> | Adj. Scotland Farmhouse, Ingoldsby |
| <u>Decision:</u> | Refused |

Noting comments from the Parish Council, representations from a nearby resident and a statutory declaration in support from the applicant, for the following reasons:-

1. Insufficient evidence has been submitted and a certificate of lawfulness should be refused.
2. Authority be given for the appropriate enforcement action to be taken with regard to the unlawful use of the building as an independent dwelling.

NR.2

Application ref: S06/0220/47
Description: Continued use as separate dwelling
Location: Adj. Scotland Farmhouse, Ingoldsby
Decision: Approved

Noting comments made during the public speaking session from

Mr K Hutchinson – agent for the applicant

together with comments from the Parish Council, no objection from the Community Archaeologist or Highway Authority and detailed submissions in support from the applicant, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.

SR.1

Application ref: S05/1361/13
Description: Conversion of barns to one dwelling
Location: Land To The Rear Of Four Seasons, Braceborough
Decision: Approved

Noting comments from the Highway Authority and Parish Council in respect of the original and amended drawings together with representations from nearby residents, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. This consent relates to the application as amended by plan no. 786/02C received on 24th April 2006.
3. Before any of the works hereby approved are commenced, the applicant shall arrange for access into the site by a recognised expert in order to undertake a survey to establish whether the site is

occupied by bats or barn owls, protected species under the Wildlife and Countryside Act 1981. The results of such a survey shall be submitted to the District Planning Authority and, if it confirms the presence of bats or barn owls, shall be accompanied by a scheme of mitigation detailing the periods within which the development will be undertaken. Such a scheme as may be approved in writing shall be strictly adhered to during the period in which the development is undertaken.

4. Before the works of conversion are commenced, large scale details of all new external joinery (including sections) shall be submitted to the local planning authority. Only such details as may be agreed in writing shall be used in the approved conversion.
5. Before any development is commenced, details including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
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 windows, dormer windows or rooflights (other than those expressly authorised by this permission) shall be installed in the building.
7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no development relating to Class A of Part 1 of Schedule 2 (erection of extensions) shall be undertaken without the prior written approval of the Local Planning Authority.
8. The arrangements shown on the approved plan 786/01 dated 3 October 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
9. Before any heating extract flue is installed in the building, its design and position shall be agreed in writing with the local planning authority.

Note(s) to Applicant

1. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) for appropriate specification and construction information.
2. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

SR.2

Application ref: S05/LB/6481/1

Description: Alteration of listed building (conversion to dwelling)

Location: Land To The Rear Of Four Seasons, Braceborough

Decision: Approved

Noting comments from the Historic Buildings Advisor in respect of the original and amended submissions, together with comments from the Parish Council, subject to the following conditions:-

1. The works hereby permitted shall be begun not later than the expiration of three years from the date of this consent.
2. This consent relates to the application as amended by plan no. 786/02C received on 24th April 2006.
3. Before any of the works hereby approved are commenced, the applicant shall arrange for access into the site by a recognised expert in order to undertake a survey to establish whether the site is occupied by bats or barn owls, protected species under the Wildlife and Countryside Act 1981. The results of such a survey shall be submitted to the District Planning Authority and, if it confirms the presence of bats or barn owls, shall be accompanied by a scheme of mitigation detailing the periods within which the development will be undertaken. Such a scheme as may be approved in writing shall be strictly adhered to during the period in which the development is undertaken.
4. Before the works of conversion are commenced, large scale details of all new external joinery (including sections) shall be submitted to the local planning authority. Only such details as may be agreed in writing shall be used in the approved conversion.
5. Before any heating extractor flue is installed in the building, its design and position shall be agreed in writing with the local planning authority.

SR.3

Application ref: S06/0012/52

Description: Change of use of light engineering unit to car sales and repairs and sale, hire and repair of trailers

Location: Unit 1, Station Road, Little Bytham

Decision: Approved

Noting comments made during the public speaking session from: -

Mr D Murphy – The Old Carpenter’s Arms, 32 High Street, Little Bytham – objecting

Mr M Fensome – applicant

together with report of site inspection, comments from the Highway Authority and Parish Council, comments from nearby residents, submissions in support from the applicant and a further letter from a local resident unable to attend the meeting and speak, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. There shall be no use of the grass verge in front of the application premises for the parking of motor vehicles.
3. The premises shall be used principally for motor vehicle/trailer repair purposes only and for no other purpose, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

SU.1

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| <u>Application ref:</u> | S05/1575/69 |
| <u>Description:</u> | Five dwellings (including demolition of existing dwelling) |
| <u>Location:</u> | Beverley House, New Cross Road, Stamford |
| <u>Decision:</u> | Refused |

Noting no objection from the Highway Authority, an objection from Stamford Town Council, numerous representations from nearby residents, an objection from Stamford Civic Society and representations from the developers of an adjoining site.

