

**PRESENT: COUNCILLOR I G FLEETWOOD**

Councillors P Bedford (Vice-Chairman), D Brailsford, N D Cooper, D R Dickinson, D C Hoyes MBE, H R Johnson, Major R T Newell, J M Swanson, T M Tinker and M Trollope-Bellew.

Also in attendance – Councillors R Renshaw (minute 57) and W S Webb (Executive Councillor for Highways and Transport).

Officers in attendance: Communities – Alan Brown (Area Highways Manager – South), Brian Thompson (Divisional Highways Manager - South Kesteven and Sleaford), Marc Willis (Principal Planning Officer (Development Management), Steve Willis (Assistant Director (Environment, Planning & Customer Services) and Natalie Dear (Planning Consultant); Legal - Charlotte Lockwood (Solicitor, Legal Services); Performance and Governance – Steve Blagg (Democratic Services Officer).

51. APOLOGIES FOR ABSENCE/REPLACEMENT COUNCILLORS

Apologies for absence were received from Councillors M Brookes, R Hills, K Milner and S F Williams.

52. DECLARATIONS OF COUNCILLORS' INTERESTS

No new interests were declared at this stage of the meeting.

53. MINUTES AND MINUTES OF SITE VISIT HELD ON 28 JANUARY 2013

RESOLVED

That the minutes of the previous meeting of the Committee held on 7 January 2013 be agreed as a correct record and signed by the Chairman and that the minutes of the site visit to Clapgate Farm, Ashby Puerorum held on 28 January 2013, be noted.

54. PROPOSED CYCLE FACILITIES AND TOUCAN CROSSINGS IN WHISBY ROAD UPGRADE SCHEME

The Executive Director for Communities presented a report on the responses received to the statutory consultations and public advertisement of the proposed cycle facilities and toucan signal controlled crossings on Whisby Road (part) and Station Road (part), North Hykeham.

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The report detailed the objections received and the response of the Executive Director to the objections received.

On a motion by Councillor N D Cooper, seconded by Councillor P Bedford, it was -

RESOLVED (unanimous)

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

55. TRAFFIC REGULATION ORDERS AND PETITIONS RECEIVED

The Executive Director for Communities presented a report in connection with all current Traffic Regulation Orders and petitions received since the last meeting of the Committee.

RESOLVED

That the Traffic Regulation Orders and petitions received be noted.

56. PLANNING APPLICATIONS RELATING TO COUNTY MATTER DEVELOPMENTS

The Committee received three 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 - A 500kW agricultural Anaerobic Digestion plant that will comprise of an anaerobic digester tank, silage clamps, digestate store and ancillary equipment at Clapgate Farm, Ashby Puerorum, Greetham with Somersby - Bashfarms Ltd - (E)S66/1031/12

(Note: Only those members of the Committee who had attended the site visit on 28 January 2013, were permitted to discuss and vote on the application – namely, Councillors P Bedford, N D Cooper, D R Dickinson, I G Fleetwood, D C Hoyes MBE and J M Swanson).

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

Head of Planning – correction to the report. The third reason for refusal set out in the Planning and Regulation report dated 7 January 2013 has not been included in the latest supplementary report and should read as follows:

3. Policy WLP21 of the Waste Local Plan and Policies A5 and C11 of the

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East Lindsey Local Plan Alteration require that development does not have detrimental landscape or visual impacts and does not harm the distinctiveness of the Area of Outstanding Natural Beauty. Policy A5 also protects important medium and long distance views. The Landscape and Visual Impact Assessment does not satisfactorily demonstrate that the size, scale and siting of the development would not harm the character or scenic beauty of this area of the Area of Outstanding Natural Beauty or be detrimental to its distinctiveness in this location, including when viewed from a nearby Public Right of Way. It is therefore contrary to Policies WLP21, A5 and C11. Policy WLP11 (Anaerobic Digestion) of the Waste Local Plan at Criterion (iv) requires that the proposal meets the criteria set out in Policy WLP21. As the application is not in accordance with Policy WLP21 it consequently is also contrary to Policy WLP11.

