

**PRESENT: COUNCILLOR R HILLS (VICE-CHAIRMAN)**

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

Also in attendance: Councillor W S Webb (Executive Councillor for Highways and Transport).

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

Councillor R Hills in the Chair

73. 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 P Skinner as a replacement member on the Committee, in place of Councillor I G Fleetwood, for this meeting only.

74. DECLARATIONS OF COUNCILLORS' INTERESTS

Councillor T M Trollope-Bellew declared a personal interest in minute 79(1) as he had an account with the applicant and had attended a liaison meeting with the applicant when the application was considered and minute 80(1) as he had attended the meeting of Baston Parish Council when the application was discussed and had also been lobbied by objectors.

Councillor P Bedford declared a personal interest in minute 78 as a member of Boston Borough Council and minute 80(2) as a member of Freiston Parish Council, Boston Borough Council and the Witham Fourth and Black Sluice Internal Drainage Boards.

Councillor J M Swanson declared a personal interest in minute 79(5) as a member of the Planning Committee of East Lindsey District Council.

Councillor S F Williams stated that he had been lobbied in connection with minute 80(1) and as a member of the Planning Committee of South Holland District Council (minute 80(3)).

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 H R Johnson declared a personal interest in minutes 77 and 80(3) as a member of South Holland District Council.

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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. He stated that he had been lobbied in connection with minute 80(1).

Councillor M Brookes declared a personal interest in minutes 78 and 80(2) as a member of Boston Borough Council.

Councillor R Hills declared a personal interest in all matters on the agenda affecting the City of Lincoln Council as a member of that Council and as a member of the Upper Witham Drainage Board. He stated that he had been lobbied in connection with minute 80(1).

Councillor D R Dickinson stated that he had been lobbied in connection with minute 80(1).

75. MINUTES

RESOLVED

That the minutes of the meeting held on 18 January 2010 be agreed as a correct record and signed by the Chairman.

76. SHARED FOOTWAY/CYCLEWAY – A57 ODDER (RIVER TILL) TO SAXILBY, LINCOLN

The Committee received a report from the Executive Director (Development Services) on an objection received for the proposed conversion of an existing footway to a shared use cycleway along the A57 from Odder (River Till) to Saxilby.

The report detailed the consultations, a query raised by the Lincolnshire representative of the Cycling Tourist Club into whether the design was in accordance with Department for Transport Local Transport Note 2/08 and the comments of the Executive Director (Development Services) on the query received.

RESOLVED

That the change to shared use footway/cycleway as notified under the Cycletracks Act 1984 for the length of existing footway along the A57 from Odder (River Till to Saxilby) be confirmed and the Lincolnshire representative of the Cycling Tourist Club be informed accordingly.

77. PROPOSED 40 MPH SPEED LIMIT WASHWAY ROAD, HOLBEACH

The Committee received a report on an objection received in connection with the implementation of a 40mph speed limit along C774 Washway Road, Holbeach. The report detailed consultations, objection received and the comments of the Executive Director (Development Services) on the objection received.

RESOLVED

That the proposals in the report, which are in accordance with the Speed Limit Policy be approved and the Order as advertised be implemented.

78. BOSTON: BRIDGE STREET – PROPOSED LIMITED LOADING ORDER

The Committee received a report from the Executive Director (Development Services) on an objection received to a proposal for a Limited Loading Order on Bridge Street, Boston.

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

RESOLVED

That the objection be overruled and the proposed Limited Loading Restriction for Bridge Street be confirmed.

79. PLANNING APPLICATIONS RELATING TO COUNTY MATTER DEVELOPMENTS

The Committee received five 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. S75/1229/08 - To import and store inert waste materials and process to form recycled aggregate at West Deeping Quarry, Tallington – Lafarge Aggregates Ltd (Supplementary Report) (Minute 16(5), 27 July 2009, Planning and Regulation Committee)

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

Tallington Lakes Leisure Park - A further representation has been received from the operator of Tallington Lakes Leisure Park, adjacent to the site. This representation restates the objections previously made in a letter of 5 September 2009, already reported to Committee. The representation goes on to state that the leisure park is a longstanding and important business that attracts a large number of visitors from the UK and Europe, employing approximately 150 local people. The application proposals are seen as "hugely invasive", and would have an effect on the business, staff and customers.

