

**PLANNING AND REGULATION  
 COMMITTEE  
 7 APRIL 2014**

**PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)**

Councillors Mrs H N J Powell (Vice-Chairman), D Brailsford, D C Hoyes MBE, D M Hunter-Clarke, M S Jones, Ms T Keywood-Wainwright, D McNally, N H Pepper, Mrs J M Renshaw, C L Strange, T M Trollope-Bellew and W S Webb

Also in attendance: Councillors Mrs J Brockway (minute 184). Executive Councillors C J Davie (Economic Development, Environment, Planning, Tourism) and R G Davies (Highways, Transport, IT)

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Graeme Butler (Project and Technical Support Manager), Paul Little (Head of Highways East), Charlotte Lockwood (Solicitor), Neil McBride (Development Manager) and Marc Willis (Principal Planning Officer (Development Management))

172 APOLOGIES/REPLACEMENT MEMBERS

An apology for absence was received from Councillor D C Morgan.

Councillor A E Reynolds replaced Councillor V C Ayling for this meeting only.

173 DECLARATIONS OF MEMBERS' INTERESTS

None were declared at this stage of the meeting.

174 MINUTES OF THE PREVIOUS MEETING OF THE COMMITTEE HELD ON 17 MARCH 2014

RESOLVED

That the minutes of the previous meeting of the Committee held on 17 March 2014, be agreed as a correct record and signed by the Chairman.

175 TRAFFIC MATTERS

176 WOODHALL SPA, SPA ROAD - PROPOSED PROHIBITION OF WAITING

Graeme Butler presented a report in connection with an objection and comment received to a proposal to introduce parking restrictions along Spa Road at Woodhall Spa.

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Comments made by the Committee included:-

1. The parking situation had deteriorated since the introduction of parking charges by East Lindsey District Council which had meant people working in Woodhall Spa could no longer afford to park in the car parks all day and had to park on the street.
2. Residents were against all day parking outside their homes.
3. There were many elderly residents living in Woodhall Spa and speeding traffic was an issue for them.
4. Did Woodhall Spa have a dedicated Traffic Warden?
5. Need for enforcement to prevent vehicles parking on the pavement.
6. The use of H bars to prevent parking on access to driveways.

Graeme Butler stated that H bars were no longer used by the Council and added that there was not a dedicated Traffic Warden in Woodhall Spa.

A motion by Councillor C L Strange, seconded by Councillor H N J Powell, that parking restrictions should be imposed on the eastern side of Spa Road only in order to assess their affect and that if this was not successful then the recommendation as detailed in the report should be applied in full, was defeated by four votes for and seven votes against.

On a motion by Councillor D C Hoyes MBE, seconded by Councillor T M Trollope-Bellew, it was –

RESOLVED (8 votes for, 3 votes against. Councillor W S Webb abstained as he arrived in the meeting during the discussion.)

That the objection be overruled and the Order as advertised be implemented.

177 GRANTHAM, HARROWBY ROAD - PROPOSED ZEBRA CROSSING

Following discussions between the Chairman, the relevant officer, the local Member and member of the Committee, Councillor D C Morgan, who was absent for today's meeting, the Committee agreed to defer consideration of the report to the next meeting of the Committee. NOTED.

178 TRAFFIC REGULATION ORDERS - PROGRESS REVIEW

The Committee received a report from the Assistant Director, Highways and Transportation, in connection the latest position on all current Traffic Regulation Orders received since the last meeting of the Committee.

RESOLVED

That the report be received.

179 COUNTY MATTER PLANNING APPLICATIONS

180 RETROSPECTIVE PLANNING PERMISSION IS SOUGHT TO USE THE LAND AND BUILDINGS FOR WASTE RECYCLING OPERATIONS AT BLUE SKY PLASTICS LTD, SOUTH FEN ROAD, BOURNE - BLUE SKY PLASTICS LTD (AGENT: GP PLANNING LTD) - S12/0601/14

(NOTE: Councillor T Keywood-Wainwright and Councillor M S Jones arrived in the meeting during consideration of this report and neither participated in the discussion or voting thereon).

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

Environment Agency – Object to the application as submitted as at the time of the previous application (which was subsequently withdrawn) initially objected on flood risk grounds as the proposals for surface water management were inadequate. The application was withdrawn following the submission of a revised flood risk assessment which was included with the current application.

The site was subsequently inspected and it was noted that the arrangement identified in the flood risk assessment in relation to the management of runoff is not in place and does not fully accord with the arrangements agreed. To overcome this objection it is recommended that the flood risk assessment is revised to reflect the latest proposals for surface water drainage at the site. Should these be sufficient to prevent increased risk of pollution and flooding off-site the objection could be removed and the planning application and environmental permits would be in line.

