



Report Reference: **12.1**

**PLANNING AND REGULATION  
COMMITTEE  
6 JUNE 2011**

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

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

Apologies for absence were received from Councillors N D Cooper and M Tinker.

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

Also in attendance:- Councillors W S Webb (Executive Director for Highways and Transport) and R J Phillips (minute 8(1)).

**1. DECLARATIONS OF COUNCILLORS' INTERESTS**

Councillor J M Swanson declared a personal interest in minute 8(5) as a member of East Lindsey District Council's Planning Committee. He stated that Wilkins and Chapman, Solicitors, were acting for the other party in connection with a property matter in which he was involved but this was not connected with minute 8(1).

Councillor T M Trollope-Bellew declared a personal interest in minute 6 as he had attended the meeting of Stamford Town Council when this matter had been discussed.

Councillor P Bedford declared a personal interest as a member of the Lincolnshire Road Safety Partnership.

Councillor D C Hoyes declared a personal interest in minute 5 as he had discussed this matter with Councillor Mrs B Harvey OBE, the local Member, and highways officers.

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.

Councillor D Brailsford declared a personal interest in minute 6 as he had attended the meeting of Stamford Town Council when this matter had been discussed but had left the meeting during discussion of the item.

Councillor D R Dickinson declared a personal interest in minute 8(2) as a member of North Kesteven District Council.

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

**2. MINUTES**

**RESOLVED**

That the minutes of the previous meeting of the Committee held on 9 May 2011 be agreed as a correct record and signed by the Chairman and that the minutes of the site visit by the Committee in connection with the Cemex planning application held on 23 May 2011, be noted.

**3. LINCOLN, BAILGATE - PROPOSED LOADING BAY AND REVOCATION OF WAITING RESTRICTIONS**

The Executive Director for Communities presented a report in connection with an objection received following statutory consultations and public advertisement with regard to a proposed loading bay adjacent to Nos. 25/25 Bailgate and the revocation of the 24 hour waiting restriction where it applied on Bailgate and for a short distance along Westgate and Eastgate, Lincoln.

The report detailed the comments of the Executive Director on the objection received.

**RESOLVED (unanimous)**

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

**4. LINCOLN BROADWAY AND CLOSES – PROPOSED WAITING RESTRICTIONS**

The Executive Director for Communities presented a report on objections received following statutory consultations and public advertisement of a proposed restriction on waiting between the hours of 9am and 4pm, Monday to Friday, along the sections of Broadway, Lincoln and the Close's located off, as detailed in the report.

The report detailed the comments of the Executive Director on the objections received.

**RESOLVED (unanimous)**

That the objections be overruled and that the Order as advertised be implemented.

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5. **TATTERSHALL THORPE PARISH, VARIOUS ROADS - PROPOSED 7.5 TONNE WEIGHT RESTRICTION ORDER EXCEPT FOR ACCESS**

The Executive Director for Communities presented a report on an objection received following the consultations on and the public advertisement for a proposed weight restriction Order on three roads in the area of Parish of Tattershall Thorpe.

The report detailed the comments of the Executive Director on the objection received.

RESOLVED (unanimous)

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

6. **STAMFORD SIDNEY FARM LANE – PROPOSED ZEBRA CROSSING**

The Executive Director for Communities presented a report in connection with an objection received on a proposal for a Zebra Crossing at the southern end of Sidney Farm Lane, Stamford.

The report detailed the comments of the Executive Director on the objection received.

RESOLVED (unanimous)

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

7. **TRAFFIC REGULATION ORDERS – PROGRESS REVIEW AND PETITIONS RECEIVED**

The Executive Director for Communities presented a report in connection with the current position on all Traffic Regulation Orders and petitions received since the previous meeting.

RESOLVED

That the report be noted.

8. **PLANNING APPLICATIONS RELATING TO COUNTY MATTER DEVELOPMENTS**

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

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

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- (1) For the extraction of 5.76 million tonnes of sand and gravel over a 10 year period, giving an output of approximately 600,000 tonnes per annum at the southern half of the former Swinderby Airfield site, alongside the A46 Fosse Way and near to Witham St Hughs, south of Lincoln - Cemex UK Operations Limited - N76/0606/08 (Supplementary Report) (minute 105(1), Planning and Regulation Committee, 9 May 2011)

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

Objections:- a letter has been received from Wilkin and Chapman on behalf of the adjoining landowners stating a formal claim for compensation has been submitted against CEMEX and raising concern that the proposed quarry would increase the water flow and incur further damage. A copy of the letter is attached.