The representation draws comparisons between the County Council's handling of on the one hand the aggregate recycling application proposals, and on the other hand the on-going enforcement action over waste tipping at the Tallington Lakes site. It is alleged that a disproportionate amount of time and money is being expended in addressing the tipping at the lakes, given the small number of vehicles involved and the long period over which this has

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been taking place. This is said to be in contrast with the aggregate recycling proposals involving “hundreds of trucks coming and going and dumping concrete”.

The objection states that an application for Judicial Review will be made to the High Court if the County Council grants planning permission for the aggregates recycling application. Finally, the response expresses concern that only a few days notice of the Committee meeting was given, and that consequently the respondent is unable to attend.

Head of Spatial Planning - The relationship of Tallington Lakes to the application site in the context of the existing sand and gravel quarry has already been taken into account in the consideration of this application and its likely effects. At its meeting in July 2009 the Committee resolved to grant planning permission following the completion of legal agreements relating to the installation of traffic lights and lorry routing. This supplementary report deals solely with the highway issues relating to the proposals, as there have been no other aspects of the proposals which have altered since that time. The highway issues have no bearing on Tallington Lakes, and the objector has not raised any fresh concerns.

The on-going enforcement action regarding waste tipping at Tallington Lakes is a separate matter, not connected to this application.

The objector is entitled to seek judicial review of the County Council's decision, as is the case for all administrative decisions. Officers are satisfied that the relevant planning procedures have been followed, that all relevant material planning considerations have been taken into account, and no grounds for judicial review have been identified. Councillors must take into account the representations on behalf of Tallington Lakes, along with the supplementary report and its recommendations, but are free to determine the application in the manner they consider is appropriate.

Comments made by the Committee included:-

1. Noted that reflective signage had been erected by the Road Safety Partnership at the junction and that the applicant had not taken any action to erect traffic lights since the meeting of the Committee in July 2009.
2. The applicant would gain financial benefit of approval of the planning application submitted to the Committee in July 2009 and therefore should make a financial contribution for the benefit of the local community.
3. The photographs presented to the Committee today did not show how busy this junction was at certain times of the day. There had been some serious accidents at the junction and traffic during the rush hour was particularly bad.
4. How had the highways authority arrived at its conclusion?
5. The junction was used by many HGVs coming from the north.

The Executive Director (Development Services) stated that highways had concluded that, notwithstanding the limitations of the junction of the A16 and King Street and the concerns of local residents, a request for the developer to install traffic lights could

not be sustained. The Executive Director also stated that if the applicant appealed against the Council's decision and won then the County Council might have to bear the costs of the applicant which could be in the region of between £30k and £40k.

Councillor T M Trollope-Bellew moved option 1 in the report (refusal of the application), seconded by Councillor S F Williams, and this was agreed by the Committee, contrary to the advice of the officers.

Following the advice of the Executive Director (Development Services) on the reasons for refusal it was –

#### RESOLVED

That the application be refused, against the advice of the Executive Director (Development Services), for the following reason:-

Policy WLP5 (Construction and Demolition of Waste Facilities) of the Lincolnshire Waste Local Plan 2006 (Saved Policies 2009) permits applications for the construction and demolition facilities provided the stated criteria are met. This includes a criterion to meet the criteria set out in Policy WLP21. Policy WLP21 grants planning permission for waste management facilities in the following instances (inter alia):

#### Transport System

- (xii) where sufficient capacity is available on the local or wider road system for the traffic that is expected to be generated. Improvements or alternative modes of transport can be implemented and/or where there would not be an adverse affect on road safety;

The A15 is a heavily trafficked road, and safety at the crossroad with Kings Street at West Deeping is of concern to the Lincolnshire Road Safety Partnership as it has a recorded history of accidents. It is considered that development which would increase traffic through the junction in question should not be permitted unless additional measures are put in place to enhance road safety. The preferred option for enhancing road safety at the junction is the installation of traffic lights.

