

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

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

Also in attendance:- Councillors C J Davie (minute 47(1)) and W S Webb (Executive Councillor for Highways and Transport).

Officers in attendance: Communities – Alan Aistrup, Alan Freeman and Neil McBride; Legal – Stuart Tym; Performance and Governance – Steve Blagg.

43. DECLARATIONS OF COUNCILLORS' INTERESTS

It was noted that all members of the Committee had been lobbied (minute 47(1)).

Councillor R Hills declared a personal interest as a member of the Planning Committee of the City of Lincoln Council.

Councillor M Tinker declared a personal interest as a member of West Lindsey District Council (minute 45).

Councillor J M Swanson declared a personal interest as a member of East Lindsey District Council's Planning Committee.

Councillor P Bedford declared a personal interest as a member of Boston Borough Council and the Black Sluice Drainage Board.

Councillor M Brookes declared a personal interest as a member of Boston Borough Council and the Black Sluice Drainage Board.

Councillor K Milner declared a personal interest as a member of East Lindsey District Council and as the Executive Support Councillor for Highways and Transport.

Councillor D R Dickinson declared a personal interest as a member of the Black Sluice Drainage Board.

Councillor H R Johnson declared a personal interest as a member of South Holland District Council's Planning Committee.

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Councillor N D Cooper declared a personal interest as Chairman of East Lindsey District Council's Planning Committee.

44. MINUTES

RESOLVED

That the minutes of the previous meeting of the Committee held on 31 October 2011 be agreed as a correct record and signed by the Chairman.

45. PROPOSED TAXI RANKS - PARNELL STREET AND GLADSTONE STREET, GAINSBOROUGH (minute 30, Planning and Regulation Committee, 3 October 2011)

The Executive Director presented a report on the determination of objections received to proposed taxi ranks in Parnell Street and Gladstone Street, Gainsborough.

The report detailed various options and the comments of the Executive Director on the options.

RESOLVED (unanimous)

(1) That the objections be noted.

(2) That the lapsed taxi ranks be reinstated as a temporary measure for an initial period of twelve months (with an optional extension for a further six months only) to cover the proposed Market Street works and during this period the performance of the ranks will be monitored and the operating hours reviewed before further action is taken.

46. TRAFFIC REGULATION ORDERS – PROGRESS REVIEW AND PETITIONS RECEIVED

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

RESOLVED (unanimous)

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

47. PLANNING APPLICATIONS RELATION TO COUNTY MATTER DEVELOPMENTS

The Committee received four reports from the Executive Director for Communities on planning applications relating to County Matter developments. The responses to consultation were detailed in the reports.

- (1) Supplementary Report - To continue the use of an existing dry recycling operation incorporating new anaerobic digestion plant and in-vessel composting facility to treat commercial and industrial waste at Bowmans Business Park, Mill Road, Addlethorpe - Bowmans Waste (Agent: Sidebottom Richardson Cheng Ltd) - (E)S2/1344/11 (minute 35 (4), Planning and Regulation Committee, 3 October 2011)

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

Head of Planning – have instructed an independent review of the odour assessment by an odour consultant. A copy of this report is attached to the update. The report notes that the odour emission concentrations seem exceptionally low and are unlikely to reflect the likely odour emissions when the plant becomes operational. The review has considered the emission rates used in the assessments and conclude that:-

- Emission concentrations applied to the maturation area are incorrectly assigned and should be based on the likely residual odour concentrations from the bio-filter rather than the inlet concentration.

Highways Authority should be satisfied that analysis of the fall back position of traffic movements is reasonable as this is relied upon in justifying the position. Also the Highway Authority need to ensure any increase in traffic loading can be supported by the surrounding highway including the width of the highway for passing and the quality of its construction to support vehicular traffic of the nature proposed to serve the development. The County Council must be satisfied that vehicular movements associated with the development will not detrimentally affect residential amenity of occupants of nearby properties.

If permission is granted, requested a noise condition is imposed restricting hours of activities for certain operations. Also the mitigation proposed to reduce the noise impact of the site equipment should be served by condition. A noise monitoring scheme should also be secured through condition.

East Lindsey District Council (Environmental Health Officer) – has been contacted by a member of the public regarding the noise assessment and raised concerns in connection with the noise arising from the vehicle movements. Have further reviewed

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the noise assessment and maintaining their position that no objection is raised. If permission is granted a condition should be imposed restricting the hours of operation, and only the anaerobic digester with associated pumps and fans should operate for 24 hours. Require noise monitoring to be undertaken once the site is operational to confirm the noise figures predicted are achieved.

