

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

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

Also in attendance:- C L Lewis (Executive Councillor for Waste Services and Green Issues, W S Webb (Executive Councillor for Highways and Transport) and R Wootten (minute 58(2))

Officers in attendance: Communities – Alan Freeman and Marc Willis; Legal – Stuart Tym; Performance and Governance – Steve Blagg

Apologies for absence:- Councillors P Bedford, I G Fleetwood and H R Johnson

In the absence of the Chairman, Councillor R Hill, Vice-Chairman, took the chair

Councillor R Hills in the chair

**55. DECLARATIONS OF COUNCILLORS' INTERESTS**

It was noted that all members of the Committee had been lobbied in connection with minute 57(1)

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

Councillor T M Trollope-Bellew declared that he had attended the meeting of the Parish Council when this matter had been discussed (minute 57(2)).

Councillor J M Swanson declared a personal interest as a member of East Lindsey District Council's Planning Committee (minute 57(6)).

Councillor M Brookes declared a personal interest as a member of Boston Borough Council's Planning Committee and Black Sluice Drainage Inner Drainage Board (minutes 57(4) and 58(3)).

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.

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Councillor D R Dickinson declared a personal interest as a member of North Kesteven's Planning Committee and the Black Sluice Drainage Board.

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

56. MINUTES

RESOLVED

That the minutes of the previous meeting of the Committee held on 16 January 2012 and of the site visit to St Gilbert's School, Stamford, be agreed as a correct record and signed by the Chairman.

57. 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 responses to consultation were detailed in the reports.

- (1) To deposit and process waste to form compost with a limit of 74,999 tonnes per annum and to develop Phase 2 of the same use as per the 2007 Consent (ref: W46/120477/07) at Sturgate Airfield, Cow Lane, Upton, Gainsborough – Land Network (Gainsborough) Ltd – W46/127834/11

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

Applicant – a Solicitor acting on behalf of the applicant has submitted a letter to the Head of Planning which requests that amendments to proposed Conditions 3 and 4 be made. It is requested that Condition 3 be removed and that the wording of Condition 4 be revised to the following:

“Within 6 months of the date of this permission, unless otherwise agreed with the Council in writing to be extended, the operator will provide evidence to the Waste Planning Authority in writing of having made an application for certification in accordance with the Compost Certification Rules for conforming to PAS100 of the Association of Organic Recycling and within 12 months unless otherwise agreed in writing, provide evidence in writing of the stage that the application has reached and to supply a copy of any certificate issued in accordance with the scheme”.

The applicant would be happy to retain part (ii) of Condition 4, as currently drafted.

The applicant has stated that Conditions 3 and 4 are unworkable as the process of obtaining PAS100 certification in accordance with the Association of Organic Recycling can take around 12 months to obtain. This is because it is impossible to achieve certification without composting taking place.

Health Protection Agency (HPA) – has made the following comments in relation to the proposals (summarised):

- Emissions and nuisance issues – the application sets out mitigation measures to control and minimise emissions from the site. The HPA advises that comments from the Environmental Health Officer should be sought relating to potential impacts on human health, noise, odour and dust nuisance.
- Bioaerosol – evidence for ill health related to proximity to composting facilities is sparse, however, there is some epidemiological evidence that adverse health effects could occur. This evidence has been reviewed by DEFRA and the HSE and shows that background levels of exposure to bioaerosols are hugely variable with time and location and there are significant non-waste sources including agricultural activities and natural emissions. The evidence suggests there is a potential increased risk to workers at composting sites although exposure levels vary within the industry and this suggests that there is a potential to reduce exposure and the risk of health effects through good site practice.

With regard community exposure and risks, the DEFRA review concludes that it is not clear whether bioaerosol emissions from waste processes present a significant public health problem. The review concludes there is no clear thresholds of effect for different bioaerosol components and some susceptible individuals (perhaps more than 10% of the population) may experience adverse effects at background levels of exposure in the absence of any waste-derived bioaerosols.

Stow Parish Council – wishes to withdraw the comments as set out in paragraph 43(c) of the report. The comments (as reported) were sent in error and did not have the approval of all the Parish Councillors and therefore the Parish Council wishes that these be removed.

