

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D Brailsford, M Brookes, R Hills, D C Hoyes MBE, H R Johnson, S F Kinch, K Milner, J M Swanson, T M Trollope-Bellew and S F Williams

Apologies for absence were received from Councillors P Bedford, N D Cooper, D R Dickinson and M Tinker

Officers in attendance: Communities Directorate – Steve Willis, Brian Thompson, Graeme Butler, Alan Freeman and Neil McBride; Legal - Alun Davies; Performance and Governance – Steve Blagg

Also in attendance:- Councillors Major R T Newell (minute 97 and R J Phillips (minute 101(1))

93. DECLARATIONS OF COUNCILLORS' INTERESTS

It was noted that all members of the Committee had been lobbied in connection with minutes 101(1) and 101(2).

Councillor R Hills declared a personal interest in all matters on the agenda affecting the City of Lincoln Council and the Upper Witham Drainage Board as a member of both bodies.

Councillor J M Swanson declared a personal interest in all matters on the agenda affecting East Lindsey District Council as a member on the Planning Committee of East Lindsey District Council.

Councillor S F Williams declared a personal interest in all matters on the agenda affecting South Holland District Council as a member of that Council.

Councillor M Brookes declared a personal interest in all matters on the agenda affecting Boston Borough Council as a member of that Council.

Councillor D C Hoyes declared that he had been lobbied in connection with minute 101(7).

Councillor K Milner declared a personal interest in all matters on the agenda affecting East Lindsey District Council as a member of that Council and as the Executive Support Councillor for Highways and Transport.

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94. MINUTES

RESOLVED

That the minutes of the previous meeting held on 14 March 2011 be agreed as a correct record and signed by the Chairman.

95. LUSBY B1195 MAIN ROAD – PROPOSED 50MPH SPEED LIMIT

The Executive Director of Communities presented a report in connection with an objection from the Parish Council to a proposed Order for a 50mph speed limit on the B1195 main road and adjacent roads at Lusby.

The report detailed the objection received, consultations and the comments of the Director on the objection received.

RESOLVED (unanimous)

That the objection be overruled and the Order be publicly advertised.

96. SUTTERTON, STATION ROAD – PROPOSED SPEED LIMIT REDUCTION

The Executive Director of Communities presented a report in connection with an objection received from the Association of British Drivers following the consultation and advertisement of a proposal to reduce the speed limit on part of Station Road, Sutterton.

The report detailed the objection received, consultations and the comments of the Director on the objection received.

RESOLVED

That the objection be overruled and the Order implemented.

97. SLEAFORD ROAD/BROTHERTOFT ROAD, BOSTON – PROPOSED RIGHT TURN BAN

The Executive Director of Communities presented a report in connection with objections received following consultation and advertisement of a proposal to defer a decision to resolve the objections for twelve months and to implement an experimental Traffic Regulation Order to be completed within that period to prohibit the right turn of traffic from Sleaford Road into Brothertoft Road, Boston.

The report detailed the proposals, consultations, objections and the comments of the Director on the objections received.

Councillor Major R T Newell, the local Division Member, outlined his objections to the proposals in the report including his frequent use the road and he had not experienced any problems with queuing traffic; stated that Carlton Road had traffic calming in place and traffic would “rat run” down Sydney Street; that the problems were not at the Sleaford Road/Brothertoft Road junction but were connected to the ASDA development on Lister Way and that motorists would have to take a circuitous route if they missed the turning and that a petition had been received objecting to the proposals comprising 94 signatures.

The Executive Director emphasised the experimental nature of the proposals which would allow an assessment to be made of their impact.

A motion by Councillor M Brookes, seconded by Councillor R Hills, it was –

RESOLVED (eight votes for and two votes against)

That a decision be deferred to resolve the objections for six months and to implement an experimental Traffic Regulation Order to be completed within that period.

98. GRANTHAM - WELBY GARDENS, GLADSTONE TERRACE AND CHAMBERS STREET; INTRODUCTION OF 'NO WAITING AT ANYTIME' PARKING RESTRICTIONS

The Executive Director of Communities presented a report in connection with objections received as a result of statutory and public consultation to a proposal to introduce “No Waiting at Anytime” parking restrictions on Welby Gardens, Gladstone Terrace and Chambers Street in Grantham.

The report detailed the proposals, consultations, objections and the comments of the Director on the objections received.

RESOLVED (unanimous)

That the objections be overruled and that the parking restrictions be introduced as advertised.

