

PRESENT: COUNCILLOR R HILLS (VICE-CHAIRMAN)

Councillors P Bedford, M Brookes, N D Cooper, D R Dickinson, D C Hoyes, H R Johnson, S F Kinch, K Milner, A N Stokes, J M Swanson, T M Trollope-Bellew and S F Williams.

Also in attendance: Councillors W S Webb (Executive Councillor for Highways and Transport) and Mrs S Woolley (Executive Councillor for Health, Third Sector and Housing Strategy).

Apologies for absence: Councillors I G Fleetwood and M Tinker.

In the absence of the Chairman, the Vice-Chairman took the chair.

Councillor R Hills in the chair

62. MEMBERSHIP CHANGE

The Chief Executive reported that having received notice under Regulation 13 of the Local Government (Committees and Political Groups Regulations 1990) he had appointed Councillor A N Stokes as a replacement member on the Committee, in place of Councillor D Brailsford, for this meeting only.

63. DECLARATIONS OF COUNCILLORS'

Councillor R Hills declared a personal interest in minutes 70(1) and 70(2) as a member of the Planning Committee at the City of Lincoln Council and as a resident of Swanpool.

Councillor T M Trollope-Bellew declared a personal interest as he knew the owner of the site (minute 69(1)) and minute 70(3) as he had attended the meeting of the Parish Council when this matter had been discussed.

Councillor J M Swanson declared a personal interest in minutes 69(3), 69(4) and 69(6) as a member of East Lindsey District Council and as the local Division Member in connection with minute 69(4).

Councillor H R Johnson declared a personal interest in minute 69(2) as the Portfolio Holder for Economic Development including Waste and Recycling at South Holland District Council.

Councillor N D Cooper declared a personal interest in all matters on the agenda affecting East Lindsey District Council as the Executive Councillor for Planning at that Council.

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 County Council's Executive Support Councillor for Highways and Transport.

Councillor P Bedford declared a personal interest in minute 67 as a member of Boston Borough Council and as a member of the Road Safety Partnership.

64. MINUTES

RESOLVED

That the minutes of the meeting held on 7 December 2009 be agreed as a correct record and signed by the Chairman.

65. PROPOSED FOOTWAY CONVERSION TO UNSEGREGATED FOOTWAY/CYCLEWAY – HAWTHORN ROAD/CROFT LANE, CHERRY WILLINGHAM

(NOTE:- Councillor N D Cooper declared a personal interest as a member of the Police Authority).

The Committee received a report from the Executive Director (Development Services) in connection with an objection which had been received to a proposed Order to convert an existing footway to an unsegregated footway/cycleway on Hawthorn Road/Croft Lane, Cherry Willingham.

The report detailed the consultations, the objection received and the comments of the Executive Director (Development Services) on the objection received.

RESOLVED

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

66. PROPOSED ZEBRA CROSSINGS AND BUS STOP ALTERATIONS – DODDINGTON ROAD, NEAR EASTBROOK ROAD AND BIRCHWOOD AVENUE, NEAR LANCEWOOD GARDENS, LINCOLN (minute 74, Planning and Regulation Committee, 22 December 2008)

The Committee received a report from the Executive Director (Development Services) on objections received to proposed amendments to two proposed zebra crossings and bus stop positions on Doddington Road, near Eastbrook Road and Birchwood Avenue, near Lancewood Gardens, Lincoln.

The report detailed the proposed amendments, consultations, objections and the comments of the Executive Director (Development Services) on the objections received.

RESOLVED

(a) That the implementation of the zebra crossing and bus stop relocation on Birchwood Avenue, near Lancewood Gardens, be confirmed.

- (b) That the objections to the proposed zebra crossing and bus stop relocation on Doddington Road, near Eastbrook Road, be overruled and the proposals be implemented as publicly advertised.

67. BOSTON: CHERRY WALK – PROPOSED WAITING RESTRICTIONS

The Committee received a report from the Executive Director (Development Services) on objections received following the advertisement of a proposal for waiting restrictions on Cherry Walk, Boston.

The report detailed the consultations, objections received and the comments of the Executive Director (Development Services) on the objections received.

RESOLVED

That the objections be overruled and the proposed waiting restriction on the proposed waiting restriction for Cherry Walk, Boston, be confirmed.