Upper Witham Internal Drainage Board – (summarised) have commented that the proposed development does not seem to have any discharge into the watercourse environment. As long as that continues the IDB has no opposition to the proposals.

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Lincoln Aero Club – a further letter has been received which re-iterates their objection to the proposals due to the proximity of the site to the aerodrome.

West Lindsey District Council, Cllr J Milne – (summarised) has requested that the application be refused. Concerns are raised regarding traffic and the impacts of vehicles on the village of Upton. The roads around the village are small and narrow which are not conducive with a great number of heavy goods vehicles and tankers. The village has a number of ‘blind spots’ which can make it difficult for vehicles when pulling out of junctions (especially the junction of Padmore Lane and High Street) and these problems are exacerbated by cars which park on both sides of the High Street. There have been accidents in the village and concerns are expressed regarding subsidence caused by heavy traffic. It is requested that a traffic survey be carried out before a decision on the application is made. Finally, concerns are also raised over the potential of a larger site being operated when the operator appears to not have complied with previous planning rules.

Public/Local Residents – thirteen further representations have been received which re-iterate existing objections to the application and which oppose the recommendation that the application be approved. The issues/objections raised in these additional representations have already been detailed within the report (paragraph 44 of the report) and therefore have already been taken into account in reaching the recommendation proposed. Specific matters raised which differ from those already made include:

- It is far more effective to address odour at the design stage than abate nuisance retrospectively.
- The Environment Agency have indicated that odours relate primarily to volumes of waste – why agree to a 35% increase?
- The site is a large site not a small site.
- 40,000 tonnes would be a 230% increase over the current throughput of 17,325 tonnes.
- Information from the Managing Director of the Association of Organics (the PAS100 certifying body) indicates that the site would produce approximately 20,000 tonnes of finished compost from 40,000 tonnes of green waste. Only 5,973 tonnes of finished compost (utilising 11,046 tonnes of green waste) could be spread on the applicants holding of 315 ha – what would happen to the unused finished compost? The 40,000 tonnage figure is too high for the spreading area.
- The potential presence of protected species should be evaluated.

- The site is 272m from the end of Surgate Airfield's runway. Methane can reduce the density of air which can affect altimeter readings and the drop in ambient oxygen levels can impact upon the running of engines.
- A number of comments have been received regarding the proposed conditions recommended in the report. These are summarised as follows:
  - Proposed Condition 10 – the 3m height restriction should be extended to include finished materials stored within the holding and not just the site.
  - Proposed Condition 11(i)(a) – the 2007 planning permission included a similar condition (Condition 15) but this specified that vehicles should not travel through Heapham, Springthorpe and Glentworth. This would include Cow Lane.
  - Proposed Condition 11(iii) – only deals with monitoring and does not deal with the reason why odours are present. The Odour Assessment should comply with Appendix B of the DEFRA Booklet 'Good Practice and Regulatory Guidance on Composting for Local Authorities 2009' and include the need for a wind rose.
  - No condition has been added to control noise from plant and machinery. Condition 10 of the 2007 planning permission required all plant, machinery and vehicles operating at the site to incorporate noise abatement measures and be fitted with silencers maintained in accordance with the manufacturer's recommendations.

Head of Planning – following comments in response to the additional representations/comments received:

- Applicants Suggested Revised Condition – the comments are noted and it is agreed that a revised condition would appear more appropriate given the certification process. However, it is recommended that the timeframe for submission be reduced from the suggested 6 months to 3 months. It is therefore recommended that Condition 3 be removed and Condition 4 be revised to read as follows:
  4. (i) Within 3 months of the date of this permission, unless otherwise agreed with the Council in writing to be extended, the operator will provide evidence to the Waste Planning Authority in writing of having made an application for certification in accordance with the Compost Certification Rules for conforming to PAS100 of the Association of Organic Recycling and within 12 months unless otherwise agreed in writing, provide evidence

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in writing of the stage that the application has reached and to supply a copy of any certificate issued in accordance with the scheme.