An email has been received stating that the level of water in the Drainage Board ditch has resulted in the drain parallel to Norton Disney Road, Thurlby backing up.

Head of Planning Comments – Capacity of Thurlby Lake - the surface area of the lake is approximately 544,000 square metres excluding the islands. Jba Consulting has calculated that the mitigation measures proposed would reduce the water level to 13.10m AOD, currently it sits at 13.61m AOD, therefore the potential storage capacity would be 277440 cubic metres of storage capacity. Maximum discharge during dewatering would be 3500 cubic metres a day. During Phase 8 the peak would be 2517 cubic metres a day after one month. Therefore at maximum discharge Thurlby Lake could accommodate 79 days of maximum discharge of 110 days at base level discharge without discharging into the drainage system. Storm events normally last for 78.25 hours with a maximum discharge of one cubic metre per second during a 12 hour period due to direct rainfall on the lakes. During the 12 hour period 43200 cubic metres of water would have to be accommodated by the drains in the area due to existing run off.

**Comments on Wilkin and Chapman's Letter**

The claim relates to the existing discharge from the Norton Disney Quarry complex. The northern discharge point was established after the southern discharge from Tong's Farm Quarry resulted in drainage issues close to dwellings in Norton Disney. The current claim therefore relates to existing rather than proposed operations. It is a condition of the proposed Section 106 that quarrying will cease at Norton Disney CEMEX Quarry prior to production commencing at the Swinderby Site, (proposed Clause B, Page 17 of the supplementary report).

The Executive Director of Communities reported that since the publication of the update further responses to consultation had been received as follows:-

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1. An email from a land owner disputing the comments made by Cemex that there had been communication with local land owners over the impact of discharge from the current workings at Norton Disney.
2. An email from the Managing Director of Cemex expressing concern about the deferral of the application on two occasions by the Council and that the statutory consultees had no objections to the application.

The Executive Director presented details of a map showing the locations visited by the Committee at its site visit on 23 May 2011 and a map showing the drainage pattern of the application site prior to and post the construction of the airfield.

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

1. The issues were water drainage and having trust with Cemex in connection with the drainage from the application site.
2. A lack of technical resources to assist local people in the preparation of any Water Management Plan and therefore local people were reliant on the County Council to protect crops and Thurlby from being damaged.
3. The economic importance of protecting employment was accepted but it was important that the drainage issues were addressed before the application received approval.
4. Cemex was able to employ Barristers to defend their position in case law but local people could not afford to pay for Barristers.

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

1. With regard to the issues of drainage there were no objections from the statutory consultees and the application was technically sound and of high quality.
2. The development would create employment for thirty two people.
3. There was not a requirement to consult local land owners about drainage. However, Cemex had offered to help clear ditches and culverts, but to date, no request had been received.
4. The Internal Drainage Board had no objections to the application subject to the imposition of conditions and planning and legal conditions would mitigate the effects of the application. The on-going negotiations with land owners should not be confused with these mitigating measures.
5. Should the application be approved today then the next stage would be to approve the Water Management Plan.

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Councillor R J Phillips, the local Division Member, spoke to the meeting and raised the following:-

1. He had received an email from the Upper Witham Internal Drainage Board stating that water drainage was already at its capacity and that there was a risk of flooding if the development proceeded.
2. The Committee had seen the problems of drainage on their site visit.
3. There had been no communication from Cemex on how they proposed to address the drainage problems.
4. Thurlby Parish welcomed the Water Management Plan together with an independent examination of the Plan.
5. The residents of Thurlby needed to be reassured by Cemex that they would be protected.

Comments made by the Committee included the following:-

1. It was the Committee's responsibility to ensure that a Water Management Plan existed before planning permission was granted.
2. It was important that any spillway from Thurlby Lake was properly controlled and lockable. However, it was noted that no reference had been made to this matter, to date.
3. It was noted that Thurlby Lake was owned by several landowners.
4. Crop damage caused by lack of maintenance to ditches.
5. The need to ensure that any S106 Agreement comprised a Water Management Plan.
6. Cemex needed to recognise the role of Councillors in representing all residents.
7. During the floods of 2007 the City of Lincoln had been flooded in certain places and if no S106 Agreement existed then the County Council would be held accountable.
8. Was it possible to see the list of signatories to any S106 Agreement?
9. The importance of monitoring water flow from the application site.

Officers stated that any Water Management Plan would need to satisfy the County Council before any S106 Agreement could be signed, that any Plan must be in place before planning permission was granted and any Plan could only be signed off if the Environment Agency and relevant Internal Drainage Boards were satisfied, as technical consultants.