68. TRAFFIC REGULATION ORDERS – PROGRESS REVIEW AND PETITIONS RECEIVED

The Committee received a report from the Executive Director (Development Services) on all Traffic Regulation Orders and petitions received since the previous meeting of the Committee.

RESOLVED

That the position in connection with all current Traffic Regulation Orders be noted and the petitions be received.

69. PLANNING APPLICATIONS RELATING TO COUNTY MATTER DEVELOPMENTS

The Committee received six reports from the Executive Director (Development Services) on planning applications relating to County Matter Developments. The results of consultation and publicity were detailed in each report.

- (1) Application No. N47/0106/09 – Proposed planning conditions relating to the application to construct a new facility for the production of pre-cast concrete products with associated infrastructure on land that has been quarried and reinstated to grassland to comprise: an industrial building; an external storage area served by gantry cranes; car parking; a further building incorporating offices and staff facilities and waste water treatment plant at Norton Bottoms Quarry, Norton Disney – ABM Pre-cast Solutions (Supplementary Report) (Minute 55 (1), Planning and Regulation Committee, 7 December 2009)

The Executive Director (Development Services) reported amendments to conditions and reasons in his report since its publication and these were agreed by the Committee.

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

Local Residents – Raising concern in respect of the procedures that were followed in councillors resolving to be minded to approve the application for the following reasons (summarised):-

- Concerned that councillors ignored professional advice from district and County Council officers, discounting Central Government guidance. Note that many councillors on the committee were compromised and therefore did not vote. Also the legal opinion produced by the applicant asserting why planning permission could not be refused may have been influenced by the costs the County Council has incurred in defending other legal action with C & G.
- On the investigation of the proposed water solution understand no site visit was made by the person who approved the scheme. Considers that the solution should not be looked at in isolation and that the cumulative impacts for the ongoing mineral extraction should be taken into account.
- Noise – understands from the Environmental Health Officer that this matter has not been resolved and further information is outstanding.
- Questions the procedure of the committee site visit in that representatives of the landowner and applicant attended and spoke to councillors. Representatives from the Parish Council were not permitted to attend the site and they could have provided valuable and useful information to councillors.
- Has undertaken a visit to the existing operations of Tuxford which is situated in a well established industrial zone which appears to have available expansion space.
- Aware of one of the factors influencing councillors' decision was increased local employment opportunities. Needs to be put in context as existing mineral operations have not provided employment in the immediate area. Understands that employment is a secondary issue in defining an application. It cannot be imposed as a condition. As the existing workforce will transfer to the application site, do not know how the applicant can assert that they will double this workforce in the next five years given the state of the financial markets and anticipated cuts major public and private sector are implementing.
- Concluded decision to re-locate based on reducing costs and increasing profits which should not be at the expense of the local population nor sacrificing amenity or to the detriment of other 'Read Mix' companies in the area who could find themselves disadvantaged and lead to unemployment in this sector.
- Questions why the applicant discarded nearby Swinderby Industrial Zone as it would appear to meet all the applicant's requirements. It appears that the pursuit of lower costs by the applicant leading them to favour the exploitation of agricultural land rather than siting their plant in an area where operational costs would be higher. Permitting this application

therefore appears to make a mockery of planning policies and open the door to widespread industrial proliferation of the countryside.

- Conclude that part of the planning process has been severely compromised and councillors were lobbied and presented with inaccurate information. Consider that the legal opinion presented to committee was not considered by council lawyers and therefore provided an unbalanced account of Government in relation to Policy M18. In the circumstances cannot regard this conditional approval as credible and request that reconsider your position in relation to this matter.

The RT Hon Douglas Hogg, QC, MP, Viscount Hailsham - Requests that comments of his constituents are drawn to Councillors' attention and that pre-considerations by the Parish, District and County Councils have been hostile to the application. Considers this is a matter for Councillors and has not come to a concluded view on the matter. The comments of his constituents should be placed before Councillors which is where the decisions properly lie.