(ii) thereafter annually and no later than the date of the anniversary on which the Certificate required under (i) was received by the Waste Planning Authority, unless a longer period is agreed in writing with the Waste Planning Authority, a further Certificate shall be obtained from the Association for Organics Recycling (or other appropriate body who has the technical competence to issue such a Certificate) to confirm the finished compost meets the requirements defined in Condition 4(i) above. A copy of the annual Certificate shall be forwarded to the Waste Planning Authority for written confirmation within 14 days of the anniversary date on which the Certificate required under (i) was received by the Waste Planning Authority, unless a longer period is agreed in writing with the Waste Planning Authority.

Reason

4. To ensure the finished product no longer constitutes waste to meet the requirements of the Waste Hierarchy as set out in Planning Policy Statement 10 and in the interest of the general amenity of the area.

- Protected Species - Natural England's website has been consulted and the Standing Advice Species Sheet "Reptiles" and the decision tree used to assess the potential impact upon protected species. The Standing Advice and decision tree on reptiles states that compost heaps can be a habitat for reptiles. However, in terms of this application any new development and therefore disturbance to habitat would take place within the phase 2 area – currently a bare hardcore surface, which Lincolnshire Wildlife Trust has confirmed would be unlikely to support protected species. In summary, the areas on site that may potentially provide habitat would not be affected.

It is acknowledged in the report that Upton Grange Roadside nature Reserve is adjacent to Cow Lane to the east of the site and a condition has been recommended requiring lorry drivers to turn right only on exit. Thus avoiding the Nature Reserve.

- Airfield Safeguarding - the report acknowledges concerns raised in relation to bird strike at and the nearby aerodrome. However, it is considered that by restricting the material to green waste only the site would not attract scavenging birds. Annex 14 of the CAA document referred to by objectors states that action shall be taken to eliminate or to prevent the establishment of "garbage disposal dumps or any such other source attracting bird activity". Garbage disposal dumps are defined as "landfill sites (i.e. the disposal of

waste by landfill)". As the application is for a compost site this restriction would not apply. Also it is the type of waste that attracts scavenging birds (e.g. household waste) and the report already recommends that the waste types be controlled by condition. Finally, an increase in the volumes of wastes are not considered to lead to an increase in bird activity.

- Vehicle Routeing – Condition 11(i)(a) requires vehicles to turn right. This is towards Upton and away from the Cow Lane protected verge. The part of Cow Lane over which vehicles would be able to pass is a former airfield perimeter track (wider than normal country lanes) and past the entrance to an agricultural equipment company. By requiring a right turn only vehicles would not turn left up Cow Lane which is the road leading to Glentworth.
- Odour – Condition 11(iii) requires details of the odour monitoring scheme to be submitted for approval and part (e) of this condition requires that this scheme set out the procedures and actions to be undertaken if malodorous materials are found. The existing condition is therefore considered adequate.
- Noise – the Environmental Health Officer is satisfied with the findings of the noise survey and therefore the noise condition cited on the 2007 planning permission was not attached. However, it is considered that it would not be unreasonable to reinforce good practice by inclusion of a condition similar to that cited on the 2007 planning permission. It is therefore recommended that the following additional condition be imposed:
  15. All plant, machinery and vehicles operating within the site shall incorporate noise abatement measures and be fitted with silencers maintained in accordance with the manufacturers' recommendations and specifications to minimise any disturbance.

Reason

15. To minimise the risk of noise pollution from the operations on the site.

The Executive Director stated that since the publication of the update further correspondence had been received as follows:-

1. District Councillor Mrs J Milne had expressed disappointment at the advice given by Highways in connection with traffic issues in Upton and had requested a traffic assessment.
2. The amount of tonnage to be composted should be conditioned to the original tonnage of 3k tonnes.
3. Concerns about safety at the nearby Flying Club if the application was approved.

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Patrick Cluxton, an objector, commented as follows:-

1. The road link to the site should be included in the applicant's boundary under planning regulations and therefore the application was invalid.
2. Discrepancies in the report relating to tonnages.
3. A condition in connection with the protection of soil was missing.

Steve Coult, representing the applicant, commented as follows:-

1. Not only instructed by Land Network (Gainsborough) Ltd but also by Mrs Rosemary Winter who had asked me to speak on behalf of the many supporters of the scheme.

2. All believed that the Council had made the right decision in 2003 and again in 2007 in granting planning permission. They generally supported the officer's report and hoped that the Committee would make the right decision in 2012.

