



**PLANNING AND REGULATION  
COMMITTEE  
4 MARCH 2013**

**PRESENT: COUNCILLOR I G FLEETWOOD**

Councillors P Bedford (Vice-Chairman), D Brailsford, M Brookes, N D Cooper, D R Dickinson, R Hills, D C Hoyes MBE, H R Johnson, K Milner, Major R T Newell, J M Swanson, Trollope-Bellew and S F Williams.

Also in attendance – Councillor W S Webb (Executive Councillor for Highways and Transport).

Officers in attendance: Communities – Neil McBride (Development Manager); Legal – Stuart Tym (Solicitor, Legal Services); Performance and Governance – Steve Blagg (Democratic Services Officer).

58. DECLARATIONS OF COUNCILLORS' INTERESTS

Councillor M Brookes requested that a note should be made in the minutes that his grandson attended the school (minute 61 (4)).

59. MINUTES

RESOLVED

That the minutes of the previous meeting of the Committee held on 4 February 2013 be agreed as a correct record and signed by the Chairman.

60. PLANNING APPLICATIONS RELATING TO COUNTY MATTER DEVELOPMENTS

The Committee received two 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 (minute 56 (1), Planning and Regulation Committee, 4 February 2013)

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(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).

Councillor ND Cooper proposed approval as written.

The Committee agreed that with regard to Condition 6, the bound surface of the access track should be increased from twenty to fifty metres as it was considered that twenty metres was not sufficient length to allow material collected in the wheels of vehicles egressing the site to be dispersed.

On a motion by Councillor I G Fleetwood, seconded by Councillor D R Dickinson, it was –

RESOLVED (five votes for and no votes against)

That, subject to Condition 6 being amended to “...access track to be surfaced with bound material for the first 50 metres from the public highway,” planning permission be granted subject to the conditions detailed in the report.

(2) To extract of 30,000 tonnes of sand and gravel over a six month period and restoration to lake of land adjacent to 5 The Fen, Baston Outgang Road, Baston – Mr and Mrs Freeman – S7/3247/12

Comments by the Committee included:-

1. An enquiry about how close the residential property was to the location of extraction of sand and gravel.
2. An enquiry about dust mitigation measures on the Haul Road.
3. The need to inform the applicant that the extraction of minerals and restoration of the site should be completed in twelve months.
4. An enquiry about the level of the proposed restored area surrounding the lake in comparison to the nearby residential property.
5. An enquiry about the effect of de-watering on the structure of the residential property.
6. It was noted that the extraction of minerals was only for a short period and that the restoration of the site would provide an improved outlook for the resident of the nearby property.
7. The need to refer to the specific planning policy in the National Planning Policy Framework when the Decision Notice was issued.

The Development Manager responded:-

1. The residential property was ten metres from the nearest point of extraction.
2. The contouring and grading of the restored site in comparison to the location of the residential property was explained.
3. The dust suppression measures for the Haul Road were detailed in the report.

4. The effects from de-watering on the residential property were minimal as numerous other similar operations already existed in the area.

A motion was moved by Councillor S F Williams, seconded by Councillor D R Dickinson, that planning permission should be granted subject to the conditions in the report.

An amendment was moved by Councillor N D Cooper, seconded by Councillor J M Swanson, that planning permission should be refused due to the cumulative effect of this proposal with others in the vicinity of residents, was defeated by three votes for and ten votes against.

The motion by Councillor S F Williams, seconded by Councillor D R Dickinson, it was –

RESOLVED (ten votes for and one vote against)

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

(b) That the applicant be informed that the Committee wishes to see the extraction of minerals and restoration of the site completed in twelve months.

(c) That the Decision Notice issued detail the planning policies in the National Planning Policy Framework.

61. PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS

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

(1) Section 73 application to vary condition No. 17 of planning permission N43/1186/08 at Lincolnshire Energy from Waste Facility, Paving Way, North Hykeham – N43/1295/12

Since the publication of the report a comment had been received as follows:-

Development Manager – the plan attached to the Committee report shows the site of a previous application therefore a plan showing the correct site is attached.

The wording of the condition should be changed from construction to commercial waste.

Sean Kent, representing the applicant, commented as follows:-

1. Outlined the history of the development of the Energy from Waste (EfW) plant.
2. Provided information on the amount of waste the EfW plant was able to treat.
3. Stated that forecasting waste arisings was a difficult task.
4. Outlined the effects of the recession on waste arisings.

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5. Stated that as a result of the application there was no need to change any technical aspects of the EfW plant.
6. Stated that no consultee had objected to the planning application.