Parish Councillor Terry Johnson, representing objectors, raised the following matters:-

1. Norton Disney Parish was a small community whose demography comprised many elderly people.
2. Expressed surprise that the Committee had gone against the recommendations of officers.
3. Officers would need to ensure that the company abided by the conditions.
4. A firm line needed to be taken by the Council should noise become a problem as noise was aggravated in the countryside.
5. Trees to a height of 10m were required because the bunding to the south of the site fell away and was subject to erosion. Also, bunding did little to obscure the view of the site from Newark Road.
6. Removal of humps (Condition 12) would lead to speeding traffic.
7. Lighting should be kept to a minimum and positioned at an angle to reduce pollution so as not to cause pollution. Lighting should also be turned off after working hours.
8. Warning equipment on vehicles should be zonally controlled to prevent noise pollution.
9. The water table needed to be monitored because this area was subject to flooding and that the applicant should be asked to take any remedial measures if necessary to overcome the problem.

Peter Cambourn, representing the applicant, raised the following matters:-

1. The Working Time Directive was followed in connection with deliveries of supplies.
2. The bunding on the north of the site belonged to C&G and needed to be addressed by C&G.
3. The removal of road humps was a Highways Agency matter.
4. There were energy switches on the lights and lights would switch off when not in use.
5. Bleepers on vehicles using the site would be kept to a minimum but were required for health and safety purposes.

6. The various aspects raised in connection with flooding by the objector were addressed in the report.

The Executive Director (Development Services) stated that since the publication of the report there had been correspondence from a resident of Norton Disney to the Chief Executive and the concerns raised were being investigated and a response would be given by the Chief Executive.

The Executive Director (Development Services) responded to comments made by the Committee including proposals to restore the site following the expiration of the site; stated that discussions had taken place about screening of the site adjacent to the footpath and added that a Grampian condition was not appropriate in this case.

The Monitoring Officer was asked that as the Committee at its last meeting had resolved it was minded to grant planning permission did this not enable the principle of approving the application to be examined in the context of the recommended conditions. The Monitoring Officer advised that as no new material considerations had been raised the matter for consideration was the conditions not the principle of approval which had been debated at the previous meeting.

RESOLVED

That planning permission N47/0106/09 be issued subject to:-

(a) The applicant, and all other persons with an interest in the land, entering into a S106 Planning Obligation to cover the following matters:-

- The routing of vehicle traffic to and from the site to use the haul road to the A46;
- The provision of traffic warning signage within the public highway;
- Securing the use of adjacent quarry's freshwater lagoons as additional surface water storage;
- The provision of off-site water level monitors within the River Witham.

(b) Upon completion of the S106 Planning Obligation identified in (a), above, that the Executive Director (Development Services) be authorised to issue the planning permission for the reasons set out in Appendix A of the report and subject to the conditions therein, amended as follows:-

Condition 4, page 7 of the report – second line should be “plant”.

Condition 8, page 7 of the report - as defined by Condition 22.

Reasons, page 10, 11-13 – in the interests of highway safety.

Reasons, pages 10, 14-15 – to minimise the potential nuisances and impacts of noise arising from the development and to protect the amenity of local residents.

Reasons, pages 11, 16 – to minimise potential nuisance and disturbance to local residents

Informative, page 11 – Conditions 12 and 18

(c) That the report, (including appendices), forms part of the Council's Statement pursuant to Regulation 21 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 – which requires the Council to make available for public inspection at the District Council's 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, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
- Information recording the right to challenge the validity of the decision and the procedures for doing so.

(2) Application to erect an extension to “bus shelter” store (retrospective) at Mid UK Recycling Ltd, Station Road, Caythorpe – Mid UK Recycling Ltd (Application No. S20/2641/09)

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

South Kesteven District Council – No objection.

Comments made by the Committee included the need for adequate fire fighting equipment and hydrants at the site and the need to send a strong message to the applicant to submit a planning application before the scheme had started.

The Executive Director (Development Services) stated that the Fire Service had been consulted in connection with the application and was satisfied with the fire prevention methods installed.

RESOLVED

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

(3) To construct biological treatment lagoons for the treatment of sewage (retrospective) at land off Long Gate, Saltfleetby St Peter – Anglian Water Services Ltd (Application No. (E) N145/2922/09)

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

East Lindsey District Council – Not satisfied that surrounding landscape will not be affected by odours under a variety of variable atmospheric conditions in

particular wind speed, direction and temperature which is contrary to Policy A4 in the East Lindsey Local Plan. If mitigation of odour is required the details need to be presented and agreed prior to approval.