Mr Hugh Massingberd-Munday, representing the applicant, commented as follows:-

1. The Lincolnshire Wolds Countryside Service supported the application as there was no visual impact.
2. The application supported economic and environmental targets.
3. The application provided energy for the applicant's farm and the National Grid.

Comments made by the Committee included:-

1. The site visit was useful and had helped the Members to view the issues. The applicant erecting up bales of straw to indicate the height of the proposed buildings had proved particularly useful.
2. The application site was not visible from Greetham Retreat holiday complex.
3. The hedge rows while devoid of leaves at the moment would help to mitigate any views of the application site from both the footpath and the holiday complex.
4. The applicant's access road was off the main Horncastle to Tetford road which was well used and suitable for HGVs.
5. The applicant should tarmac part of his access road leading to the Horncastle to Tetford road. This would help to prevent debris from HGVs coming from his site going on to the main road.
6. Most of the material for the anaerobic digester was from the applicant's farm.
7. The public were interested in viewing new developments on farms such as anaerobic digesters.
8. The silage clamps needed to be well maintained.
9. The scheme demonstrated exceptional circumstances within the Area of Outstanding Natural Beauty as everything was available on the applicant's site and to create the development elsewhere would undermine the benefits of the development in this location.

On a motion by Councillor N D Cooper, seconded by Councillor D R Dickinson, it was -

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RESOLVED (5 votes for and 1 against)

That the Committee is minded to approve the application with conditions, against the recommendation of the Executive Director of Communities to refuse, and that a report be submitted to the next meeting of the Committee.

(2). Supplementary Report - for a change of use to continue to use an area of land for shredding imported wood waste and to use two adjacent agricultural buildings for the storage of the shredded material prior to export off site at Anson's Farm, Swinderby - MEC Recycling Ltd (Agent: A M Hey) - N62/1269/12

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

Applicant – question proposed condition 7. Request the height restriction is increased to 6m as the proposed restriction would prove very restrictive to their operations.

Head of Planning – it is normal practice to restrict storage heights at waste management sites in both urban and rural areas to 3m. Although the adjoining windrows associated with the composting operations are not restricted in height this is due to the operational requirements to manage the composting operations ensures the windrows do not exceed 3m in height. In this particular case the site is located in the open countryside, a Public Right of Way passes very close to the application site and the applicant has provided no exceptional reasons to justify why it is necessary to store material to 6m.

Consequently it is considered that to allow material to be stored to a height of 6m would cause an unacceptable visual intrusion in this location and the proposed condition 7 should remain with a height restriction of 3m.

Mr Andy Hey, representing the applicant, commented as follows:-

1. Supported the content of the officer's report with the exception of the condition in connection with the storage of "waste materials stored outside the building shall exceed 3m in height".
2. Stated that the height of the storage of waste materials had never been discussed with him since consideration of the application at the previous meeting of the Committee.
3. The storage of materials was not visible from the wider area and would not have an adverse visual impact.
4. There already existed agricultural buildings in close proximity which had a height of seven to eight metres.
5. Three metres would require the submission of another planning application.
6. Storage of other materials on the site to six metres had taken place at the site for over eight years.
7. If the applicant was not allowed to store to a height of six metres this would have a detrimental effect on his business.

Comments made by the Committee included:-

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1. Screening of the storage by the planting of suitable trees would help to mitigate the views of the storage area.
2. The Committee had previously approved six metre storage at different sites around the county.
3. The application site was in a remote area.

On a motion by Councillor N D Cooper, seconded by Councillor D R Dickinson, it was –  
RESOLVED (six votes for, 1 against and 1 abstention)

That planning permission be granted subject to the conditions detailed in Appendix C of the report with the exception of Condition 7 being amended to read “No waste materials stored outside the building shall exceed 6m in height” and an additional condition being imposed requiring a scheme of tree planting to be submitted for the written approval of Officers.