Note in relation to the planning statement states that no hazardous waste is accepted on site which is inaccurate as the WEEE accepted on site potentially contains hazardous components which are to be removed using best available techniques and assessed as part of the permit.

Also have concerns regarding the safety of the access road and the height of stockpiles (proposed to be up to 5 metres) and number of waste piles on site which has implications in relation to the potential for fire and the ability of the Fire and Rescue Service to access the site.

Head of Planning – in light of the comments of the Environment Agency add a further reason for refusal as follows:-

Criterion (v) of the Waste Local Plan Policy 21 only allows planning permission to be granted where the development would not create an unacceptable risk of flooding elsewhere or where it would not harm water quality. The application has not provided sufficient information to demonstrate that the development will not prevent an increased risk of pollution and flooding off site. The application therefore does not meet the requirements of Policy WLP21 and consequently is not in accordance with Waste Local Plan Policy WLP7 of the Lincolnshire Waste Local Plan (2006).

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Christian Smith, representing the applicant, commented as follows:-

1. This was a resubmission of a previous application to the Committee.
2. The current site had planning permission, was not a scrapyards and had a history of operating in the area.
3. The applicant employed 24 people and if the application was refused they would lose their jobs.
4. If the application was approved it would create 30 extra jobs
5. The applicant was already doing a good job in recycling and the Council should support the application.
6. A change of highway officers had led to different opinions which the applicant needed to address.
7. Requested a deferral of the application to allow the applicant to consider the additional points raised by a new highways officer and by the Environment Agency.

The applicant responded to questions from the Committee as follows:-

1. Explained why the application had not been withdrawn prior to coming to the Committee which included the need to consider the comments of the Environment Agency and the highways officer which, in his opinion, had been received too late for detailed consideration.
2. Most of the workforce was employed locally.
3. Gave further details about the implications of the application on the employment of the current workforce.

Comments made by the Committee included:-

1. The access road to the site was unsuitable for HCVs, with the presence of dykes either side of the road.
2. The presence of high pressure gas mains in the verge of the access road and dykes prevented highway improvements being made.
3. While it was disappointing to hear comments about the effects on employment if the application was not approved the Bourne Industrial Estate was a more suitable location for the company. Also, South Kesteven District Council had a policy to encourage the relocation of businesses to this site.
4. The applicant was doing a good job. The highways officer needed to investigate this matter further to see whether it was possible to improve the road by a S278 Agreement.
5. The application should be deferred to allow the applicant to consider the comments of the Environment Agency and highways officer.
6. Any increase in HCVs on the road would lead to further deterioration.
7. Problems with accessing water to prevent fire damage remained an issue.

Officers stated that the views of the highways officer remained the same for this application as they did for the previous application, that the road was incapable of taking any increase in HCVs and could not be widened due to the presence of a pipeline and dykes on the verges. It was agreed that the presence and location of a pipeline(s) required investigation.

On a motion by Councillor J M Renshaw, seconded by Councillor H N J Powell, it was –

RESOLVED (unanimous)

That consideration of the application be deferred to the next meeting pending an investigation into the location of the pipeline(s) at the side of the access road leading to the application site and to allow further information to be obtained from highways on the position with the roads and possibility of works being done to upgrade them.

181 FOR THE DEMOLITION OF ONE POULTRY UNIT AND CONSTRUCTION OF AN ANAEROBIC DIGESTION PLANT COMPRISING OF A WASTE RECEPTION HALL, THREE DIGESTER TANKS AND A DIGESTATE STORAGE TANK, THREE DIGESTATE STORAGE LAGOONS AND A NUMBER OF ANCILLARY BUILDINGS ALONG WITH NEW ACCESS ROAD AT ANGEL WELLS FARM, MORKERY LANE, CASTLE BYTHAM - ANDIGESTION LTD (AGENT: BROWN & CO) - S19/0075/14

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

Environment Agency – has now withdrawn their objection subject to the imposition of two planning conditions to cover surface water drainage and potential contaminated land being identified during construction works. It is therefore recommended that:

The following condition be imposed to replace that cited as Condition 14 in the report:

*14. No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:*

- *full detailed surface water calculations and drawings to ensure adequate surface water drainage facilities on site all events up to an including 1% (1 in 100 Annual Excedence Probability) plus climate change;*
- *an assessment of overland flows;*
- *details of how the scheme will be maintained and managed after completion for the lifetime of the development.*

*The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.*

That the following additional condition also be imposed:

*21. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved in writing by the Waste Planning Authority.*