If odour matters are resolved, Council suggest conditions are imposed to address the following;

- Landscape mitigation strategy for the application site,
- Need to agree flood risk mitigation with the Environmental Agency.

Lindsey Marsh Drainage Board – Support the application subject to this requirement being met in respect of any proposal to culvert or fill any watercourse will require the prior consent of the Board.

Head of Spatial Planning – The comments of the Board should be attached by way of an informative to any permission granted.

Natural England – No objection subject to a condition being imposed that required mitigation strategy being put in place to protect water voles before construction works commence.

Head of Spatial Planning – As this is a retrospective application construction works are now largely complete. Therefore, it is not necessary to impose the condition suggested by Natural England. The applicant has given assurance that appropriate mitigation measures were put in place during the construction works to protect water voles.

Environment Agency – The proposed development is acceptable subject to a condition being imposed requiring a compliant Planning Policy Statement 25. Flood Risk Assessment being submitted and approved and mitigation measures detailed in the Assessment to be implemented as approved. Also request that an informative setting out the Agency requirements is attached to any permission granted.

Head of Spatial Planning - In view of the need to submit an updated Flood Risk Assessment and the fact that this is a retrospective planning application it is now appropriate to impose a planning condition. Therefore, it is suggested that the recommendation is amended as follows:-

That on receipt of a Planning Policy Statement 25 (PP25): Flood Risk Assessment which in view of the Executive Direction in consultation with the Chairman does not warrant any further consideration of the application then the Executive Director be authorised to grant planning permission with any further necessary conditions to address flood risk issues and subject to the following conditions:

Saltfleetby Parish Council – No objection.

South Cockerington Parish Council – No objection.

Local Residents – Two letters of objection received making following comments (summarised):-

- Permission should not be granted until Highways Indemnity Agreement is completed;
- Question if development has been constructed to correct specification and correct position and why unauthorised development was not stopped;
- No clearance of drains has taken place this should not be the responsibility of landowners;
- A pipe is in placed under Long Gate which allows `clear' water into un-designated drains which should be resolved before permission is granted.

Applicant – Consider that the Submitted Odour Management Plan is sufficient to mitigate against the unlikely event that odour complaints are received. A similar plan was submitted to Norfolk County Council for treatment lagoons which was approved.

Angela Richardson, representing the applicant, raised the following matters:-

1. This was the third lagoon constructed by Anglian Water, the first being at Sutton St James.
2. It was environmentally friendly and had a small carbon footprint.
3. Sewage was not exposed to the air and therefore odour was not an issue.
4. The lagoon at Sutton St James had been operating for eighteen months and there had been no problems with odour.
5. There was a complaints procedure.
6. Sewage sludge was not produced.
7. Anglian Water reinstated land/roads after completion of work and undertook landscaping where necessary.

Comments made by the Committee included concerns about ensuring that any odour problems were PPS25 compliant as the Environment Agency could call in an application if it was not compliant.

RESOLVED

- (a) That on receipt of a Planning Policy Statement 25; Flood Risk Assessment which in view of the Executive Director (Development Services), in consultation with the Chairman of the Committee, does not warrant any further consideration of the application then the Executive Director (Development Services) be authorised to grant planning permission with any further necessary conditions to address flood risk issues and subject to the conditions detailed in the report.
- (b) That the comments of the Lindsey Marsh Drainage Board to support the application subject to the requirement being met in respect of any proposal to culvert or fill any watercourse will require the consent of the Board be attached to the decision by way of an informative to any permission granted.

- (4) To change the use of an existing industrial building to the rubber recovery and recycling of rubber track and tyres at Units 2B and 2C, Lancaster Business Park, East Kirkby – Advanced Track and Rubber Recycling Ltd (Application No. (E) S46/2705/09)

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

Applicant – Whilst content to accept that the rear doors are closed. Does not consider it necessary to restrict the hours of operation as prescribed by Condition 5 as does not consider that a noise problem will be evident, as the machinery will be relatively quiet and it will not be necessary for operatives to use ear defenders.

The Committee agreed that the hours of operation at the site should be amended to:-

07:00 - 18:00 Monday to Friday;
07:00 – 13:00 Saturday.