The Acting Development Control Services Manager drew attention to the reasons for refusal which had been submitted by members who voted against the proposal, as required by the Constitution. He said that in his opinion the application was considered to be fully compliant with the requirements of national planning policy guidance contained in PPS1, PPG3, PPG15 and Local Plan Policies H6, EN1 and C9 and was accordingly still recommended for approval.

The Committee Support Officer reminded members that under the terms of the Constitution, having indicated that they were minded to refuse the application, and having submitted reasons for this and

having considered the comments of the Development Control Manager thereon, they could now proceed, if they wished, to formally refuse the application, although this must be by a recorded vote. The Chairman indicated that, together with Councillor Mrs Jalili, he would be prepared to appear for the Council at any appeal hearing/inquiry.

It was formally proposed and seconded that the application be refused for reasons to include:-

1. Non compliance with policy BE3 of the Lincolnshire Structure Plan and policy C9 of the South Kesteven Local Plan.
2. The demolition of Blackfriars House will be damaging to the setting and character of the conservation area.
3. The present house fits well into the immediate surrounding and its replacement with a row of terrace properties would be out of keeping in scale, context and design.
4. The proposed plans, showing a row of terraces to be forward of the adjoining houses to the east, would have a deleterious effect on those adjoining properties.
5. The detached nature and surrounding garden area provide a green open space with open views at the start of the conservation area.
6. The conservation area is not a single entity in terms of design but is rather an amalgamation of periods and designs and the current site fits well into this. Its replacement with a pseudo Victorian row of terraces would have an adverse effect on this and conservation areas generally and Stamford in particular.

Those voting for or against the proposal are recorded below:-

| <u>For</u> | <u>Against</u> | <u>Abstain</u> |
|---|----------------|------------------|
| Councillor Chivers Councillor Exton Councillor Fines Councillor Mrs Gaffigan Councillor Kerr Councillor Parkin Councillor Pease Councillor N Radley Councillor Sandall Councillor Stokes Councillor Turner Councillor Mrs A Williams | Nil | Councillor Wilks |

The proposition was therefore carried and the application was refused for the following reason:-

Acceptance of the proposed development will result in the demolition of the existing property and the erection of five terraced properties. The detached property and its surrounding garden provide an oasis of

green with open views at the start of the Conservation Area. It is considered that the present house fits in well with its surroundings with other detached properties located to the east and detached bungalows to the west. The demolition of the existing detached property and its replacement with a row of five terraced properties represents an over-intensive form of development which would result in the loss of the open nature of this area to the detriment of the character and setting of this part of the Conservation Area. The proposed row of terraced properties would also be sited forward of the adjacent property to the east and, as such, would have a detrimental and overbearing impact on the residential amenity of the adjacent property. The proposed development is therefore considered to be contrary to the requirements of PPG 15: Planning and the Historic Environment, Policy BE3 of the Draft Deposit Structure Plan – April 2004 and Policies C9, EN1 and H6 of the adopted South Kesteven Local Plan 1995.

SU.2

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| <u>Application ref:</u> | S05/CA/6520/69 |
| <u>Description:</u> | Demolition of dwelling in the Conservation Area |
| <u>Location:</u> | Beverley House, New Cross Road, Stamford |
| <u>Decision:</u> | Refused |

Noting no objection from the Highway Authority, an objection from Stamford Town Council, numerous representations from nearby residents, an objection from Stamford Civic Society and representations from the developers of an adjoining site.

The Acting Development Control Services Manager drew attention to the reasons for refusal which had been submitted by members who voted against the proposal, as required by the Constitution. He said that in his opinion the application was considered to be fully compliant with the requirements of national planning policy guidance contained in PPS1, PPG3, PPG15 and Local Plan Policies H6, EN1 and C9 and was accordingly still recommended for approval.

The Committee Support Officer reminded members that under the terms of the Constitution, having indicated that they were minded to refuse the application, and having submitted reasons for this and having considered the comments of the Development Control Manager thereon, they could now proceed, if they wished, to formally refuse the application, although this must be by a recorded vote. The Chairman indicated that, together with Councillor Mrs Jalili, he would be prepared to appear for the Council at any appeal hearing/inquiry.