**RESOLVED** (unanimous. (Note:- Only the following members of the Committee were permitted to vote as they had been involved in previous meetings and the site visit when this application had been discussed – Councillors I G Fleetwood, R Hills, D C Hoyes MBE, S F Kinch, K Milner, J M Swanson, T M Trollope-Bellew and S F Williams))

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This report forms part of the Council's statement pursuant to Paragraph 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 offices specified information regarding the decision.

Pursuant to Regulation 21(1)(C) the Council must make available for public inspection a statement which contains:-

the content of the decision and any conditions attached to it;  
the main reasons and consideration on which the decision is based including, if relevant, information about the participation of the public;  
a description when necessary to avoid, reduce and if possible offset the major adverse effects of the development;

and information regarding the right to challenge the validity of the procedures and the procedures for doing so.

It is recommended that the Executive Director for Communities, in consultation with the Chairman and Vice-Chairman of the Committee, is authorised to enter into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) in respect of the following:

- (a) A Water Management Plan to provide details of how discharges from the workings during the extraction, restoration and post-restoration periods will be managed to ensure that there will be:
  - i. no increase in the current maximum rate of discharge from Thurlby Lake into local watercourses; and
  - ii. no increase the flood risk to land and property downstream from the development site; and
  - iii. no detrimental effect on the land drainage of the land downstream from the development site.
- (b) A sequence of timing and phasing for the development to ensure that Norton Disney quarry ceases to operate once a new Swinderby quarry has commenced production.
- (c) Lorry routeing.
- (d) A commitment not to object to or seek compensation in respect of the County Council issuing an Order under the Town and Country Planning Act 1990 in relation to the discontinuance of existing mineral planning permissions at North Hykeham Quarry and the restoration of that site.
- (e) A commitment to cease pumping water out of the Swinderby site during periods of high water levels in the River Witham, this including the provisions and maintenance of any necessary off-site equipment as considered necessary.
- (f) A management plan for the land to cover the period of 20 years following completion of the statutory aftercare period for the restored sited.
- (g) A long term bird management plan for the site following restoration.

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It is further recommended that following the completion of the aforementioned legal agreement, planning permission is granted for the development, subject to the planning conditions detailed in the second supplementary report.

- (2) To continue to extract limestone (building stone) without complying with condition number 10 of the Council's decision notice reference N74/0800/09. This limits the annual output of limestone from the site to 5,000 tonnes per annum at Glebe Quarry, Wilsford – Glebe Stone Sales Ltd – N74/0182/11

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

Natural England – no objection as it is considered that the proposal would not have a significant effect on the features of interest of the Witsford Heath Quarry SSSI.

RESOLVED (unanimous. (Note:- Councillor T M Trollope-Bellew was not in the room during the vote on this application))

That planning permission be granted to continue to extract limestone without complying with condition number 10 of the Council's Decision Notice N74/0800/09 subject to the new conditions detailed in the report which replace all the conditions on that Decision Notice.

- (3) To retain and continue production of crude oil from an existing well and to seek planning permission to drill four additional boreholes/wells for the exploration, appraisal and production of crude oil at Southmoor Road, Newton on Trent – Blackland Park Exploration Ltd – W68/127165/11

(Note:- Councillor T M Trollope-Bellew returned to the room)

RESOLVED (unanimous)

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

- (4) To import and process road planings and construction and demolition wastes at Copper Hill Quarry, High Dyke, Ancaster – Mr Les Johnson – S2/0642/11

RESOLVED (unanimous)

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

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- (5) To retain waste farm plastic storage areas within two farm buildings and on land adjacent to the farm buildings. The proposal would also seek retrospective permission to retain associated weighbridge and lagoon (retrospective) at Glebe and Red House Farm, Fen Road, East Keal – Mr Alan Hawkes – (E)S45/0617/11

(Note:- Councillor P Bedford declared a personal interest as a member of the Witham Fourth Internal Drainage Board)

RESOLVED (unanimous. Councillor J M Swanson abstained)

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

- (6) Change of use from redundant potato storage building to storage of plastic waste both pre-process and post-processing to enable it to be kept in a secure and temperate environment at Barff Farm, Caenby – P T Moore and Partners – W17/127268/11

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

Glenham Parish Council – no objections.

Ministry of Defence – no safeguarding objections.