3. Land Network had expressed concerns with Conditions 3 and 4 but now that the officer's recommendations were to drop condition 3 the only issue concerned the timing of the submission of the PAS 100 application. Given that the reason for production of significant volumes of green waste only started in April and a three month composting cycle was required before test samples could be produced and any application had to be accompanied by such results, the three month period was not technically achievable at present.

4. Nevertheless Land Network wished to work with the Council and supported the general direction of travel in this matter.

The Executive Director responded to the comments as follows:-

1. The plan he had showed that the red boundary line included the link road to Cow Lane.
2. The capacity of the site had been discussed and agreed with the applicant.
3. The concerns about routeing of vehicles to and from the site were an issue. However, if the vehicles were in the ownership of the applicant then it would be possible to enter into a S106 Agreement for the routeing of vehicles going to and from the site but this was not the case with this application.
4. Weighting restrictions were a problem but the applicant's farm included land for this purpose and vehicle movements were exempt.
5. Soil protection was in the remit of the Environment Agency and the areas of spreading compost were covered by permit.

Comments made by the Committee included:-

1. Concerns about whether the Committee had a valid application.

2. It was difficult to distinguish boundaries with the use of black and white print on the plans sent to the Committee.
3. Concerns about the control of wind blown litter from the application site and no mention in the report about its control.
4. Concerns about the control of leachate.
5. Concerns about odour and protection of residents.
6. Distances of the nearest residential sites to the application site needed to be considered as the applicant's land seemed to be nearer to residential properties than indicated on the plans.
7. The increase in complaints about odour to the Environment Agency had shown a dramatic increase in 2011.
8. Would any increase in flies and birds cause safety problems for Sturgate Airfield?
9. Was the compost produced at the application site for public sale?
10. Was a threshold set for odour in the original application?

The Executive Director responded to comments:-

1. Stated that a scheme for the control of odour had been requested from the applicant and this would establish perimeters in consultation with the Environmental Health Officer. Odour was a complex area and could be affected, amongst others, by the area of spread of the compost and ground factors.
2. Condition 10 did not exceed three metres.
3. A condition for fencing had been included in the report to deal with litter.
4. The advice from central government was that a residential property situated 250 metres from the application site was appropriate. However, there were occasions when the odour problem was worse than others especially when material was deposited at certain times of the year. It was a question of what was considered reasonable odour. If the Committee required to examine the specific report on odour this could be brought to the Committee.
5. There had not been any increase in birds or flies at the site.
6. This site was different from a garbage site where the incidence of birds and flies was far greater.
7. Concerns about any liquids being treated on the site had been addressed by conditions.
8. It was not possible to condition to allow for the passing of vehicles to prevent congestion as the link road was in the ownership of the applicant.
9. He explained the types of saleable compost to the public. In this case the spreading of compost on the land was to improve the quality of the land. It was proposed in guidance to move waste higher up the hierarchy to increase the sale of useable compost.
10. Explained how odour was measured.

A motion by Councillor M Tinker, seconded by Councillor M Brookes, it was –

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RESOLVED (nine vote for, one against and two abstentions)

- (a) That consideration of the application be deferred pending a site visit.
  - (b) That the Executive Director report to the next meeting on details about odour control and how it was measured.
- (2) To form a Household Waste Recycling Centre, using the existing concrete surface, comprising the construction of concrete walled bunkers for waste sorting, acoustic fencing along part of north and western boundary of site, metal palisade boundary fence and gates, together with associated roadway markings and bollards at Bradstone Site, Baston Outgang Road, Baston – PMK Recycling Ltd – S7/2760/11

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

Applicant – has made a written request that a decision on the application be deferred until the next Planning and Regulation Committee meeting on 12 March 2012. The applicant has stated that they are extremely disappointed that the comments from Highways have taken 12 weeks to be raised and therefore a deferral is sought to allow them time to respond and address the objection raised.

Local Resident – a further representation has been received which objects to the development on grounds of extra traffic and that the quality of life in the village would be adversely affected.

RESOLVED (unanimous)

That consideration of the application be deferred to the next meeting of the Committee on 12 March 2012.