It was formally proposed and seconded that the application be refused for reasons to include:-

1. Non compliance with policy BE3 of the Lincolnshire Structure Plan and policy C9 of the South Kesteven Local Plan.
2. The demolition of Blackfriars House will be damaging to the setting and character of the conservation area.
3. The present house fits well into the immediate surrounding and its replacement with a row of terrace properties would be out of keeping in scale, context and design.
4. The proposed plans, showing a row of terraces to be forward of the adjoining houses to the east, would have a deleterious effect on those adjoining properties.
5. The detached nature and surrounding garden area provide a green open space with open views at the start of the conservation area.
6. The conservation area is not a single entity in terms of design but is rather an amalgamation of periods and designs and the current site fits well into this. Its replacement with a pseudo Victorian row of terraces would have an adverse effect on this and conservation areas generally and Stamford in particular.

Those voting for or against the proposal are recorded below:-

| <u>For</u> | <u>Against</u> | <u>Abstain</u> |
|---|----------------|------------------|
| Councillor Chivers Councillor Exton Councillor Fines Councillor Mrs Gaffigan Councillor Kerr Councillor Parkin Councillor Pease Councillor N Radley Councillor Sandall Councillor Stokes Councillor Turner Councillor Mrs A Williams | Nil | Councillor Wilks |

The proposition was therefore carried and the application was refused for the following reason:-

Whilst the existing building in itself is of no particular architectural merit, the siting of the property in its large open plot fits well within its immediate surroundings, particularly with other similar detached properties to the east and detached bungalows to the west on Kings Road. It is the Council's opinion that the demolition of the existing property and its replacement with terraced properties would have a detrimental impact on the setting and character of this particular part of the Conservation Area due to the loss of the open and spacious feel provided by the existing building and its large open garden. In the

absence of an appropriate and approved scheme for the redevelopment for the site, it is considered that acceptance of the proposal would be contrary to the requirements of PPG 15: Planning and the Historic Environment, Policy BE3 of the Draft Deposit Structure Plan – April 2004 and Policy C9 of the adopted South Kesteven Local Plan 1995.

SU.3

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| <u>Application ref:</u> | S06/0004/69 |
| <u>Description:</u> | Conversion of 2 dwellings to restaurant and extension to rear to form conservatory |
| <u>Location:</u> | 26-27, Broad Street, Stamford |
| <u>Decision:</u> | Approved |

Noting comments made during the public speaking session from:-

Mr G Searle – 1 Star Lane Mews, Stamford – objecting personally, and on behalf of other residents of Star Lane Mews and Stamford Civic Society

Mr G Solomons – agent for the applicant

together with report of site inspection, no objection from Stamford Town Council, representations from nearby residents and Stamford Civic Society, amendments to remove the takeaway element from the application and additional representations in detail from a nearby resident, subject to the following conditions:-

1. The development hereby permitted shall be begun 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. Before the use hereby permitted is commenced the wall on the southern boundary of the application property shall be increased in height in accordance with details to be submitted to and agreed in writing with the local planning authority.
4. The yard area and outbuilding in the south west corner of the yard shall not be used for external dining.
5. The first floor windows in the rear of the application buildings shall be obscure glazed and non-opening.
6. This consent relates to the application as amended by a drawing received by the Local Planning Authority on 7th April 2006 unless

the Local Planning Authority gives its written consent to any minor variation.

Note(s) to Applicant

1. You are advised that Advertisement Consent may be required for any signage on the buildings.
2. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

SU.4

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| <u>Application ref:</u> | S06/0092/12 |
| <u>Description:</u> | Demolition of factory/mill and 121 dwellings |
| <u>Location:</u> | Wherry Lane, Off South Road, Bourne |
| <u>Decision:</u> | Refused |

Noting report of site inspection, an objection from Bourne Town Council and Bourne Civic Society, comments from the Highway Authority, Environment Agency, LCC Footpaths, Lincs Police, LCC Education, English Heritage, Lincs Wildlife Trust, East Midlands Development Agency and East Midlands Regional Assembly, together with numerous representations from nearby residents, submissions in support from the applicants, further representations from nearby residents, including a letter of support, and comments from the Highway Authority (read to the meeting) and confirmation from the Acting Development Control Services Manager that the recommendation, based on the letter from the Highway Authority, was now to refuse, for the following reason:-

Visibility both north and south from the proposed point of access is substantially below requirements due to the existing carriageway alignment. The junction arrangement proposed does not comply with current standards. It is considered that vehicles entering or emerging from this proposed access will be in conflict with traffic travelling on the A15, a County Class I Road, contrary to the interests of highway safety.

682. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Acting Development Control Services Manager submitted his report PLA577 listing details of applications not determined within the eight-week time period. Also submitted was a list of applications dealt with under delegated powers, a list of appeals outstanding and newly

submitted appeals and decisions received during April together with a summary of the DETR statistical returns for January to March 2006.

683. CLOSE OF MEETING

The meeting closed at 3.25pm.