Lindsey Marsh Drainage Board – do not wish to make any future comments.

Local Resident – despite the further reports submitted in relation to noise and odour, still wish to object to the application. Consider that the noise and odour levels are subjective and open to interpretation and people have different tolerance levels to these.

Area already has problems with vermin, flies and rats. This proposal will make the situation worse.

Also question highways comments as the local highway network is not suitable for the sustained increase in HGVs, as two cars cannot pass each other comfortably let alone two large lorries.

Do not consider the diverse wildlife in the area has been taken into account.

Question the impact of 24 hour working and increased traffic movements on this wildlife.

Addlethorpe Parish Council – maintain their original objections.

Applicant – provided letters from three further businesses, Fantasy Island, Hardy's and Mill Road Fishing Lakes supporting the proposal.

Also have provided a detailed letter addressing the issues raised in the Council's Odour Review report which is attached to the update.

John Hall, on behalf of the applicant, spoke in favour of the application as follows:-

1. This was a sealed compost facility.
2. Bowmans was a local business and cared for its neighbours.
3. It was a state of the art facility which met EU regulations.
4. All air was passed through a bio-filter.
5. It met Defra guidelines.
6. The odour emissions were below the odour regulated levels.
7. The proposals met the advice of the consultants.
8. The Environment Agency was satisfied with the application and management plan.
9. The Environmental Health Officer of East Lindsey District Council had not any objection to the application.

10. The applicant would meet all of the planning conditions imposed.
11. 50 additional jobs would be created, there was support from local businesses, local investment, a reduction in landfill and a robust business plan was in place.

Councillor C J Davie, the local Division Member, stated that while he was normally supportive of such developments in this particular case he supported the recommendations of the officers and the Parish Council, adding that the Council had a policy which should be applied consistently and therefore urged refusal.

Comments made by the Committee included the following:-

1. What was the nearest property to the development?
2. The Council should abide by its own planning policy guidelines.
3. It was difficult to make a judgement on odour grounds because of the lack of knowledge about what constituted bad odour.
4. A reliance on the trust of the applicant was not satisfactory.
5. What scientific improvements had been made in the last few years to control odour?
6. The application should be approved but if odour levels go above the statutory limit then the plant could be shut down.
7. The exact distance of the nearest property located from the application site needed to be known as this was crucial to the debate.
8. Had the applicant considered relocating the application within his site?
9. Should there be an odour leak how long would it take to disperse the odour following the closure of the plant?
10. Were officers confident about the proposed odour controls?

Officers responded to the comments made by the Committee as follows:-

1. The building to be used for maturation/composting is 140m from residential properties and for measuring the effect of odour on the nearest property the Waste Local Plan 2006 stated that there was a threshold of 250m distance. The criteria for odour was explained with the independent consultants reporting that there was no guarantee that the odour levels would meet the prescribed levels at the receptors closest to residential properties.
2. There had not been any examination of the effects of re-siting of the application within the applicant's site with consideration only being given to the application before the Committee, today. The applicant had stated that odour would be controlled.
3. The 250m limit was based on a precautionary limit recommended by the Environment Agency. Below this distance an odour assessment was requested. The policy on odour was framed around these precautionary principles. A site by site analysis was always undertaken.

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4. While there was an overlap between planning and licensing the licensing regulations imposed by the Environment Agency could be acted upon more quickly than any breach of planning conditions.
5. It was not possible to give a timescale for the dispersal of odour once it had been detected.
6. Following the consultant's report officers had concerns about whether odour could be addressed.

A motion moved by Councillor D R Dickinson, seconded by Councillor M Tinker, that the Committee should be minded to approve the application against the recommendation of officers to approve was defeated by six votes for, six votes against and on the Chairman's casting vote the motion was defeated. (Note:- Councillors T M Trollope-Bellew and K Milner did not vote or take part in the discussion thereon as both had been absent when the application was first discussed by the Committee on 3 October 2011).

A motion by Councillor R Hills, seconded by Councillor I G Fleetwood, that the recommendation by officers to refuse the application was defeated by five votes for and six votes against.

In the absence of agreement the Committee continued to discuss the application.

Further comments made by the Committee included:-

1. The Council was reliant upon outside bodies for advice but could the Council put its own conditions on the application rather than rely upon these outside bodies?
2. Little knowledge of the workings of bio-digesters, odour measurements and therefore the Committee should visit a similar site to gain knowledge.
3. It was wrong to go against national policy guidance.
4. The experts supported the application.