The applicant and Development Manager responded as follows:-

1. The EfW plant did not take waste from Household Waste Recycling Centres but only household waste from the kerbside.
2. The application was a short term solution to overcome the effects of the recession which had seen a reduction in waste arisings. In the long term, increased economic activity and housing development would increase waste arisings.
3. Highlighted the flexibility of the contract which allowed waste to be diverted from landfill, e.g. waste from cafes, to the EfW plant.
4. The EfW plant was a production plant not a storage plant. The collection of waste was managed by the District Councils and stored at the Waste Transfer Stations for transport to the EfW plant.
5. Gave details of the landfill tax based on one tonne of waste and this would increase in the future.
6. The conditions for approval stated that the commercial and industrial waste would need to comply with the Environmental Permit and the Waste Incineration Directive which would control emissions from the facility to acceptable levels.
7. There was a holding bay for waste at the EfW plant which would allow any harmful waste to be removed.
8. The response from the Environment Agency to consultation was read out to the Committee.
9. An Informative instead of a Condition was preferred in the Decision Notice to inform the applicant about the type of industrial and commercial waste being sent to the EfW plant.

On a motion by Councillor N D Cooper, seconded by Councillor T M Trollope-Bellew, it was –

RESOLVED (twelve votes for and no votes against)

(a) That this report forms part of the Council's statement pursuant to Regulation 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 offices specified information regarding the decision pursuant to Regulation 24 (c) the Council must make available for public inspection a statement which contains:

- (a) The content of the decision and any conditions attached to it;
- (b) The main reasons and considerations on which the decision is based including if relevant, information about the participation of the public;
- (c) A description when necessary of the main measures to avoid, reduce and if possible offset the major adverse effects of the development; and

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(d) Information regarding the right to challenge the validity of the decision and the procedures for doing so.

(b) That planning permission be granted to construct an Energy from Waste facility for treatment of waste with related access, servicing and car parking without complying with Condition 17 attached to the Council's Decision Notice reference N43/1186/08, dated 31 July 2009, subsequently amended by the Council's Decision Notice reference N43/0546/11, dated 26 July 2011, subject to all other conditions set out in those Decision Notices and requirements of the Unilateral Planning Obligation dated July 2009 so far as the same are still subsisting and capable of taking effect and subject to a new Condition 17 as amended by the Committee and new Condition 18 as set out below:

17. Only municipal and commercial and industrial waste shall be brought to the site for processing. During any twelve month period only a maximum of 30,000 tonnes of commercial and industrial waste shall be brought to the site. All waste brought to the site shall be weighed at the site's weighbridge and details of the origin (i.e. municipal or commercial and industrial) of the waste recorded. The weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request and

18. That all waste materials processed at the site be in accordance with the current Environmental Permit in place for the site.

(2) To construct a bus stop lay-by at Grimoldby Primary School, Tinkle Street, Grimoldby - (E)N67/0088/13

On a motion by Councillor S F Williams, seconded by Councillor P Bedford, it was -

RESOLVED (unanimous)

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

(3) To construct a four classroom extension and extend hard play area at Westmere CP School, Anne Road, Sutton Bridge - H18/0018/13

(Note: Councillor H R Johnson requested that a note should be made in the minutes that he was a member of the South Holland District Council's Planning Committee. Councillor S F Williams requested that a note should be made in the minutes that he was Chairman of the Children and Young People Scrutiny Committee when this planning application was considered by that Committee and added that at that the same Committee meeting the local Division Member had had concerns about access issues. Councillor D Brailsford requested that a note should be made in the minutes that he was the Executive Support Councillor for Children's Services and Lifelong Learning).

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At the Chairman's discretion, Michelle Andrews, representing the applicant, was permitted to speak and commented as follows:-

1. She had attended a site visit with the local Division Member, Councillor C J T H Brewis, the Executive Support Councillor for Economic Development, Councillor N Worth and the Highways Officer. They had inspected the alternative access and had been present at the start and close of the school day. Any use of the alternative access, which was currently a dirt track, would require permission as the land was owned by a third party. However, its use would have an impact on local residents.
2. The comments made by local residents had been considered.
3. Consideration would be given to installing a grass scree a car park dropping off point with a time limit of twenty-thirty minutes.

Comments made by the Committee included:-

1. The application was not in compliance with the planning policies of South Holland District Council and would have an adverse effect on the local community.
2. Travel Plans did not work.
3. The viability of the alternative access to the school was uncertain.
4. Cycling storage facilities needed to be provided to encourage children to cycle to school.
5. A site visit was required to understand the concerns of local residents and to visit the alternative access.
6. Flat roofs were undesirable and only had a twenty five year life span.

The Development Manager stated that it would be necessary to withdraw the application if the Committee decided that they wished to require an alternative access to the school. It would be necessary to examine the provision of a flat roof and report back to the Committee.

A motion, moved by Councillor S F Williams, seconded by Councillor H R Johnson, that the application be deferred for a site visit was defeated by five votes for and eight votes against.