- a). *A preliminary risk assessment which has been identified:*
- *all previous uses;*
  - *potential contaminants associated with those uses;*
  - *a conceptual model of the site indicating sources, pathways and receptors;*
  - *potentially unacceptable risks arising from contamination at the site.*
- b). *A site investigation scheme, based on (a), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
- c). *The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- d). *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

*All changes to these components require the express written consent of the Waste Planning Authority and the scheme shall be implemented in accordance with the approved scheme.*

Reason: The site has previously been used as a poultry unit and no information has been submitted about the current condition of the land. Given its former use, the redevelopment of the site has the potential to increase the risk of contaminants and pollutants entering the surface water and underlying groundwater systems especially given its close proximity to a sink hole north of the site which acts as a pathway to these systems. Details are therefore required to ensure and risks are minimised and controlled.

A series of Informatives are also provided which could be included/reference on any planning permission so that they are drawn to the attention of the applicant.

Highways - Having received further comments from the Highways Officer it is also recommended that Condition 12 be reworded to the following:

*'Prior to the commencement of use of the access hereby approved, visibility splays shall be set-out on both sides of the access. These splays shall be determined by straight lines struck between a point measured 2.4 metres back from the nearside edge of the carriageway on the centreline of the access and points which are 130 metres to the left and to the right of the centreline of the access, measured along the nearside edge of the carriageway. The area between these splay lines and the carriageway shall at all times be maintained free of all obstructions which are greater than 1 metre in height.'*

In response to comments made by the Committee, officers stated that Councillor B Adams had referred the matter to the Committee because of the concerns about the routing of vehicles visiting the site and the concerns of the Parish Council. The feedstock used for the anaerobic digestion plant was mainly commercial food waste

and due to the different techniques being used at the plant there was not a need for silage clamps. Also, the applicant hoped to relocate a chicken farm to the site and if there was any significant change to feedstock for the site then the conditions proposed on traffic movements and proposed routeing agreement would take account of this.

On a motion by the Councillor T M Trollope-Bellew, seconded by Councillor I G Fleetwood, it was –

RESOLVED (unanimous with the exception of Councillors M S Jones and T Keywood-Wainwright who had both arrived during the debate of the application)

That, subject to the applicant and any persons with an interest in the land first entering into and completing a S106 Planning Obligation to secure a vehicle routeing agreement and the maintenance of the visibility splays required in association with the proposed new access, planning permission be granted subject to the conditions detailed in the report, additional amendments to conditions 12 and 14 and an additional condition 21 as follows:-

#### Condition 12

Prior to the commencement of use of the access hereby approved, visibility splays shall be set-out on both sides of the access. These splays shall be determined by straight lines struck between a point measured 2.4 metres back from the nearside edge of the carriageway on the centreline of the access and points which are 130 metres to the left and to the right of the centreline of the access, measured along the nearside edge of the carriageway. The area between these splay lines and the carriageway shall at all times be maintained free of all obstructions which are greater than 1 metre in height.

#### Condition 14

No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:

- full detailed surface water calculations and drawings to ensure adequate surface water drainage facilities on site all events up to and including 1% (1 in 100 Annual Exceedence Probability) plus climate change;
- an assessment of overland flows;
- details of how the scheme will be maintained and managed after completion for the lifetime of the development.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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Condition 21

No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved in writing by the Waste Planning Authority.

- a) A preliminary risk assessment which has been identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

All changes to these components require the express written consent of the Waste Planning Authority and the scheme shall be implemented in accordance with the approved scheme.

Reason: The site has previously been used as a poultry unit and no information has been submitted about the current condition of the land. Given its former use, the redevelopment of the site has the potential to increase the risk of contaminants and pollutants entering the surface water and underlying groundwater systems especially given its close proximity to a sink hole north of the site which acts as a pathway to these systems. Details are therefore required to ensure and risks are minimised and controlled.

A series of Informatives are also provided which could be included/reference on any planning permission so that they are drawn to the attention of the applicant.