RESOLVED

That planning permission be granted subject to the conditions detailed in the report and condition 5 being amended to read:-

Unless otherwise agreed in writing by the Waste Planning Authority no activities associated with the permitted use shall take place outside the hours of:-

07:00 and 18:00 Monday to Friday;
and 07:00 and 13:00 Saturday.

No activities associated with the permitted use shall take place on Sundays or Public Holidays.

- (5) Application to vary the details submitted to discharge conditions 3, 4, 9, 10 and 15 of planning permission (E) N105/3160/07 Bolingbroke Road, Louth – GBM (Application No. (E) N105/1703/09)

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

Councillor Mrs P F Watson – Objects to the proposed increase in height of the storage of empty skips from 2m to 4m as this will cause unacceptable visual impact in the locality.

The Executive Director (Development Services) stated that since the publication of the update further responses had been received as follows:-

1. Councillor Mrs P F Watson has requested that the following conditions should be added:-

1. Any items of non-permitted waste which are detected after acceptance at the site, shall be placed immediately in a designated quarantine container, and, where these are or appear to be special wastes, the Agency shall be informed immediately.

2. in the quarantine area, wastes shall be kept segregated from other wastes which are or are likely to be incompatible.
3. Quarantined wastes shall be removed from the site within 7 days.
4. The maximum quantity of wastes kept within the quarantine storage area shall be 4.6m³ at any one time.
5. A record shall be kept in the site diary of all rejected wastes and all wastes kept in quarantine storage.

Louth Town Council have stated:-

Condition 3 - this should still be subject to approval following submission to the Director for Development.

Condition 4 - Strongly object to the proposed increase in height of the skips on the grounds of loss of residents' amenities and visual impact on the industrial estate.

Condition 9 - should remain as originally approved.

Condition 15 - this refers to non-approved materials, this site is not approved as a waste transfer station and therefore should not be permitted.

Regardless of the outcome of the Planning Committee decision further noise and environmental impact assessments should be requested.

LCC are also asked to take note that LTC feels that insufficient neighbour consultation has taken place and to note concerns over the residential log cabin development in close proximity to this site.

The Committee agreed that the effect of allowing the storage of skips to a height of 4m in an Area of Great Landscape Value was not appropriate and that a height of 2.4m was more acceptable, requested the need for a comprehensive noise assessment before the site was reorganised and that this should be delegated for approval to the Executive Director (Development Services) and that condition 7 in the report should be re-worded to accord with the sentiments expressed by the local Division Councillor, Councillor Mrs P F Watson.

RESOLVED

That planning permission be granted subject to all other conditions set out in the Council's Decision Notice reference (E) N105/3160/07, dated 9 May 2008 so far as the same are still subsisting and capable of taking effect and subject to the new conditions, detailed in the report, which replaced conditions 3, 4, 9, 10 and 15 and to the following conditions being amended to read as follows:-

Condition 5 – skips shall be stored to a height not exceeding 2.4m only within the area identified on Drawing 610-04-02, and shall be stored empty of waste materials.

Condition 7 – Following the commencement of the use of the quarantine area identified on drawing 610-04-02:-

1. Any items of non-permitted waste which are detected after acceptance at the site, shall be placed immediately in a designated quarantine container, and, where these are or appear to be special wastes, the Agency shall be informed immediately.
2. In the quarantine area, wastes shall be kept segregated from other wastes which are or are likely to be incompatible.
3. Quarantined wastes shall be removed from the site within 7 days.
4. The maximum quantity of wastes kept within the quarantine storage area shall be 4.6m³ at any one time.
5. A record shall be kept in the site diary of all rejected wastes and all wastes kept in quarantine storage.
6. Condition 9 - Before any development commences a compliance noise monitoring programme, specifying how, where and when noise would be measured and how results would be assessed and used shall be submitted to and approved in writing by the Waste Planning Authority. The programme shall establish baseline noise conditions of the closest properties on Brackenborough Road. The programme shall include procedures for recording and dealing with any complaints. Measurements shall be in accordance with BS4142:1997, an equivalent successor standard or other noise measurement methodology approved in writing by the Waste Planning Authority. Throughout the lifetime of the development hereby permitted, noise monitoring shall be carried out in accordance with the approved programme.

Reason: To safeguard nearby residential properties from undue noise and disturbance.

The development shall be carried out only in accordance with the approved details, unless otherwise agreed in writing beforehand by the Waste Planning Authority.