A motion moved by Councillor I G Fleetwood, seconded by Councillor T M Trollope-Bellew, it was –

RESOLVED (twelve votes for and no votes against)

That the application be deferred pending a further report on the erection of a four classroom extension without a flat roof.

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(4) To construct a single storey duo-pitched roof extension to the front north-facing elevation of the school to create a new school hall. The proposal would also comprise some internal remodelling to provide two further usable rooms within the school at Swineshead St Mary's C of E School, Abbey Road, Swineshead - B19/0011/13

(Note:- Councillor M Brookes requested that a note should be made in the minutes that he was a member of Swineshead Parish Council and was present at a meeting when this application had been discussed but had neither taken part in the discussion nor voting thereon. He stated that following a request from the daughter in law of the neighbouring property owner to respond either in favour or against the application he had informed the daughter in law that in his capacity as a member of the Committee he was unable to pre-determine the application).

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

Local Resident – neighbouring resident has written indicating that she would have liked to attend the meeting but due to her age (90) and lack of mobility was not able to do so. However, would like her views to be taken into account which are as follows (summarised):-

- Enjoys looking out of the window watching the children coming and leaving school, but this will not now be possible due to a 25ft high building and fence to be erected removing the visual amenity currently enjoyed.
- Draw attention to what she understands to have been an agreement put in place when her family sold the land to build the school. This was that no development connected with the school would be built to overlook her property.
- This was not included as a clause in the contents which is now seen as an oversight as it was a Gentleman/s Agreement.
- Question why the development is being constructed at the front when the school claims it does not have enough land for parking and access but is taking some of it away.
- Rear of the school is a large area of space used only at playtimes which could be restructured to form a new playground at no cost to the children and the extension would only take a small part of this.
- Request the project is examined again to move the extension from my property and for the front of the school to be used for more parking not less.

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- Request the Committee undertake a site visit to appreciate what is taking place and view the traffic chaos from 2.45 to 3.20pm outside the school
- Note that unable to talk to my local councillor as he is a member of the Planning Committee and is unable to speak to me. Consider if there is no one to hear my voice the democratic rights have been removed.

Development Manager – attach a revised Committee plan showing the correct details.  
Michelle Andrews, representing the applicant, commented:-

1. Outlined the reasons for the proposed development.
2. The use of the school hall by the local community was left to the discretion of the school.
3. All options had been considered and the option before the Committee was considered the best option.
4. The installation of opaque glass could be used to prevent intrusion into the neighbouring property.

Comments by the Committee included:-

1. An enquiry about the agreement between the school and the local neighbour that any extension to the school would not overlook the neighbouring property.
2. The possible use of an alternative access currently used by grounds maintenance.
3. The provision of grass scree for a car park for staff at the rear of the building.
4. Construction traffic should be restricted from “14:45” (not “15:15” as detailed in Condition 4 in the report) - to “16:00 hours”.
5. The neighbouring resident thought that a covenant existed between her and the school in connection with any development at the school not overlooking her property. She was also concerned about traffic.
6. Why was an extension being built on the front of the school when it was more appropriate to build the extension at the rear of the school although it was noted that this was because of the views of Sport England?
7. An additional 400 houses were proposed for Swineshead and therefore there was a need to find alternative sports facilities.
8. The amenity of the local resident was affected by the close proximity of the development.
9. The local community would want to use the facilities in the new school hall.

The applicant stated that the alternative access to the school had been examined and dismissed as unsuitable.

The Development Manager stated that the school was deficient in playing field facilities and Sport England would object to the loss of any land at the rear of the school. The proposed extension met the proximity test in terms of its distance from the neighbouring property and that the resident had a reasonable level of amenity. Disabled toilets would

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be provided in the new extension and the school had been in discussions with the Parish Council in connection with community use of the facilities in the proposed extension.

On a motion by Councillor S F Williams, seconded by Councillor T M Trollope-Bellew, it was –

RESOLVED (nine votes for and no votes against. Councillor K Milner did not vote as he was not present during the discussion. Councillor D R Dickinson left the meeting during this item and took no part in the discussion nor the voting thereon).

That, subject to “15:15” being amended to “14:45” in Condition 4, planning permission be granted subject to the conditions detailed in the report

(5) To improve Chapel Point Nature Area, for visitors and wildlife, comprising, signs, surfaces, paths, new pond and picnic table, as part of the wider Lincolnshire Coastal Country Park project at Chapel Point Nature Area, St. Leonards Drive, Chapel Point, Chapel St Leonards - (E)S31/0073/13

On a motion by Councillor S F Williams, seconded by Councillor N D Cooper, it was -

RESOLVED (unanimous)

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

The meeting closed at 12:30pm