182 FOR IMPORTATION, STORAGE, SCREENING, MERCHANTING AND DISTRIBUTION OF PRIMARY AGGREGATES, INCLUDING SANDS, GRAVELS AND CHIPPINGS, AND, THE IMPORTATION, STORAGE, PROCESSING, RECYCLING, MERCHANTING AND DISTRIBUTION OF SECONDARY AGGREGATES, SOILS AND OTHER MATERIALS, INCLUDING BRICKS, CONCRETE, INCINERATOR ASH/SLAG, ROAD PLANINGS, STONE AND TILES, AND, THE RETENTION AND USE IN CONNECTION THEREWITH OF EXISTING OFFICES, WORKSHOPS, BAGGING SHED/STORAGE BUILDING, GARAGE, TICKET HUT, WEIGHBRIDGE, WHEEL WASH, MINERAL STORAGE BAYS, STOCKPILES AND PROCESSING AREAS, LORRY AND CAR PARK AREAS AND SITE ACCESS ROADS AT MANSGATE QUARRY, NETTLETON - MANSGATE QUARRY PRODUCTS LTD (AGENT: DAVIS PLANNING PARTNERSHIP) - W66/131058/14

(NOTE: Councillor D C Hoyes MBE left the meeting at 12.25pm)

Since the publication of the report two further letters has been received from the applicant which clarify and confirm certain aspects of the proposal. A summary of the main points set out in these letters is as follows:

- The applicant, Mansgate Quarry Products Ltd, presently trades locally as A. Riddel & Sons Scrap Metal and Skip Hire Limited in Horncastle. The proposal would create 12 new local jobs and spin off employment in associated local firms in the locality which suffered when the quarrying, associated activities and transportation connected with Mansgate Quarry cease.
- The incinerator ash (approx. 12-16,000 tonnes per annum) would be sourced from an integrated waste management facility operating in Killingholme as well as road plannings produced locally by the County Council and the Highways Agency.
- The consultation process has revealed a level of local support for this proposal and Section 20 of the Officers report acknowledges that any potential environmental and amenity impacts arising from the development could be mitigated through conditions and the S106 agreement. The applicant has confirmed a S106 agreement could be secured to define HGV routeing and this could be extended to also restrict traffic using Whitegate Hill (in response to objections raised by local residents). The applicant has also now confirmed in writing that they would be willing to create calcareous grassland rather than woodland on the proposed 1.8ha area of land adjacent to the proposal site which is in line with the recommendations and comments made by the Lincolnshire Wildlife Trust and Lincolnshire Wolds Countryside Service.
- The applicant argues that the only obstacle to allowing permission for this development is a difference in the interpretation of planning policy - in particular WLP Policies WLP5 and WLP21. It is stated that Policy WLP5 gives four locational criteria, of which compliance with one criteria would allow planning permission to be granted. In this case, it is stated that the proposal accords with

two of the four criteria in that it is located within a quarry and rather than prevent restoration, it would help in achieving a BAP priority habitat and the re-creation of calcareous grassland. The restoration requirements require the demolition of existing buildings which are in good condition and the re-use for the recycling proposals is a sustainable alternative option. The proposal is also directly associated with the existing Integrated Waste Disposal Facility (IWDF) at Killingholme and therefore meets criterion (ii).

- The application confirms that any materials which cannot be recovered/processed would be removed from the site by licensed carriers for disposal at licensed landfill sites and the Officers Report confirms that the proposal accords with all the criteria in Policy WLP21 especially (xii). The applicant therefore considers that this interpretation of the policy demonstrates that the proposal accords with Policy WLP5 and would have no adverse impacts and may therefore be reasonably granted.
- When set against the overall benefits of this recycling scheme in terms of sustainable development, restoration and contribution to the local economy, the planning policy aspect is just one of the material matters to be weighed in the decision making equation. Members who know the site will know that Mansgate Quarry and the associated facilities at the quarry had a long term and overall beneficial impact on the local economy which is missed and that the site has unique site factors which allow operations to take place on the land without damage to the local environment or amenity.
- If Members have doubts about the long term impact on full quarry restoration, they may be minded to grant a temporary time limited permission and ask that the applicant include in the Unilateral Undertaking a commitment to accord with the quarry restoration requirements if the temporary permission is not renewed.

Comments made by the Committee included:-

1. Reference was made to the comments by the District Council local Member in connection with the fact that the quarry already existed and the potential to create employment opportunities for the local area.
2. The Lincolnshire Wolds Countryside Service had not objected to the application.
3. The effects of the National Planning Policy Framework in encouraging economic activity.
4. Employment was not a planning consideration.
5. The need for the Committee to make a site visit.

Officers stated that while the economy was a factor which needed to be taken into consideration in this particular application the locational criteria was main factor.

A motion by Councillor T M Trollope-Bellew, seconded by Councillor M S Jones, that the recommendations as detailed in the report should be approved, was lost by three votes for and six votes against.

On a motion by Councillor C L Strange, seconded by Councillor H N J Powell, it was

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RESOLVED (7 votes for and 2 votes against)

That consideration of the planning application be deferred pending a site visit on 17 April 2014, to see the impact of the proposed development on the adjacent Wolds AONB and the suitability of the site for the proposed development bearing in mind its location in open countryside..