(6) To erect new industrial building and installation of three MW wood-fuelled renewable energy biomass plant using waste wood, Bolingbroke Road, Louth – GBM (E) N105/0336/09

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

Local Resident – Consider that in making their comments East Lindsey District Council failed to fully consider the proposal for the following summarised reasons:-

- distance of bringing waste wood to the site is not environmentally sound;
- the sources of the fuel should have been examined;
- question if this is a waste management scheme where waste operators can dispose their waste

- question how the material to be burnt and also emissions from the chimney will be monitored.

Owner of Adjoining Holiday Park – Object to the application for the following reasons:

- Questions if this is appropriate for such a development in close proximity to holiday park with outstanding appeal for travellers site.
- Questions if this plant can be connected to the land and apart from adjoining GBM site not clear where the fuel source would emanate from and how far it would need to travel.
- Question the methodology of the noise assessment as it makes reference to the dustcarts visiting the site opposite which he stated would be the greater noise source.
- Consider that the noise report is deficient as follows:
 - Noise assessment criteria – there is no mention of the Lmax of 45 dB(A) set by the World Health Organisation as a figure which must never be exceeded in a bedroom at night. No Lmax data has been supplied.
 - Noise assessment criteria – they have stated there is an outdoor limit of between 50 and 55 dB(A) but they have not shown whether or not the proposal exceeds this range, because if it does it will be detrimental to the and use of outside space on our site.
 - A prediction has been made for the internal noise levels from the Biomass plant of high 85 dB(A) and a low of 80 dB(A) no reference is provided for these predictions and no mention is made of any exhaust stacks or vents. “I have been involved with Biomass plants which quote levels at 1 metre of 95 dB(A) and above from the plant and the vents. This higher figure would mean that the calculations would result in the rating figure rising from + 5dB to +10dB and giving rise to complaints. Although in the proposal they have included a copy of Prestige Thermal equipment it does not show any manufacturers specifications or data sheet this should be provided as a reference, there is no detail or data on any of the equipment to be used, wood shredder etc, this should be available in support of the proposal”.
- Finally consider a material departure from the local plan would occur in respect of landscaping and bunding alongside their boundary.

Ms Jo Golding, objector, raised the following matters:-

1. The noise assessment was not complete.
2. Local residential properties had not been considered.
3. A new noise assessment was required.
4. A buffer zone did not exist.
5. The application was not part of the local development plan.
6. A 20m chimney stack was obtrusive.

7. Concerns expressed about the supply of wood to the site
8. Would the application be fuelled by wood only?
9. The purpose of the generated electricity had not been explained.
10. The environmental impact of the project had not been investigated.
11. The applicant had not shown the sustainability of the proposal.

Mr Marco Muia, representing the applicant, raised the following matters:-

1. The application was site specific.
2. Louth Town Council had received a presentation from the applicant.
3. A feasibility study had been carried out.
4. Consultation with wood suppliers to fuel the plant had been carried out.
5. GBM had contracted to supply wood for the site.
6. The plant was not an incinerator.
7. The plant was carbon neutral.
8. UK supported biomass.
9. Details of the noise assessment could be re-submitted to the County Council.

Comments made by the Committee included the need to address noise, concerns about emissions from the chimney stack and sale of generated electricity.

The Executive Director (Development Services) stated that emissions from the chimney stack were covered by conditions detailed in the report and that the sale of electricity generated by the plant was not a planning consideration.

RESOLVED

That planning permission be granted subject to the conditions detailed in the report and amended condition 10 as follows:-

Condition 10 – No development shall commence until the following details have been submitted for the written approval of Waste Planning Authority:-

- (a) All fixed and mobile plant and machinery to be operated inside and outside the building, including the manufacturer's noise rating;
- (b) A noise assessment of the development, to include the operation of all of the plant and machinery referred to under (a), above, and also the movement of vehicles transporting wood into and out of the building;
- (c) If necessary, further measures to attenuate noise emissions from the operation of the facility.

The development shall be carried out only in accordance with the approved details, unless otherwise agreed in writing beforehand by the Waste Planning Authority.

(NOTE:- Councillor T M Trollope-Bellew abstained from voting on this application as he was not present during the discussion).

70. PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS

The Committee received four reports from the Executive Director (Development Services) on planning applications relating to County Council developments. The results of consultation and publicity were detailed in each report.