The proposed development for the recycling of aggregates will generate additional traffic that will use the junction between the A16 and King Street, leading to turning movements which may increase the number of accidents. However, no measures for enhancing road safety have been put forward. In the absence of such measures, the Waste Planning Authority is of the view that the proposals are contrary to Policy WLP21 criterion (xii) and consequently Policy WLP5 of the Lincolnshire Waste Local Plan 2006 (Saved Policies 2009).

- (2) Application No. W127/125288/09 – To construct a replacement building to provide a recycling facility at Hangar 4, Caenby Corner Industrial Estate, Hemswell Cliff – Hemswell Estates Ltd

(NOTE: Councillors S F Kinch and M Tinker declared a personal interest as the applicant was known to them in their capacity as members of West Lindsey District Council).

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

Environment Agency – Having assessed the additional information submitted withdraw this objection subject to the imposition of conditions in respect of details of surface water drainage details being approved prior to development commencing and a condition requiring a procedure to address contamination being discovered during construction works. Request an informative is attached to any permission granted in respect of preventing contamination of either the water table or pollution of controlled waters.

Head of Spatial Planning – In respect of the Environment Agency comments those requested in relation to surface water drainage are addressed by recommended conditions numbers 6 and 7. The issue of unidentified contamination can be addressed by amending condition 5 as detailed in the resolution below:-

The Committee requested an additional condition for the installation of a sprinkler system.

**RESOLVED**

The Executive Director (Development Services) be authorised to grant planning permission subject to the conditions detailed in the report and amended condition 5 as follows:-

5. No development shall take place until a site investigation scheme (soil and groundwater) incorporating assessment of possible contaminants on the site has been undertaken, submitted to and approved in writing by the Waste Planning Authority. Any measures shown in the assessment to be necessary (including either the removal or encapsulation of contaminants) as required by the Waste Planning Authority shall be undertaken before the development is commenced. (This should include an assessment of the impact to controlled waters, so that pollution is not exacerbated during development. A site investigation, incorporating an assessment of the soil and groundwater contamination and impact at down-gradient sources using the appropriate guidance followed: “CLR8: Potential Contaminates for the Assessment of Land” and CLR11: Model Procedures for the Management of Land Contaminated”). The submitted scheme shall include details of how unidentified contamination is to be managed. Such schemes as approved shall be implemented until the building is operational, and

An additional condition approved by the Committee as follows:-

Condition: No development shall commence until a scheme for the installation of a sprinkler system within the permitted building shall be submitted to and approved in writing by the Waste Planning Authority. The scheme as approved shall be implemented in full and maintained for the duration of the development.

Reason: In the interests of the amenity of the area.

Application No. S22/0112/10 – To construct three leachate holding tanks within the confines of an existing landfill site (retrospective application) at Colsterworth Landfill Site, Crabtree Road, Colsterworth – Waste Recycling Group

RESOLVED

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

- (3) Application No. W88/125137/09 – To construct a raised concrete plinth and kiosk (following the demolition of the existing plinth) at Lindholme Sewage Pumping Station, Lindholme, Scotter – Severn Trent Water Ltd

RESOLVED

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

- (5) Application No. (E) S86/2737/09 – To construct and operate a resource recovery and materials recycling facility at RRR (Horncastle) Ltd, Spratt Close, Abigate Industrial Estate, Horncastle – RRR (Horncastle) Ltd

Since the publication of the report the Executive Director (Development Services) stated that a letter had been received from an engineering company on the estate requesting that there should be no increase in noise or dust from the application then they would have no objection and requesting that the doors of the business should be closed particularly when skips were being emptied.

