

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

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

Also in attendance:- Councillors C J Davie (minute 53(1)) and E J Poll (Deputy Leader and Executive Councillor for Economic Development (part of the meeting only) and W S Webb (Executive Councillor for Highways and Transport).

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

Apologies for absence:- Councillors D Brailsford, D R Dickinson, R Hills and M Tinker.

49. DECLARATIONS OF COUNCILLORS' INTERESTS

Councillor T M Trollope-Bellew declared that in connection with minute 53(1) he had not attended the original meeting and would not participate in either the discussion or voting thereon.

Councillor J M Swanson declared a personal interest in minute 53(1) as a member of East Lindsey District Council's Planning Committee.

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. In connection with minute 53(1) he had not attended the original meeting and would not participate in either the discussion or voting thereon.

Councillor N D Cooper declared a personal interest as Chairman of East Lindsey District Council's Planning Committee, the Police Authority, Skegness and Burgh le Marsh Town Councils.

50. MINUTES

RESOLVED

That the minutes of the previous meeting of the Committee held on 28 November 2011 be agreed as a correct record and signed by the Chairman.

2
PLANNING AND REGULATION
COMMITTEE
16 JANUARY 2012

51. PROPOSED ZEBRA CROSSING – A151 BOURNE ROAD, CORBY GLEN

The Executive Director presented a report on an objection received from Corby Glen Parish Council to a proposal to install a zebra crossing on the A151 Bourne Road, Corby Glen, paid for by the developer of the Medical Centre.

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

RESOLVED (unanimous)

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

52. 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.

Following an enquiry from Councillor J M Swanson about Toynton St Peter's omission from the schedule attached to the report on Traffic Regulation Orders, the Executive Director agreed to respond to him.

RESOLVED (unanimous)

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

53. PLANNING APPLICATIONS RELATING 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 47 (1), Planning and Regulation Committee, 28 November 2011)

At its meeting on 28 November 2011, the Committee agree that subject to a report to a future meeting on conditions the Committee was minded to approve the application against officer's advice.

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

Addlethorpe Parish Council – have submitted a letter to the Chief Executive regarding the resolution of the Committee at the November 2011 Planning and Regulation Committee. Requested that a copy of their letter is drawn to Councillors attention and a copy of a letter from the Parish Council, dated 6 January 2012, to Tony McArdle, Chief Executive, is appended to the update.

The Executive Director reported details of a letter from Addlethorpe Parish Council, dated 13 January 2012, which stated the following:-

1. Considered the decision made by the Committee on 28 November 2011 unsafe and that the Committee should accept the recommendation of the officers to the meeting of the Committee on 28 November 2011.
2. There were twenty six properties within 250m of the applicant's site.
3. There was not another anaerobic digester located so close to residential properties in the country as the one before the Committee, today.
4. The application was contrary to the advice of the Secretary of State.
5. The application was illegal as the conditions were unenforceable.
6. The tonnages specified by the applicant were incorrect and exaggerated without material from outside the district Council area being taken into consideration.
7. The 50 new jobs proposed to be created by the application was incorrect. In the Parish's view only between 10 to 15 new jobs would be created.
8. Residential amenity should be protected.

The Executive Director in his presentation presented a plan showing the distances of residential properties from the application site.

Councillor C J Davie, the local Member, commented as follows:-

1. He supported the Parish Council and their letter covered most of the salient points made by the Secretary of State particularly about properties located within the 250m zone.
2. Planning should work with the community and he supported the officer's recommendations in the report to the Committee of 28 November 2011.
3. Twenty six properties were located within 250m of the application site and there was no similar site in Lincolnshire.
4. Did the Council have the resources to impose the conditions?

Comments made by the Committee included:-

1. Questions as to whether the proposed conditions were enforceable.

**PLANNING AND REGULATION
COMMITTEE
16 JANUARY 2012**

2. That new information (in the form of a plan not available at the previous Committee) on the number of properties in close proximity to the development which might be affected had come to light and there were serious concerns about the enforceability of the conditions.
3. The Parish Council should be congratulated for doing its home work and their reasons for requesting refusal were based on sound planning advice.

The Executive Director stated that the conditions for approval in the report were the best officers could draft given the circumstances particularly those detailed in Conditions No's 18 and 19 about odour. The conditions had been difficult to prepare given the advice from the consultant about the applicant not having demonstrated that the equipment proposed for use would be able to control odour to the level required by Condition 18. Therefore, the enforceability of these conditions was, in the opinion of officers, destined to be unachievable.

It was moved by Councillor N D Cooper, duly seconded by Councillor I G Fleetwood and

RESOLVED (eight votes for, none against and three abstentions)

That the application be refused for the reasons detailed on page 9 of Appendix B (the meeting of the Planning and Regulation Committee of 28 November 2011), and the replacement of "ELDC Policy A4" by "East Lindsey Local Plan Alteration 1999" (Saved Policies 2007) Policy A4 as follows:-

Despite forming part of an existing industrial/waste site the siting of the proposed anaerobic and in-vessel composting facilities fails to satisfy the locational criterion of Lincolnshire Waste Local Plan policies WLP 10 (iv) and WLP11 (viii) as there are a number of residential properties within 250m of the application site and it has not been demonstrated that the facility can be situated within 250m of these properties without the potential to cause nuisance to receptors of acknowledged importance through odour. Consequently due to the close proximity of the development to residential properties, the development has the potential to adversely impact upon the amenity of local residents by virtue of odour and therefore is considered to be contrary to criterion (i) and (v) of WLP 10 and criterion (iv) and (v) of WLP11, and consequently also fails to accord with policies WLP21 (xi) and Policy A4 of East Lindsey Local Plan Alteration 1999 (Saved Policies 2007).