99. RUSKINGTON, SLEAFORD ROAD – PROPOSED BUS STOP CLEARWAY MARKINGS

The Executive Director of Communities presented a report in connection with objections received, following consultation, into the introduction of a “Bus Stop Clearway” adjacent to the proposals for the Lincoln-bound bus stop on Sleaford Road, Ruskington.

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The report detailed the proposals, consultations, objections and comments of the Director on the objections received.

RESOLVED (unanimous)

That the objections be overruled and that the proposals be implemented.

100. TRAFFIC REGULATION ORDERS – PROGRESS REVIEW AND PETITIONS RECEIVED

The Executive Director presented a report in connection with all current Traffic Regulation Orders and petitions received since the last meeting of the Committee.

RESOLVED

That the Traffic Regulation Orders be noted and the petitions be received.

101. PLANNING APPLICATIONS RELATING TO COUNTY MATTER DEVELOPMENTS

The Committee received seven reports from the Executive Director for Communities on planning applications relating to County Matter developments.

The results of consultations and publicity were detailed in the reports.

- (1) For the extraction of 5.76 million tonnes of sand and gravel over a 10 year period, giving an output of approximately 600,000 tonnes per annum at the southern half of the former Swinderby Airfield site, alongside the A46 Fosse Way and near to Witham St Hughs, south of Lincoln - Cemex UK Operations Limited - N76/0606/08

(NOTE:- Councillor I G Fleetwood and D C Hoyes declared a personal interest as members of the Anglian (Northern) Regional Flood Defence Committee).

Since the publication of the report a response to consultation had been received as follows:

North Kesteven District Council – comments have been received from Economic Development Section who have concerns on how the proposed works will impact upon neighbouring Network 46 site. Neighbours have previously raised concerns at the impact that extracting gravel from the existing runways would have in terms of noise and dust on their site and in particular whether active working adjacent to the site would have an impact on the attractiveness of the site to future business. Consider concerns will still be valid for this application, especially when the latter

stages of the extraction takes place in areas most adjacent to the Network 46 site. Key concern therefore will be to ensure that sufficient boundary treatments are in place to mitigate and minimise the impacts of the extraction operations. Noted that there are acoustic/screen bunds proposed around the working site. It is not clear from the plans submitted whether there are landscaping or tree screens being proposed where the excavation is immediately to the south of the existing Network 46 site. Suggest it would be advantageous if tree screening was provided at this point. Ask if the issues raised earlier by the District Council Environmental Health Officer have been satisfactorily resolved.

Local Landowner – concerns with ongoing flooding problem due to unauthorised pumped water from the applicant's current site.

Drew attention that one of their fields has suffered extensive water logging and crop losses from unauthorised pumped water from the applicant. The applicant has admitted verbal responsibility, but taken no action to stop this. Acknowledge this is an historic problem and perhaps not directly linked to this application. Concerned that this proposal will bring an increase in water to the area despite the applicant's figures. Also due to past issues being unresolved must object to this application and use of any water course that would cause even greater problems.

In connection with this matter one of the landowners has provided a copy of the current discharge licence, drawing attention to Page 7 that states:-

"This Consent covers water quality considerations only and does not relate to land drainage or any other requirements. A Consent under the Land Drainage Bylaws may also be required and/or approvals under other legislation. The Consent does not give any right or permission to discharge where land is not owned by the Consent Holder".

Applicant's Response – currently investigating this claim and note several landowners have claimed that they have suffered loss due to water logging from the existing quarry operations. The applicant has observed some ditches where the water level is above the level of some, but not all, field drains. It is the landowner's responsibility to monitor drains and undoubtedly some drains could be better maintained to alleviate any perceived or real problem. To determine the exact cause of the problem the applicant proposes to cease pumping to allow water levels to return to normal (ie without the applicant's discharged water). This will determine whether drains are above water level at rest. If not then the issue is a maintenance and therefore the landowner's responsibility. Should the investigation determine that the cause of the problem is due to poor maintenance the applicant will offer to clear ditches on behalf of the landowner.

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Also note water discharged through the objector's land is permitted and subject to a discharge consent so it is not unauthorised as suggested. Moreover, the question of responsibility is as yet unresolved. Maintenance is clearly an issue, responsibility for this rests with the landowner. Once responsibility has been determined the applicant will discuss agricultural losses if appropriate. Notwithstanding the issue of responsibility the applicant has suggested that drains utilised for discharge of water are maintained by the applicant. The discharge from this application would not pass through the objector's land.

Network 46 (Owner of the Business Park) – suggest that extraction does not take place in Phase 8 until the report on stability and de-watering is received, assessed and the recommendations are endorsed. A request has also been made that third party notification of adjoining owners takes place.