The Committee noted that noise and dust would be addressed by enforcement.

RESOLVED

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

(NOTE: Councillor T M Trollope-Bellew abstained from voting on the matter as he was not present in the meeting when the application was discussed. Councillor J M Swanson abstained from voting on the matter as he had been present when the application had been discussed at the Planning Committee of East Lindsey District Council).

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**80. PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS**

The Committee received three 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) Application No. S7/2532/09 – To construct a single storey extended provisions centre for before and after school clubs, and provide additional disabled car parking at Baston C of E School, Main Road, Baston

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

Planning Consultation (on behalf of local residents) – Suggest without the support of the Environmental Health Officer (EHO) cannot legitimately claim the proposal complies with Policy EN1.

- Site is not single entity in planning terms. The proposal against which you apply EN1 involves increased frequency, duration and impact of noise in close proximity to existing residential properties.
- Suggesting it is impractical for the applicant to provide the information is not a proper response as it abdicates the planning authority's role in ensuring compliance with EN1 as the EHO at South Kesteven District Council suggests that harm will be caused.

It is the role of the planning authority to require the applicant to provide the information that there will be no harm, if it cannot do so then the application shall be refused or recommended to be withdrawn. Consider that the benefit of doubt is being given at all times to the applicant in deference to their legitimate concerns.

Request that Councillors undertake a site visit prior to determining this application.

Baston School Governing Body – Submitted a copy of the minutes from the January meeting which suggested that concerns raised regarding the decking surface could be overcome by using an alternative surface, some objections were factually inaccurate (that they Governing Body have reservations regarding the proposal) and disputed claims that the proposal would be a change of use to the land.

Confirm their support for the application.

The Executive Director (Development Services) stated that since the publication of the update a further response to consultation had been received, by email, dated 11 February 2010 from Sharon Raphael raising a number of matters in connection with the application including:-



1. The need for the advice of South Kesteven District Council's Environmental Health Officer to be provided in the report for consideration by the Committee before the Committee made any decision on the matter.
2. Concerns about the management and operation of the facility.
3. Use of the facility and potential noise.
4. Use of the "shelter belt" – maintenance of boundaries.
5. Proximity of the building, extended hours of usage and change in type of usage.

Mr Paul Colam, Chairman of Governors, Baston C of E Primary School, representing the applicant, was permitted to speak to the Committee and raised the following matters:-

1. He welcomed the development because it would provide added value to the local community.
2. It supported the Every Child Matters agenda.
3. The project would allow the school to extend its activities for children and allow the school to make better use of teaching space.
4. The governing body of the school supported the project.
5. Existing providers of similar services in the village supported the project and there was no conflict of provision.
6. Children would be able use all of the facilities in the school and the grounds of the school.

Comments by the Committee included:-

1. Why had Mouchel allowed the project to be located too close to residential properties causing potential noise problems for local residents?
2. Had a first plan been produced showing the location of the new building farther away from residential properties than the current application?
3. The application should be relocated where it would not cause disturbance to local residents.
4. Requested a site visit.
5. Enquired about the distance of the proposed building from residential properties.

The Executive Director (Development Services) stated that the visual impact of the application was explained in the report.

**RESOLVED**

That consideration of the application be deferred pending a site visit.

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- (2) Application No. B12/0364/09 – To erect a 15.5m high play tower in accordance with amended details received on 3 December 2009 at Freiston Hall Field Study Centre, Freiston

RESOLVED

That planning permission be granted subject to the conditions detailed in the report and that only wood preservative be used to maintain the tower.

- (3) Application No. H2/0892/09 – To erect a grain store at Laws Farm, Holding No.194, Crowland

RESOLVED

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

**81. 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.

**82. PLANNING ENFORCEMENT AND MONITORING REPORT**

The Committee received a report from the Executive Director (Development Services) on enforcement on enforcement investigations, actions taken and closure of cases as at 27 January 2010.

RESOLVED

That the report be noted.

The meeting closed at 12:25 pm.