- (2) To retain ancillary staff accommodation and welfare facilities including office/stores and portacabins, and retain feature entrance/gateway (retrospective) at Castle Quarry, Sleaford Road, Ancaster - Goldholme Stone Limited - S2/2996/11

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

South Kesteven District Council – no objection to raise.

Environment Agency – no objection but draw attention to the need for an Environmental Permit for the proposed septic tank and draw attention that the site is located in a sensitive area for groundwater and draw attention to the precautionary measures that need to be in place as a consequence of this.

Ancaster Parish Council – no objection.

RESOLVED (unanimous)

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

- (3) To construct a showroom/office building, display area and associated car parking at Castle Quarry, Sleaford Road, Ancaster - Goldholme Stone Limited - S2/2998/11

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

South Kesteven District Council – no objection to raise.

Environment Agency – no objection but draw attention to the need for an Environmental Permit for the proposed septic tank and draw attention that the site is located in a sensitive area for groundwater and draw attention to the precautionary measures that need to be in place as a consequence of this.

Ancaster Parish Council – no objection.

RESOLVED (unanimous)

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

- (4) To develop an air pollution control residue (APCR) Pre – Treatment Facility at Whisby Landfill Site, Eagle Road, Whisby - Waste Recycling Group (Agent: Axis) - N23/1243/11

RESOLVED (unanimous)

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

6
PLANNING AND REGULATION
COMMITTEE
16 JANUARY 2012

This report forms part of the Council's statement pursuant to paragraph 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 – which requires the Council to make available for public inspection at the District Council's offices specified information regarding the decision. Pursuant to Regulation 24 (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 considerations on which the decision is based including if relevant information about the participation of the public;
- A description, where necessary, of the main measures 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 decision and the procedures for doing so.

54. 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 change the use of school kitchen to B2 (general industry - catering food preparation place) to provide meals for other schools at St Gilbert's Church of England Primary School, Foundry Road, Stamford - S69/2969/11

Mrs Z Martin, an objector, commented as follows:-

1. She had no objection to the original planning consent.
2. This application was over development of the kitchen without informing the residents.
3. The production of 900 meals was an industrial catering business.
4. The area was unsuitable for vehicles.
5. There was a problem of rubbish from the bins on the premises.
6. Loss of privacy by people using the site from 5.30am.
7. Noise from vehicle engines from unloading and loading.

Mr John Turner, representing the applicant, commented as follows:-

1. The school was located in a mixed use area, e.g. Waitrose and Public Houses were present.
2. The hours of operation of the kitchen were restricted to term time.
3. Vehicle movements were kept to a minimum with small vans being used.
4. The number of vans being used had not increased.

5. There was a good working relationship with South Kesteven District Council in connection with the waste from the site.
6. It was proposed to screen the waste bins.
7. It was proposed to relocate the condenser farther away from Mrs Martin's property.
8. It was proposed to reduce the noise from the extractor and install carbon filters.

Comments made by the Committee included:-

1. In the report "Stamford Parish Council" should read "Stamford Town Council".
2. The application site seemed to be located on a hill and in a Conservation Area
3. Meals of a foreign nature were now cooked on a regular basis in schools and therefore it was important that odour controls were in place.
4. It was important that the carbon filters were suitable.
5. The extractor fans should be relocated and should be a conditioned.
6. The access and egress of vehicles to the site needed to be known.
7. There was nothing stated in the conditions to control the number of meals being produced.

The Executive Director stated that the application was not in a Conservation Area albeit the boundary of the Conservation Area was close and if odour and noise relocation were conditioned it would be necessary to go back to the Environmental Health Officer at South Kesteven District Council and bring a further report to the Committee.

It was proposed by Councillor T M Trollope-Bellew that while he had some concerns he was prepared to approve the proposal in light of the conditions in the report.

It was moved by Councillor S F Williams that the matter should be deferred for further detail to be brought back to the Committee on conditions.

It was moved by Councillor N D Cooper that the matter should be deferred to allow a site visit to better understand the residential amenity issues.

Councillor I G Fleetwood seconded Councillor N D Cooper's proposal but noted that the time taken for the deferral could give officers the opportunity to consult with South Kesteven District Council about noise and odour issues; clarify the number of meals produced and to obtain information about the access and egress arrangements for vehicles visiting the application site together with details of suitable travel plans, and

RESOLVED (unanimous)

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

8

**PLANNING AND REGULATION
COMMITTEE
16 JANUARY 2012**

- (2) To change the use of the existing school kitchen to B2 (general industry - catering food preparation place) to provide meals for other schools at Bourne Abbey Primary Academy, Abbey Road, Bourne - S12/3023/11

RESOLVED (unanimous)

That planning permission be granted subject to the conditions detailed in the report and additional conditions to address odour and noise as follows:-

Before the use hereby permitted begins, details of the measures and equipment installed to control odour emissions from the premises shall be submitted to and approved in writing by the County Planning Authority and the approved details implemented and maintained whilst ever the use hereby permitted exists.

Reason: In order to ensure that odour emissions arising from the development do not have an adverse impact on local residents.

The rating level of noise emitted from the kitchen refrigeration and extraction facilities shall not exceed the existing background noise level by more than 5dB at any time. In the event that a complaint regarding noise levels is received the noise levels shall be determined at the nearest noise sensitive properties to the site and measurements taken in accordance with BS4142:1997. The results of the survey shall be forwarded to the County Planning Authority within one week of the survey being undertaken. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within the report and implemented within one month following their approval by the County Planning Authority.

Reason: To ensure that noise levels from the operation of the development do not adversely affect the amenity of local residents.

The meeting closed at 11.50 am.