- (3) To create an irrigation reservoir to serve tree nursery, involving the extraction of sand and gravel and the construction of a pump house at Deeping Gate Trees Nursery, Northfield Road East, Market Deeping – Deeping Gate Trees Ltd – S56/3060/11

RESOLVED (unanimous)

- (a) That the applicant be invited to enter into a Section 106 Planning Obligation requiring appropriate archaeological investigation be undertaken prior to the recommencement of any further development on the site (that is the element which has not already been undertaken, as shown on drawing number DGT/02 “Application Site” (received on 10 November 2011)), including:

intrusive trial trenching;  
the methodology and timetable for subsequent site investigation;  
monitoring;  
analysis;  
a report of the archaeologist's findings to be submitted within an agreed timescale; and the archive of all archaeological work undertaken to be deposited with the County Council's Environment Record, or other public depository willing to receive it.

- (b) that subject to the completion of the Planning Obligation referred to in paragraph (a), the Executive Director be authorised to grant permission subject to the conditions detailed in the report.
  
- (4) Change of use of land to an End of Life Vehicle (ELV) de-pollution, Dismantling and storage facility at a plot off Nursery Road, Riverside Industrial Estate, Boston – Mr M Hussain – B/0518/11

RESOLVED (unanimous)

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

Condition 6 amended to read: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata and the bund wall shall be thereafter maintained whilst ever the development hereby permitted subsists. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

New condition no.8 to read: The retail of scrap metals, vehicle parts, components and other materials from the site shall be restricted to wholesale distribution only. There shall be no direct sale of vehicle parts and components from the site to members of the public.

New condition no.9 to read: Any surface waters derived from the impermeable surfaces shall pass through a petrol/oil interceptor prior to being discharged into any soakaway.

Reasons for conditions:

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6 & 9: To ensure the proper drainage of the site and treatment of surface waters, to prevent the risk of flooding both within and outside the site and to prevent the pollution of the water environment in accordance with PPS25 Policy WLP21(v) of the Lincolnshire Waste Local Plan and Policies G3 and G4 of the Boston Borough Local Plan 1999.

8. To restrict the public sale of goods from the site in the interests of highway safety.

- (5) To change the use from general industrial use (including empty skip storage) to a waste transfer station including empty skip storage at Unit 9a, Westminster Road Industrial Estate, North Hykeham – Lincs Rubbish Clearance – N43/1393/11

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

Highways – no objection as the proposal would not be of detriment to highway safety or traffic capacity.

North Kesteven District Council – have confirmed their records indicate that the existing open sided building present on site has been there for in excess of 4 years and is therefore immune from enforcement action.

RESOLVED (unanimous)

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

- (6) To vary drawing No. 07/TP/0907/01D of condition 2 of planning permission (E)S86/2737/09 to extend the amount of working bay from 30m to 65.5m and include a second weighbridge at Spratt Close, Abigate Industrial Estate, Horncastle – A Riddell & Son (Horncastle) - (E)S86/0013/12

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

Horncastle Town Council – unanimously support the proposal.

RESOLVED (unanimous)

That planning permission be granted to continue development without complying with condition numbers 2, 9, 10, 12 or 20 of planning permission reference E(S)86/2737/09 granted on 1 March 2010 subject to all other conditions set out in the Decision Notice, so far as the same are still subsisting and capable of taking effect, and subject to the new conditions detailed in the report.

- (7) To retain and relocate a mobile washing and screening plant, retain settlement lagoons, and install a filter press, in association with existing inert waste recycling operations at Harmston Quarry, Tower Lane, Harmston – Harmston Waste Management Ltd – N30/0056/12

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

North Kesteven District Council – does not wish to make any observations in respect of the proposal.

Harmston Parish Council - no comments or objections to the proposals.

Lincolnshire Wildlife Trust – (summarised) does not consider this proposal to have any significant adverse impact on the conservation interest of the site over and above the current activities.

Environment Agency – (summarised) has no objection to the proposal subject to a condition requiring the removal of the settlement lagoons within a specified timeframe following the implementation of the development. This is required as the current operational activities in respect of the lagoons represent a potential risk to groundwater and therefore their use should be restricted to a limited time period. A number of Informatives have also been provided which the Agency request be drawn to the attention of the applicant.