Head of Planning Comments – the applicant held a meeting with the owner of the adjacent business park on 30 March 2011 and following the meeting it is suggested that extraction would only take place in Phases 8, 9 and 10 if approval were forthcoming on groundwater, slope and restoration matters. It should be noted that the County Council would consult with the adjoining owners but approval is only for the County Council. In the light of these discussions it is recommended that Condition 36 be amended as follows:-

*“Notwithstanding the contents of Conditions 2 and 6, prior to any mineral extraction in Phase 8, proposals to ensure slope stability and minimise groundwater drawdown during Phases 8, 9 and 10 of the development, and following restoration of the site, shall be submitted to and approved in writing by the Mineral Planning Authority. **Extraction in Phases 8, 9 and 10 can only take place if approval has been obtained.** The submitted scheme shall be derived from the findings of the monitoring referred to in Condition 35 above, and shall be designed to ensure the stability and integrity of adjoining land and development. The approved scheme shall be implemented in full during the remainder of the development and following restoration.”*

In order to clarify certain aspects of the proposal and to provide greater control, the following additional conditions are recommended:-

Floodlighting

- Outside the approved hours of working, floodlighting shall be restricted to security lights activated by intruder sensors.

- No floodlighting shall be erected on site under this planning permission unless written approval of the MPA has been secured for a scheme of floodlighting. The scheme shall include:
 - the height and location of the floodlighting posts;
 - the intensity of the light specified in lux levels;
 - the spreads of light including approximate light spillage to the rear of the floodlighting posts (in metres); and
 - any measures to minimise the impact of the floodlighting or disturbance through glare (such as shrouding and minimising the times when such lights will be illuminated).

Therefore any floodlighting shall comply with the approved scheme.

Reason: To protect the amenity of the area and minimise the level of extraneous lighting in the area.

Field Conveyors

- All sand and gravel excavated at the site shall be transported to the plant site compound by field conveyor as set out in the supporting statement to the application unless otherwise agreed in writing.

Reason: To ensure the development is carried out in accordance with the details set out in the application and in the interests of the amenities of the area.

Sheeting of Lorries

- No loaded lorries carrying sand, gravel or recycled aggregates shall leave the site unsheeted.

Reason: To prevent mud and other extraneous material being deposited on the public highway, in the interests of highway safety and safeguarding the amenities of the area.

In order to comply with the provisions of the Environmental Impact Assessment Regulations, the recommendation shall incorporate the following wording:-

This report forms part of the Council's statement pursuant to Paragraph 21 of the Town and Country Planning (Environmental Impact Assessment) England and

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Wales Regulations 1999 – which requires the Council to make available for public inspection at the District Council offices specified information regarding the decision. Pursuant to Regulation 21(1)(C) the Council must make available for public inspection a statement which contains:-

- the content of the decision and any conditions attached to it;
- the main reasons and consideration on which the decision is based including, if relevant, information about the participation of the public;
- a description when necessary to avoid, reduce and if possible offset the major adverse effects of the development; and
- information regarding the right to challenge the validity of the procedures and the procedures for doing so.

Additional Informative

The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits.

Proceedings may only be brought by a person with sufficient interest in the subject matter.

Any proceedings should be brought promptly and within three months from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before three months has expired. Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for those rules.

The Executive Director stated that the word “now” should be replaced by the word “not” in paragraph four, page one under the heading “Local Landowner”, (this is shown as corrected above).

The Director stated that since the circulation of the update to the Committee additional comments had been received as follows:-

- The applicant has stated that the advice they have received is that the permission of the owner of the land at the point of discharge was required but not those owners downstream;

- The advice given to the planning authority was that the permission down stream was required from the riparian owners;
- E-mails had been received from neighbouring landowners on drainage matters raised concerns over flooding of agricultural land, that when the pumps were switched off the water level dropped by approximately 95% , the current discharge licence is invalid as there is no permission to use watercourses which cross a third parties land, the discharge from the application would pass through objectors' land, the consideration of the application should be postponed until these matters are addressed;
- Councillor Phillips in his e-mail requested that consideration be adjourned to allow sufficient time for the new information to be considered, the proposal should not be considered whilst the issue of drainage is in doubt, the residents do not feel they have been properly consulted and requests further consultation with them, and he had not received the updates;
- A quarry operator in the area expressed concern over the use of sand and gravel production levels for 2008 being used to determine need for the development, especially as the economic recession and reductions in Government spending had resulted in much reduced demand for aggregates. Particular concern was expressed over the use of projected aggregate demand derived upon pre recession production levels within the East Midlands.