- (1) To construct a replacement Academy at The Priory City of Lincoln Academy, Skellingthorpe Road, Lincoln (Application No. L/0664/09)

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

Upper Witham Internal Drainage Board – No outstanding objections.
 City of Lincoln Council – No objections subject to the Community Use Agreement should be as robust as possible and should include the community use of all facilities at the school. Request that a Site Management Plan is put in place and opportunities are investigated for the re-use of the wooden ceiling of the existing hall. Request that conditions are put in place to address the following:-

- samples of materials;
- details of design of floodlights and restriction of their use;
- to be demonstrated how the site would be accessible as feel for future residents of Western Growth Corridor development;
- tree protection measures;
- details of hard surfacing;
- details of bat and bird boxes.

Local Resident - Wishes to ensure that access along the lane running to the east of the application site remains clear and not used by the school for parking of cars.

The Executive Director (Development Services) stated that following discussions with the applicant and relevant consultees after the submission of the report to the Committee it was recommended that amendments were made to conditions 2, 7, 9, 11 and 15 (it should be noted that Natural England had confirmed that they were happy with the proposed new approach to condition 7). These amendments were agreed by the Committee.

The Executive Director (Development Services) responded to comments made by the Committee stating that spillage from lighting was conditioned, that the City of Lincoln had responsibility for the enforcement of conditions in connection with community use, stated that if the current ceiling at the school was not in the design of the new school then it could not be used.

The Committee agreed that there should be an additional condition in connection with the harvesting of rainwater.

RESOLVED

That planning permission be granted subject to:-

(a) The conditions detailed in the report subject to amendments as follows:-

- Condition 2 - Item (q) is amended to read `Plan-COL-A-020(2) Sections and Details;
- Item kk) is deleted.

Condition 7 amended as follows:-

Prior to the commencement of phase II works as set out in the Project Management HSEQ Plan and Appendices, or prior to the demolition of any buildings within which bats are found to be located, a working design, methods statement and timetable of works to mitigate any undue adverse effects to bats shall be submitted to and agreed in writing by the County Planning Authority and shall be carried out as part of the development. No development shall take place except in accordance with the agreed details therein.

Condition 9 amended as follows:-

Prior to the development hereby permitted becoming operational, details of all external lighting and CCTV cameras, including the heights of columns and relationship with car parks, sports facilities (including floodlighting), pedestrian walkways, roads, entrances and building facades, shall be submitted to, and approved in writing by the County Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Condition 11 amended as follows:-

Notwithstanding the submitted information, prior to the installation of the biomass boiler further details of the specification and location of the biomass boiler, shall be submitted to, and approved in writing by, the County Planning Authority. This will include an assessment of the likely local air quality impact of the biomass boiler. The assessment shall also provide details, for the approval by the County Planning Authority, of any proposed mitigation measures required to ensure that there is no significant adverse impact on local air quality from the biomass boiler. The approved measures shall thereafter be retained on site at all times and the mitigation measures shall be implemented prior to the operation of the biomass plant.

Conditions 15 amended as follows:-

Prior to the development hereby permitted becoming operational details of the proposed cycle storage facilities, including appearance and materials, shall be submitted to, and approved in writing by, the County Planning Authority. Development shall thereafter be carried out in accordance with the approved details prior to the development hereby permitted first coming into use.

To address the concern of the local resident a new Condition 21 is inserted as follows:-

The access road along the east boundary of the site shall not be used for the parking of vehicles associated with the development hereby permitted, either during the construction phase or the use of the development thereafter.

Reason: To ensure unobstructed access is available at all times.

(b) Additional conditions approved at the meeting as follows:-

Condition: Prior to the commencement of the sub-structure works of the development hereby permitted, details of a rainwater harvesting scheme shall be submitted to, and approved in writing by the County Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of sustainability.

- (2) To station temporary classrooms and construct a temporary car park for use during the construction of the replacement Academy at the Priory City of Lincoln Academy, Skellingthorpe Road, Lincoln (Application No. L/0740/09)

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

Upper Witham Internal Drainage Board – Confirm initial concerns are now overcome.

Lincolnshire Wildlife Trust – Confirm proposal is unlikely to adversely impact on protected species. To ensure that there are no adverse impacts on the Pheasantry, measures should be taken to prevent encroachment into the woodland by works vehicles.