Head of Planning – recommends the following additional conditions and Informative be attached to any permission granted:

8. The settlement lagoons as identified on Drawing No. 11106/451 'Application Boundary Plan' – received 27 October 2011 shall be completely removed from the site no later than three months following the implementation of this planning permission.

Reason

To ensure the development is carried out in accordance with approved details, and to minimize the risk of pollution to controlled waters in line with the advice of the Environment Agency.

Informative

The applicant's attention is drawn to the comments made by the Environment Agency in their letter dated 6 February 2012 (ref: AN/2012/113855/01-L01)

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Cllr N Cooper requested that an additional condition be attached which required all vehicles associated with this development to use the wheelwash prior to leaving the site (as per the other planning permissions at the site). The Executive Director agreed to include this additional condition.

RESOLVED (unanimous)

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

8. The settlement lagoons as identified on Drawing No. 11106/451 'Application Boundary Plan' – received 27 October 2011 shall be completely removed from the site no later than three months following the implementation of this planning permission.

9. No heavy goods and/or commercial vehicles associated with the development hereby permitted shall enter the public highway until their wheels and chassis have been cleaned using the approved wheelwash on site and are of a suitable condition so as to prevent the deposition of material on the highway.

Reasons

8. To ensure the development is carried out in accordance with approved details, and to minimize the risk of pollution to controlled waters in line with the advice of the Environment Agency.

9. In the interests of highway safety.

Informative

The applicant's attention is drawn to the comments made by the Environment Agency in their letter dated 6 February 2012 (ref: AN/2012/113855/01-L01)

- (8) To construct water treatment tank 5m high, 12m wide and 53m long located between existing and approved building at Bottle Sorting Plant, Hangar 4, Caenby Corner Industrial Estate, Hemswell Cliff – Hemswell Estates Ltd – W127/128132/11

(NOTE:- Councillor M Tinker declared a personal interest as a member of West Lindsey District Council).

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

Applicant – in response to the Environment Agency's comment (paragraph 12(d) of the report) has confirmed that the water tanks do not impact upon the surface water disposal arrangements that have been approved as part of the wider development.

RESOLVED (unanimous)

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

58. PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS

The Committee received four 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) Supplementary Report - Retrospective planning permission is sought 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 (minute 54 (1), Planning and Regulation Committee, 16 January 2012

The Committee made a site visit on 10 February 2012 and the following members of the Committee had attended – Councillors T M Trollope-Bellew, M Brookes, S F Kinch and S F Williams. The Committee was informed that only those Members who had attended the site visit could discuss and vote on the application.

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

Local Resident – a letter from a Solicitor acting on behalf of an objector to the development has been received. This letter states that the kitchen use has 'blighted' their client's property and devalued the property. It is stated that if planning permission is granted their client may therefore seek to redress any loss through legal action.

Chair of Governors – St Gilberts School – express their support for the development. The school prides itself on being part of the wider community and believe that acting as a 'hub' kitchen for school meals is one way in which the facilities of the site can be unblocked for the benefit of other Lincolnshire schools.

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Head of Planning - the impacts of development on property value is not a material planning consideration and that any claim in respect of 'blight' would need to be pursued through the courts.

Mrs Zee Martin, objector, commented as follows:-

1. The application had blighted the area and reduced property prices.
2. Visual impact from cardboard and bins, etc, in view of her property.
3. The District Council's Environmental Health Officer had had to be summoned on numerous occasions.
4. Height of the kitchen, doors, lights on and loading and unloading all took place in close proximity to my property.
5. Loss of privacy and deterioration in the neighbourhood.
6. The application was more suited to an industrial site.

David Saunders, representing the applicant, commented as follows:-

1. Healthy food introduced into schools and now 98% of primary schools were covered.
2. Catering was not sustainable and therefore the Council had submitted a bid for monies for modern kitchens to be installed.
3. There was very good access for vehicles and it should be noted that the site was a former kitchen.
4. The kitchen only operated during school time and therefore there were limited hours of operation and this applied to delivery vehicles.
5. The provision of screening would be examined.
6. Food trays were locked up early in the afternoon.