(3) For an anaerobic digestion plant comprising of a technical building, digester and storage tanks and ancillary equipment at land located adjacent to Hemswell Cliff Industrial Estate, Hemswell Cliff - Mr Adam Duguid (Agent: G J Perry Planning Consultant) - W127/129257/12

(Note: The Chairman stated that he knew the applicant and would hand the chairing of this application to the Vice-Chairman, Councillor P Bedford. Councillor M Tinker requested that a note should be made in the minutes that he also knew the applicant).

Comments made by the Committee included:-

1. Clarification sought regarding overall height of proposed storage tanks.
2. Asked for clarification on if the proposal was considered to be a departure from the local plan given the development lay outside the allocated business park.
3. The Environmental Health Officer had raised no objection to the proposals.
4. Traffic movements were not significant.
5. The site is well screened from the residents of Hemswell Cliff by the intervening hanger buildings.

The Executive Director responded to comments made by the Committee by confirming the height of the proposed storage tanks and confirmed that the application was not considered to be a departure from the plan as although the application site was outside the allocated Business Park the development was considered to meet the criteria set out in West Lindsey Local Plan Policies ECON1 and STRAT12 (as well as the other relevant planning policies identified in the report) and therefore in accordance with the local plan policies.

On a motion by Councillor N D Cooper, seconded by Councillor M Tinker, it was-

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RESOLVED (nine votes for and none against, Councillor J M Swanson did not vote as he was not present during the discussion)

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

57. PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS

(Note: Councillor D Brailsford requested that a note should be made in the minutes that he was the Executive Councillor for Children's Services and Lifelong Learning).

The Committee received one report from the Executive Director of Communities on a planning application relating to a County Council development.

(1). For a single storey one form entry primary school with two form entry infrastructure at land at Carlton Boulevard, Lincoln - L/1402/12

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

Lincoln City Council – no objections to the proposal. Note that the City Council support the design approach taken for the new school, in particular the contemporary approach taken to the form and materials.

In addition note that the Community Use Agreement must be as robust as possible and should include the use of all sport facilities at the school. Also encourage the County Council to ensure an agreement is put in place prior to the grant of any planning permission that ensures the on-going availability of all facilities to the public.

Also request that consideration is given to the following suggested conditions being imposed on any permission granted:-

- Samples of materials;
- Details of the design of floodlighting and a restriction on the hours of use;
- Tree protection measures are implemented prior to commencement;
- Details of landscaping;
- Details of hard surfacing;
- Details of bat and bird boxes; and

Final BREEAM ratings are submitted on completion of the development.

Michelle Andrews, representing the applicant, commented:-

1. The school was required due to the increased birth rate in the area.

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2. The school would be used by local children which should encourage children to walk and cycle to school.
3. The school was supported by the local community.
4. Both Sport England and the City of Lincoln Council supported the school.
5. Provision for community use of the facilities at the school was in place.
6. The application would have no detrimental effect on highway safety.

Councillor R A Renshaw, the local Member, commented:-

1. Supported the application.
2. All of the local community should have been informed about the application not just through the local newspaper and lamp posts.
2. Concerned about the effects on wildlife by the removal of a hedge.
3. When the school was fully developed the effects of traffic would need to be considered because the amount traffic would have increased to than that shown in the current model. The problem would be aggravated by parents dropping their children off while on their way to work.
4. Inconsiderate parking on the road would obstruct views and the Council should consider introducing a Traffic Regulation Order.

Comments made by the Committee included:

1. Query regarding BREEAM measures.
2. It would be a local school for local people.
3. It would support children walking to school.
4. Concerns regarding the quality of the access.
5. A narrow road would slow traffic down.
6. Acknowledgement that some children would be driven to school and the need to make provision for this.
7. Query regarding a Travel Plan.

The Executive Director responded to comments made by the Committee stating that the applicant had stated the development would achieve a BREEM rating of " Very Good", hedge would not be removed during the nesting season and the conditions in the report addressed the Travel Plan for the school and the Plan would subsequently be reviewed as the intake of children increased.

RESOLVED (11 votes for and none against)

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

The meeting closed at 11.55 am