RESOLVED (unanimous)

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

- (7) To retain depot for the storage of plant/vehicles and construction materials at Unit 19, The Ring Way Depot, Woodbridge Industrial Estate, Hadley Road, Sleaford – May Gurney Ltd – N57/0374/11

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

Sleaford Town Council – no objections

RESOLVED (unanimous)

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

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- (8) Application for the determination of new (updated) conditions to which Welton B Oil Site is to be subject (Environment Act 1995: First Periodic Review) at Welton B Site, Sudbrooke – Star Energy (East Midlands) Ltd – W105/127338/11

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

West Lindsey District Council – no objections.

Applicant – Note the revised wording of Condition 9 and reference to BS4142. Have taken advice from our noise experts who compiled the report in support of the application and are of the view that the reference should be to MPS2 and the noise annex and not BS4142. MPS2 does make reference to BS4142 in relation to the monitoring methodology but the assessment methodology applicable to mineral sites is set out in MPS2. To comply with national policy request that the condition is amended to incorporate reference to MPS2.

Head of Planning Comments – It is considered that the noise associated with operations at the well site is more akin to industrial noise and therefore an assessment using BS4142 methodology is more appropriate given the noise characteristics associated with this development. The approach is supported in respect of two public inquiries that the Council has been involved in at which it was successfully argued that BS4142 is appropriate to be used in relation to mineral sites if the noise characteristics are industrial in nature. Therefore the applicant's request to amend the condition to include reference to MPS2 is not agreed.

RESOLVED (unanimous)

That the conditions detailed in the report be approved.

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

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

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

- (1) Temporary change of use from residential to contractor site office and mess facilities and the use of the garden and forecourt as a site compound, parking and storage of materials at Castle Moat House, 18 Drury Lane, Lincoln – L/0662/11

Since the publication of the report a response to consultation had been received from the following:-

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Ministry of Defence – no safeguarding objections.

Highways – requesting a condition requiring the submission and approval of a Traffic Management Plan prior to development commencing.

**RESOLVED** (unanimous. (Councillors K Milner and M Brooks were not present and did not vote. Councillor H R Johnson left the meeting before the vote was taken).

That subject to an additional condition:-

Prior to the commencement of development a Traffic Management Plan including details relating to traffic movements, access, parking and turning areas shall be submitted to, and approved in writing by the County Planning Authority. The approved plan shall thereafter be implemented in full.

Reason- In the interests of highway safety.

- (2) To extend an existing car park, to create two areas of hardstanding and erect two canopy areas at The Holt Primary School, Swallow Avenue, Skellingthorpe – N56/1070/10

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

North Kesteven District Council – no objections. The revised car parking spaces, giving greater clearance from an adjoining mature tree and increase in permeable surface are welcomed.

Head of Planning – the objector has stated verbally that the strengthening of the boundary planting or fencing would be an improvement. It is therefore recommended that a further condition be attached.

6. No development shall be commenced until the written approval of the County Planning Authority has been secured for improvements to the boundary treatment. Thereafter the scheme shall be implemented as approved.

Reasons – In the interests of amenity

**RESOLVED**

That planning permission be granted subject to the conditions detailed in the report and the additional condition six approved at the meeting as follows:-

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6. No development shall be commenced until the written approval of the County Planning Authority has been secured for improvements to the boundary treatment. Thereafter the scheme shall be implemented as approved.

Reasons – in the interests of amenity

- (3) To install a photovoltaic array on a sun-tracker mounting at Mercury House, Willoughton Drive, Gainsborough – W33/127198/11

RESOLVED (unanimous)

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

- (4) To install a 7.26kW photovoltaic array on fire station roof at Corby Glen Fire Station, Bourne Road, Corby Glen – S23/0755/11

RESOLVED (unanimous)

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

- (5) To install a 2.64kW photovoltaic array on fire station roof at Market Deeping Fire Station, 95 High Street, Market Deeping – S56/0805/1

RESOLVED (unanimous)

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

- (6) To install solar photovoltaic panels on the roof of the premises at Minerva House, Park Road, Holbeach – H9/0345/11

RESOLVED (unanimous)

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

10. VARIATION OF A SECTION 52 AGREEMENT RELATING TO THE RESTORATION OF SAND AND GRAVEL WORKINGS AT PEAR TREE FARM, NORTH HYKEHAM – N56/610/88/CM

The Executive Director for Communities presented a report on a request from the land owners to vary clauses in a Town and Country Planning Act, Section 52 Agreement relating to land east of the A46 and south of Whisby Road, at Pear Tree Farm, North

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Hykeham. Owing to changed planning status the original requirements of the legal agreement were no longer relevant.

**RESOLVED**

That clause 2(a) of the planning agreement, dated 16 December 1988, be amended to exclude areas 2, 2 and 4.

The meeting closed at 12.45pm.