Comments made by the Committee included:-

1. Acoustic fencing was required to screen the kitchen area from nearby residential properties.
2. All washing of utensils should be done internally.
3. The parking area used by school staff should be made available for use by the catering vehicles outside of school hours.

The Executive Director stated that it might be possible to use the staff car park overnight but there was a need to ensure that it did not interfere with use of the car park by staff from the school. In connection clarification of the precise location of any acoustic fencing would be required to prevent the loss of light to nearby properties.

RESOLVED (unanimous. Note: only those Members who had attended the site visit were permitted to vote on this application)

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

- (2) To construct new academic buildings for Priory Ruskin Academy and associated landscaping at The Central Technology College, Rushcliffe Road, Grantham – S35/2956/11

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

South Kesteven District Council – no objection to the proposal.

Since the publication of the update the Executive Director reported a further update from Highways as follows:-

The Highway Authority have only objected against the two way access onto North Parade from Running Furrows. They have not objected to using this as an access (subject to on site survey details etc.) and access out using Rushcliffe Road. The option was left open for the contractors to discuss the route with the Highway Authority.

Paul Holmes, representing the applicant, commented as follows:-

1. The proposal would solve the problems of two struggling schools.
2. The Priory Trust was working with the Council to make improvements in education in the Grantham area.
3. There would be a reduction from two to one site which made management better.
4. Work was ongoing highways to improve the local access and egress to the site and to improve facilities for cyclists and vehicles.
5. It was not possible to solve all of the traffic issues as single lane access created some logistical problems.
6. The project was supported by all of the statutory bodies.
7. The project was supported financially by central government and £13m would be lost if the project did not proceed.

Councillor R Wootten, the local Member, commented as follows:-

1. The community who lived in close proximity to the project while supporting the Academy were concerned about the effects of construction and plans for travel.
2. The developers had not fully taken into account that access to this site via Rushcliffe Road could be restricted at peak travel times with HGVs being unable to turn into Sandcliffe Road from Manthorpe Road due to stationary traffic. Therefore, in addition to the restricted construction times these should also apply

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to other heavy vehicles. Those times should only be altered by the County Planning Authority in an emergency.

3. A separate entry route for construction traffic through North Parade. Understood that highways would approve a one way traffic route for construction vehicles with entry gained from North Parade which would alleviate the majority of resident's complaints. Requested further consultation with Highways was carried out before construction began.
4. Page 7 Para 1- Policy MOV1: "Movement and Accessibility" stated that development should encourage sustainable transport networks by offering alternative to the car. He presented photographs taken at random on a dry day in light traffic. When it rained the whole area was gridlocked and even worse when the A1 was blocked.
5. Requested a pre assessment of the carriageway in Rushcliffe Road to be carried out before construction commenced by highways and developers. Should there be any damage to the road surface this would be repaired before the project was signed off and funded by Shepherd Construction.
6. The privacy and boundaries of adjacent residential homes should be protected during and after construction. The assurances given to residents during consultation that fencing and tree planting would be carried out must be kept.
7. The Travel Plan stated that more pupils would travel by cycle or walk was unrealistic with no prospect of a properly constructed additional cycle route on Manthorpe Road until Summer 2013.
8. Staff and traffic movements were material planning considerations. This statement could not be valid. If it was, then any planning proposals that affected any form of traffic planning, must, and could only proceed, on the basis that the proposal put forward would only increase and not alleviate problems. If traffic movements were to be material planning considerations they must include plans for movement throughout the whole process. Other than more parking facilities there were no other plans in place than anything that might come out of unilateral undertaking to address highways matters.

The Executive Director responded to comments as follows:-

1. There was a condition for fencing.
2. Highways had stated that it was proposed to have one way access as there were potential problems using the Bridleway by the applicant.
3. The possibility of asking for an informative re: access and egress could be explored and included in the management plan but there were legal issues as to how this might be achieved.
4. Highways considered the Travel Plan to be acceptable.

Comment made by the Committee included:-

1. They were not happy with some of the comments made by the applicant that if the scheme was not approved then £13m of central government funding would be lost.
2. Clarity about who was responsible for the project as it was an Academy over which the Council had no control.
3. Concerns about gridlock in the area.
4. There was no reference to sustainability in the report, e.g. management of water and the use of carbon neutral heat pumps.