The City of Lincoln had raised the issue of protecting the Pheasantry during construction work.

RESOLVED

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

- (3) To construct a single storey extended provisions centre for before and after school clubs, and provide additional disabled car parking at Baston Church of England Primary School, Main Road, Baston (Application No. S7/2532/09)

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

Local Residents Planning Advisor – Makes the following comments on the Committee report:-

“It remains the case that the activity is materially different, is closer to the neighbours, will evidently increase noise and disturbance to the neighbours and the distance of separation and the proposed mitigation proposal will have no meaningful impact.

I note that the EHO has not responded (paragraph 16(j)) it is therefore disingenuous to quote in paragraph 42 that ‘no adverse comments’ have been received, the implication being that comments have been received but they are not adverse. This should read ‘no comments has been received’. Beyond this in paragraph 42 you quote the submission of the application which is a somewhat one sided argument.

It also remains the case that the proposal is contrary to EN1 of the local plan.

Your conclusion in paragraph 21 relating to the nature of uses does not adequately reflect the concerns raised in my earlier comments. Please can you confirm that the extension will only be used as the pre/post school club and that activities will not extend beyond 6:00pm.

Given the extent of uses covered within ‘school’ and what might be ancillary to this it is clear that in order to necessitate a material change of use the change would have to be very significant. Any noisy/late use in the extension would have a significant impact on the neighbours and should explicitly be restricted by condition as previously requested”.

The Executive Director (Development Services) reported that the wording on page 15 of his report (“no adverse comments have been received from the Environmental Health Officer”) was incorrect and should read “no comments have been received from the Environmental Health Officer”.

The Executive Director (Development Services) verbally reported that since the issue of the update a further response had been received from South Kesteven District Council (Environmental Protection Services) as follows:-

“1. I am unable to find any detail in the application relating to external lighting. I would request that if any external lighting is to be provided that the details are submitted for prior approval.

2. I note that the application includes the provision of external decking/paved areas. As it is proposed that the building would be used between 07:30 and 21:30, but not restrictively as there may be occasions when it is required to be used later, there is the possibility that these areas may be used early in the morning and late at night. The use of these areas has the potential for causing noise disturbance to local residents.

In relation to the decking/paved areas as part of the childcare use, under the hours specified in the application it is possible that the areas could be used from 07:30 until 18:00 during holiday periods and from 07:30-09:00 and 15:30-18:00 during term time. The surface of the decking is ridged resulting in increased noise from “push and pull” toys, there will also be increased disturbance from children’s voices and other noise making play equipment used in these areas, in addition to breakout noise from inside the building through doors left open to access these areas. There is no detail provided in the application in relation to the management of these area, periods of use, and the numbers of children using the areas at any one time etc. In view of this I

am unable to comment further in relation to the full impact of this, however, these areas have the clear potential to cause noise disturbance to local residents and if permission is granted will need to be strictly conditioned/controlled”.

The Committee agreed that consideration of the application should be deferred pending the receipt of further information about noise and governance issues.

RESOLVED

That consideration of the planning application be deferred pending the receipt of additional information from South Kesteven District Council in connection with noise and from the school in connection with governance issues.

- (4) To extend the existing school building to provide a new classroom and associated facilities in accordance with amended details received on 27 November 2009 at St Helena's Primary School, Main Road, Willoughby (Application No. (E) N208/2197/09

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

Local Resident – Consider if the ridge height and the hipped roof was reduced their light would not be affected. Consider that this would not impact on the class size to cause any reduction in teaching space.

RESOLVED

That planning permission be granted subject to the conditions detailed in the report and an additional condition approved by the Committee as follows:-

Condition: No development shall take place before a detailed design of the arrangements for a sustainable surface water scheme has been agreed in writing by the County Planning Authority. The scheme shall be subsequently implemented as approved.

Reason: To ensure that surface water run off from the development will not adversely effect by reason of flooding the safety and amenity of the site.

71. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A of the Act.

72. PLANNING ENFORCEMENT AND MONITORING REPORT

The Committee received a report from the Executive Director (Development Services) on enforcement investigations, actions taken and closure of cases as at 15 December 2009.

RESOLVED

That the report be noted.

The meeting closed at 1:25pm.