183     COUNTY COUNCIL PLANNING APPLICATIONS

184     TO VARY CONDITION NUMBERS 1, 2, 5 AND 7 OF PLANNING PERMISSION W85/129659/13 TO CHANGE THE USE OF SCHOOL KITCHEN TO B2 (GENERAL INDUSTRY - CATERING FOOD PREPARATION PLACE) TO PROVIDE MEALS FOR OTHER SCHOOLS AT SAXILBY CHURCH OF ENGLAND PRIMARY SCHOOL, HIGHFIELD ROAD, SAXILBY - W85/130966/14

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

Saxilby School Council - Submitted a petition with 63 signatures in support of the application drawing attention to the benefits of the kitchen as it would give the children a better choice of school dinners, cooking lessons and help other schools that have not got a school kitchen.

Debra Moore, representing the applicant, commented as follows:-

1. The school had a large kitchen facility and was able to provide meals for other schools.
2. The County Council had invested a lot of money to provide the new kitchen facilities to meet the requirements of legislation from central government.
3. The problems of parking on the local highway was not the fault of the kitchen but the fault of parents who were dropping their children off and causing traffic congestion.
4. The school had no wish to see HCVs delivering to the school at anti-social times, the school had consulted local residents and there was no wish to change the conditions in this respect.
5. Since the imposition of conditions the school had not used its kitchen to produce meals.
6. The children at the school wanted to see the return of their kitchen to cook meals for their school and for other schools in the area.

Councillor J Brockway, the local Member, commented as follows:-

1. This was a difficult application. The school needed the kitchen to produce food and this was welcomed.
2. She had received numerous complaints from local residents. These included parking on the verges, the problems caused by the narrowness of Highfield Drive (where the school was located), anti-social visiting times by vehicles making deliveries to the school, noise from the banging of vehicle doors and the effects of an increase in vehicles visiting the school should the conditions be changed.
3. Did the school propose to police the increase in vehicles if the conditions were removed?
4. There was a lack of car parking on the school site for teaching staff.
5. The school had always provided its own meals and therefore there was no reason why it should not continue to provide meals for the school.
6. Residents would not support the operation of a kitchen hub for other schools during the school holidays.
7. The school was responsible for the traffic problems and there was a need to help them find a solution to the problem.
8. Was it possible to have a one year permission put in place?
9. There was a lack of engagement by the school with local residents.
10. Supported the application but was unable to support the removal of the conditions requested by the school.

In response to a question asked by the Committee, Councillor J Brockway stated that she did not know if the school was built before the nearby houses.

Comments made by the Committee included:-

1. The Department of Education and Skills in a recent statement had announced that all Key Stage 1 pupils would receive a hot meal at school and this would mean that the County Council would have to increase provision from 11,000 meals to 30,000 meals a day. Not all schools had kitchen facilities and therefore a "hub and spoke" system of providing schools meals was needed.
2. Parking on verges was an issue which the governors of the school needed to address.
3. It was suggested that if condition 7 was removed then this could lead to the fence either being removed or not being maintained.

A motion by Councillor T M Trollope-Bellew to retain condition 7 was not seconded.

On a motion by Councillor D Brailsford, seconded by Councillor W S Webb, it was –

**RESOLVED (unanimous)**

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

185 TO CONSTRUCT TWO CLASS EXTENSION TO EXISTING SCHOOL AND REPLACEMENT HARD PLAY GAMES AREA AT PINCHBECK EAST CHURCH OF ENGLAND PRIMARY SCHOOL, FENNELL ROAD, PINCHBECK - H14/0087/14

Helen Banks, representing the applicant, commented as follows:-

1. This was an outstanding school.
2. There had been a substantial increase in the school admission numbers.
3. The new accommodation would improve the education provision for children.
4. Poor parking by parents was an issue raised by residents.
5. A School Travel Plan was being developed and children were being encouraged to take their Cycle Proficiency test and cycle or walk to school.
6. Parking for teaching staff at the school had been provided.
7. The Executive Head teacher had given an assurance that she would work with all the relevant agencies to improve traffic congestion near the school.

In response to questions from the Committee, Helen Banks stated that the operation of a "School Train" whereby children would meet at a specific location to travel to school away from the school had been used and worked well. She stated that the use of resident's driveways by people visiting the school had been taken up by the school.

On a motion by Councillor M S Jones, seconded by Councillor I G Fleetwood, it was  
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RESOLVED (unanimous with the exception of Councillor T M Trollope-Bellew who abstained from voting as he was not present in the meeting while the application was being discussed)

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

(NOTE: Councillor D Brailsford left the meeting at 12.25pm)

The meeting closed at 12.40 pm