The Executive Director stated that finance for the project was passported to the Council and therefore the Council had control over the project. Also, the Sustainability Statement stated that the use of water was considered to be very good.

A motion by Councillor N D Cooper, seconded by Councillor S F Williams, it was –

RESOLVED (ten vote for, none against and two abstentions)

That consideration of the application be deferred pending the submission of information on the management of water, a carbon reduction plan and control of traffic on the site.

- (3) To construct a waste transfer station with associated weighbridge, single storey office/welfare building, car park and supporting access road and drainage infrastructure at land off Slippery Gowt Lane, Wyberton, Boston-B22/0492/11

Parish Councillor Chester, an objector, commented as follows:-

1. The site was prone to flooding.
2. The Parish Council had not any objection to the site but residents were worried about “rat running” of vehicles.
3. The lack of consultation was a concern. A presentation had been given to the Parish Council on 17 January 2012.
4. The current waste site was well run.
5. The opening and closing times of the site could affect the number of HGVs using the site and therefore the application should be delayed until the traffic matters were sorted.

The Executive Director stated that the hours of operation included weekend working as this was necessary to allow for the acceptance of wastes derived from Household Waste Recycling Centres which were open during the weekends. Traffic movements during weekdays would be largely associated with contract refuse/kerbside collection vehicles.,

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Highways had been consulted about the traffic movements associated with the site and had found them to be satisfactory.

Comments by the Committee included:-

1. The site was identified in the Boston Borough Council Local Plan for this type of development.
2. The application site was opposite a landfill site and therefore vehicles were already visiting the area to deliver waste which would then be transported to Lincoln.
3. It was noted that highways had no objection to the application.

RESOLVED (Eleven votes for and one abstention)

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

- (4) To construct a waste transfer station with associated weighbridge, single storey office/welfare building, car park and supporting access road and drainage infrastructure at land off Marshall Way, Somerby Park, Gainsborough – W33/128070/11

(NOTE:- Councillor M Tinker declared a personal interest as a member of West Lindsey District Council and as the local Member. He stated that he would withdraw from the meeting for this item but before doing so stated that the Town Council had not been consulted about the application until 9 February 2012. However, because the meeting of the Town Council had been inquorate the meeting was not held. He also stated that the wrong Ward Councillors had been consulted by the District Council and that a local business had objected because they considered that the application site was a prime business park and that this type development was inappropriate).

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

West Lindsey District Council – no objections to the proposal subject to additional tree planting on the eastern and western boundaries of the site and consideration being given to relocating the balancing pond to the south western corner of the site and planting hawthorn along the line of the security fence.

The District Council has also confirmed that planning permission for the Marston's Public House/Restaurant (ref: 127741) proposal was also approved at their Development Management Committee meeting on the 8 February 2012.

Head of Planning – soft landscaping has been proposed as part of the development and this includes isolated tree planting and a section of hedgerow planting (along part of the western boundary). Condition 6 as set out in the report requires these works to be carried out. Given the sites location and the fact that future buildings/developments on the Industrial Estate would further screen this proposal in time, it is not considered necessary to require further tree planting along the western and eastern boundaries.

The suggested re-location of the balancing pond from the south-eastern corner of the site to the south-western corner is also unlikely to increase the biodiversity value of the site and would necessitate changes to the site infrastructure (e.g. drainage dykes). The implications of such amendments have not been assessed and in any case are not required in respect of the appropriateness of this development.

Comments by the Committee included:-

1. Was it proposed to take black bin waste to this site?
2. There was odour from a nearby site, there was a prime industrial estate nearby and this application was not appropriate for this site.
3. Concerns that the Town Council had not been given sufficient time to respond to consultation.

Councillor C L Strange stated that he had attended the meeting of Gainsborough Town Council and had been allowed to speak to those present about the proposed application. He stated that the members present had given their full support to the proposals but he appreciated that the meeting was inquorate.

The Executive Director explained the distances of residential properties to the application site, the building design in relationship to residential properties with all exit doors on the building located away from residential properties, that consultations had taken place at the end of November/early December 2011 and the emails on consultation with Gainsborough Town Council were shown as read.

RESOLVED (unanimous)

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

The meeting closed at 1.00pm.