The Executive Director for Communities stated that it was possible to add conditions to address odour as the amenity of the local area could be affected. His concern was that the consultants had indicated that the odour levels suggested by the applicant at the nearest property to the application site could not be met.

A motion by Councillor P Bedford, seconded by Councillor S F Williams, it was

RESOLVED (Seven votes for, four votes against and three abstentions)

That, subject to the Executive Director for Communities reporting to a future meeting of the Committee on the conditions, the Committee is minded to approve the application against the recommendation of refusal from the officers as detailed in the report.

- (2) Supplementary Report - For the change of use of the existing haulage yard and workshop and erection of a building for the importation, sorting and baling of end-of-life tyres and construction of a surface water mitigation scheme and security fence to the boundary at Reed Point, Spalding Road, Sutterton - Envirotyre UK Ltd (Agent: Robert Doughty Consultancy Limited) - B18/0370 /11 (minute 40(5), Planning and Regulation Committee, 31 October 2011)

RESOLVED (unanimous)

That the reasons for refusal of the application as detailed in the report be approved.

- (3) Supplementary Report - To continue to operate without complying with condition numbers 2 and 5 of planning permission B/06/0248/LCC4 at Skirbeck Bulk Store and Engineering Works, 37 Skirbeck Road, Boston - Reclaimed Appliances Limited - B/0272/11

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

Environment Agency – maintain their objection for the following reasons:-

The developer has not fully quantified the noise levels generated by his proposals. As a consequence the scale of impact that this will have on the amenity of the local community has not been fully established, notwithstanding point 3 below.

The lack of understanding of the scale of the issue makes it impossible for us or the developer to form a view as to what level of mitigation is appropriate.

The evidence of the applicant recognises that operating the site on a Sunday is likely to generate complaints.

This is clearly a quality of life issue for members of the local community.

We conclude that the decision to grant permission in respect of this application is premature. We recommend that further analysis is required in order that the impacts of different working procedures/practices might be more thoroughly evaluated and where appropriate mitigated.

The implication of not following this recommendation for the Environment Agency, is that we and the Environmental Health Officers from the local planning authority are likely to become embroiled in complaints and disputes with regard to noise. Clearly this is to be avoided if at all possible, not just because of the impact upon individual households but also because of the potential cost to the public purse.

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We would also recommend, in the light of point 3 above, that consideration be given to a compromise on the hours of work being proposed perhaps for example Monday to Saturday only.

RESOLVED (unanimous)

That planning permission be granted subject to all other conditions set out in the Council's Decision Notice reference B/06/0248/LCC4, so far as the same are still subsisting and capable of taking effect, and subject to the conditions and reasons for approval as set out in Appendix A of the report.

- (4) For the change of use and alterations to an agricultural building and retrospective change of use of land associated with an existing waste management facility to a scrap yard and vehicle dismantling facility at Westville Farm, Northlands Road, Westville - Department of Trucking Ltd (Agent: JHG Planning Consultancy Ltd) - (E)S206/1966/11

RESOLVED (unanimous)

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

Condition:- The hard standing area be maintained to prevent contamination of surrounding land.

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

48. PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS

The Committee received two reports from the Executive Director for Communities on planning applications relating to County Council developments. The responses to consultation were detailed in the reports.

- (1) To erect an Eco Block at St Christopher's Special School, Hykeham Road, Lincoln – L/1185/11

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

Lincoln City Council – do not wish to raise any objections to the proposal.

Built Environment – the site is off the Foss Way, a Roman road, but no records of anything having been found during the development in the vicinity of the school or its immediate environs and therefore no further archaeological work is required.

The Executive Director for Communities reported that Condition 6 in the report should be amended to read:-

“Prior to the building hereby permitted first coming into use a closed boarded acoustic fencing as shown on drawing DC/713/0004-002-Rev B “Site Plan and Roof Plan” shall be erected”.

The Executive Director also stated that in paragraph 46 of his report the reference to “20 metres” should have read “30 metres”.

The Committee referred to a similar planning application in the North Hykeham area which had been considered by the Committee at a recent meeting of the Committee in which concern had been expressed by the Committee about the closeness of nearby residential properties.

The Executive Director stated that the adjacent properties had large gardens and that this application was only a single storey building.

RESOLVED (unanimous)

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

(2) To construct a single storey extension to provide additional office accommodation at Lincoln HQ Fire Station, South Park Avenue, Lincoln - L/1209/11

RESOLVED (unanimous)

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

The meeting closed at 12.05pm.