Mr Roy Martin, Chairman of Thurlby Parish Meeting, an objector, spoke to the meeting and raised the following:-

1. Water drainage and flooding was the main issue. Gravel extraction had taken place in the area for many years.
2. Local people were looking to the County Council to put in place suitable conditions to ensure that land drainage and flooding issues were addressed.
3. There had been damage to fields and crops from flood water.
4. There was a single drain which was often full of water during periods of heavy rain.
5. The Environment Agency had moved the flood plain in relation to village boundaries which had a detrimental effect on water levels.
6. A strong water management agreement was needed.
7. Expressed doubt about the legality of how the applicant was proposing to get rid of the water.
8. The applicant had only got involved at a late stage of the consultation process but had now acknowledged the problem of water management.

Mr Stephen Woods, representing the applicant, spoke to the meeting and raised the following:-

1. The application was in accordance with planning policies and all material considerations had been met.

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2. There was a need for the application as a direct replacement for their site at Norton Disney which had expired.
3. The application would help the local economy and provide employment.
4. There would be additional woodland planted for amenity and landscape purposes to protect the local community.
5. There would be a water management plan implemented through a Section 106 Agreement to deal with water management.
6. Water pumping would cease during periods of high rain fall.
7. There had been no objection to the proposal from the Environment Agency.

Councillor R J Phillips, the local Division Member, raised the following issues:-

1. He was the Vice-Chairman of the Upper Witham Drainage Board but was not representing that body today.
2. Stated that on a procedural matter he had received the update from the Planning Department at 16.41 hours on 8 April 2011 and had to arrange a meeting with Thurlby Parish Meeting at 17.00 hours on 8 April which was the only convenient time adding that this was not the proper way to conduct consultations.
3. He requested that the Committee should defer consideration of the application until all of the matters had been resolved.
4. There was no argument about the extraction of gravel.
5. The main issue was whether the applicant could satisfy the community that it could protect them from flooding. It was important that a water management plan was in place before the application was approved.
6. It was essential that both he and the Parish Meeting were consulted on any water management plan before it was implemented.
7. Referred to water eventually going to the Black Sluice, Boston and the effects of flooding.
8. Quoted the observations of the Upper Witham Drainage Board in the report in connection with the discharge of water outside of the area in field ditches. He tabled photographs showing the effects of heavy rainfall and showing Thurlby as an island.
9. Referred to crop losses.
10. The existing ditches could not cope with the volume of water from the application and it would either require new ditches constructing or the plant closed down during periods of heavy rainfall.

The Executive Director stated that the late email referred to by Councillor R J Phillips was the update containing late information which was always sent out to the Committee on the Friday before the meeting on Monday; and gave details of consultations with local residents and businesses in 2008, April 2010, letter to Thurlby Parish Meeting 11 March 2011 and a letter to objectors dated 29 March 2011 informing that the matter was to be considered by the Committee, detailing a hyperlink access to reports and Councillor R J Phillips had been copied into the correspondence.

RESOLVED (unanimous)

That consideration of the application be deferred pending the receipt of legal advice about flood risk.

- (2) To construct an energy production and recycling park at Decoy Farm, Postland Road, Crowland - Organic Recycling Ltd - H2/1061/10

(NOTE:- Councillor H R Johnson, in addition to being lobbied about the application, declared a personal interest as the portfolio holder with responsibility for economic development at South Holland District Council).

The Executive Director stated that the local Division Councillor had been consulted but had not commented on the application.

Mr Andrew Riddington, the applicant, spoke to the Committee and raised the following:-

1. Referred to his email sent to the Committee about the need for the development.
2. Made reference to various planning policies which supported his application.
3. There were no neighbours near the site.
4. Bunding and landscaping would be constructed to mitigate the impact of the development.
5. The positive impact of the application on the local economy.
6. Putting the development in a dedicated area with B2 or B8 permission would make the project financially impossible.

The Committee considered that the applicant had suitable mitigation measures to overcome the visual aspects of the application which was the reason for refusal and proceeded to discuss the merits of either a site visit or whether they were minded to approve the application.

A motion by Councillor H R Johnson, seconded by Councillor T M Trollope-Bellew, that consideration of the application should be deferred pending a site visit, was defeated by three votes for and six against.

A motion by Councillor K Milner, seconded by Councillor R Hills, it was –

RESOLVED (eight votes for and no votes against)

That the Committee is minded to approve the application, against the officer recommendation to refuse, and that the Executive Director submit a report to the next meeting of the Committee outlining the reasons and conditions for approval.

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- (3) To erect a building to recycle plastic bottles, including plant and gatehouse, diversion of existing estate road and creation of yard and parking at Hangar 4, Caenby Corner Industrial Estate, Hemswell Cliff - Hemswell Estates Limited - W127/126948/11

(NOTE:- Councillor D Brailsford was not present in the meeting during discussion and voting thereon).

Since the publication of the report a response to consultation had been received as follows:-

Applicant – request that Condition 7 is amended so that it is not a pre-development condition.

Head of Planning – Amend Condition 7 as follows:-

Prior to the building hereby permitted becoming operational, a travel plan aimed at reducing reliance on the use of private cars as a principal means of staff and visitor's transport to and from the development shall be submitted to, and approved in writing by the Waste Planning Authority. The measures identified shall be implemented in strict accordance with the approved plan and be subject to review every five years. If the travel plan is amended in the five yearly review, the measures identified in the amended plan shall be implemented in strict accordance with the amended plan.

RESOLVED (unanimous)

That planning permission be granted subject to the conditions detailed in the report with the exception that condition 7 be amended as follows:-

Prior to the building hereby permitted becoming operational, a travel plan aimed at reducing reliance on the use of private cars as a principal means of staff and visitor's transport to and from the development shall be submitted to, and approved in writing by the Waste Planning Authority. The measures identified shall be implemented in strict accordance with the approved plan and be subject to review every five years. If the travel plan is amended in the five yearly review, the measures identified in the amended plan shall be implemented in strict accordance with the amended plan.

- (4) To construct retaining walls to form a compound for storage and bulking up of dry, municipal household recyclates, prior to transportation to recycling centres, for a temporary period of three years at Holly Tree Farm, Croft Bank, Croft - Sid Dennis and Son - (E)S39/0220/11

(NOTE: Councillor D Brailsford returned to the meeting during the discussion of this report but did not take part in the discussion or voting thereon. Councillor M Brookes was not present during the discussion and voting thereon).

Since the publication of the report a response to consultation had been received as follows:-

East Lindsey District Council – No objection.

RESOLVED (unanimous)

That planning permission be approved subject to the conditions detailed in the report.

- (5) To extend the time limit for implementation of planning permission (E)S39/0087/08 at Holly Tree Farm, Croft Bank, Croft - Sid Dennis and Son Ltd - (E)S39/0294/11

RESOLVED (unanimous)

That planning permission be granted subject to the conditions detailed in the report.

- (6) To construct and utilise two leachate treatment lagoons within an existing landfill site (retrospective) at Whisby Landfill Site, Thorpe Road, Thorpe-on-the-Hill - Waste Recycling Group Ltd - N64/0205/11

RESOLVED (unanimous)

That planning permission be granted subject to the conditions detailed in the report.

- (7) To construct and utilise two leachate treatment lagoons within an existing landfill site (retrospective) at Landfill Site, Tattershall Road, Kirkby on Bain - Waste Recycling Group Ltd - (E)S94/0316/11

Since the publication of the report a response to consultation had been received as follows:-

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Ministry of Defence – no safeguarding objections to this proposal.

RESOLVED (unanimous)

That planning permission be granted subject to the conditions detailed in the report.

102. PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS

The Committee received three reports from the Executive Director for Communities on planning applications relating to County Council developments.

The results of consultations and publicity were detailed in the reports.

- (1) Supplementary Report - To carry out repairs to the boundary wall adjoining Crowtree Lane at King Edward VI School, Edward Street, Louth - (E)N105/1902/09 (minute 70(2), Planning and Regulation Committee, 20 December 2010)

(NOTE:- Councillor J M Swanson declared a personal interest as a member of the Planning Committee of East Lindsey District Council when the application had been determined and did not get involved in the discussion or voting thereon).

RESOLVED (unanimous)

That the application for Listed Building Consent be forwarded to the Department for Communities and Local Government for determination, indicating the County Council's support for it, subject to the imposition of the conditions outlined in the report.

- (2) To install a roof-mounted photovoltaic (PV) panel system at Wragby Fire Station, Millbrook Lane, Wragby - (E)S216/0243/11

RESOLVED (unanimous)

That provided that no representations are received by the expiration of the statutory publicity period (13 April 2011) which in the view of the Executive Director in consultation with the Chairman warrants further consideration of the application then the Executive Director be authorised to grant planning permission subject to the conditions detailed in the report.

- (3) To continue to use building as youth services centre and enable building also to be used for children's centre (D1 – non residential use) at Sleaford Youth Centre, Carre Street, Sleaford - N57/0256/11

RESOLVED

That planning permission be granted subject to the condition detailed in the report.

The meeting closed at 12.20pm.