

**PLANNING AND REGULATION
 COMMITTEE
 6 JUNE 2016**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D McNally (Vice-Chairman), J W Beaver, D C Hoyes MBE, D M Hunter-Clarke, M S Jones, Ms T Keywood-Wainwright, N H Pepper, Mrs H N J Powell, Mrs J M Renshaw, C L Strange, T M Trollope-Bellew, W S Webb and R A Renshaw

Councillor C J Davie attended the meeting as an observer

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Graeme Butler (Project and Technical Support Manager), Debra Greeves (Principal Highways Officer), Andy Gutherson (County Commissioner for Economy and Place), Mark Heaton (Area Highways Manager (Grantham)), Neil McBride (Planning Manager), Rowan Smith (Area Highways Manager (South)) and Mandy Wood (Solicitor)

1 APOLOGIES/REPLACEMENT MEMBERS

An apology for absence was received from Councillor D Brailsford.

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillor R A Renshaw to the Committee, place of Councillor G J Ellis, for this meeting only.

2 DECLARATIONS OF MEMBERS' INTERESTS

It was noted that members of the Committee had received a letter from the Priest in Charge of Crowland Abbey about the parking arrangements proposed by the Council outside of Crowland Abbey (minute 81).

Councillor T M Trollope-Bellew requested that a note should be made in the minutes that, in his capacity as the local Member, he had been made aware of an email, dated 3 June 2016, from the Headteacher of Baston CoE Primary School in connection with events taking place at the School on the day of the site visit by the Committee on 24 May 2016. He stated and that the application had been discussed at meetings of Baston Parish Council but he had not participated when the application had been discussed (minute 16).

Councillor N H Pepper requested that a note should be made in the minutes that because he had pre-determined the application by means of objecting to the proposals in the report before consideration by the Committee, he would speak as the local Member and would not vote. He also requested that a note should be made

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in the minutes that he was employed by a funeral firm in Crowland whose hearses regularly visited Crowland Abbey.

3 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND
REGULATION COMMITTEE HELD ON 9 MAY 2016

RESOLVED

That the minutes of the previous meeting of the Planning and Regulation Committee held on 9 May 2016, be approved as a correct record and signed by the Chairman.

4 MINUTES OF THE PLANNING AND REGULATION COMMITTEE SITE
VISIT TO BASTON CHURCH OF ENGLAND PRIMARY SCHOOL,
BASTON ON 24 MAY 2016 (PLANNING APPLICATION NO. S7/0287/92)

RESOLVED

That the minutes of the site visit by the Committee to Baston C of E School on 24 May 2016 (application No. S7/0287/92), be agreed as a correct record.

5 TRAFFIC ITEMS

6 NAVENBY, HIGH STREET AREA - PROPOSED WAITING RESTRICTIONS

The Committee received a report in connection with comments and objections received during the consultation and public advertising of proposed parking restrictions along the High Street and adjacent junctions at Navenby.

The report detailed the existing conditions, the proposal, comments received on the proposals and the comments of officers on the comments received.

On a motion by Councillor I G Fleetwood, seconded by Councillor W S Webb, it was –

RESOLVED (unanimous)

That the objections be overruled and the proposals as advertised and detailed on the plan at Appendix B of the report, be implemented.

7 BEER AND BEAN PUBLIC HOUSE, SOUTHGATE, SLEAFORD -
PAVEMENT CAFÉ LICENCE APPLICATION

The Committee received a report in connection with an objection received during the formal advertisement of this application for a pavement café licence by the Beer and Bean Public House, Sleaford.

The report detailed the proposal, consultations, the objection received and the comments of officers on the objection.

On a motion by Councillor M S Jones, seconded by Councillor T M Trollope-Bellew, it was -

RESOLVED (unanimous)

That the objection be overruled and the licence be granted.

8 PROPOSED INSTALLATION OF WAITING RESTRICTIONS - CHURCH LANE, CROWLAND

(Note: Councillor C L Strange arrived in the meeting)

The Committee received a report in connection with objections received during formal consultation to introduce a No Waiting At Any Time Traffic Regulation Order at Church Lane (junction with East Street).

The report detailed the proposal, consultations, objections received and the comments of the officers on the objections received.

Officers stated that since the publication of the report a letter from the Priest in Charge of Crowland Abbey had been received suggesting that yellow lines proposed in front of the Church were not appropriate, were visually intrusive, could cause issues for the Civil Parking Enforcement Officers and requested that the area extending from immediately in front of the main church gates up to the entrance to the main car park on East Street should be exempt from the proposed yellow lines.

Councillor N H Pepper, the local Member, commented as follows:-

1. He had lived in Crowland, near the Abbey, for many years.
2. He was a Funeral Director and had arranged numerous funerals at the Abbey.
3. The parking of Funeral and Wedding vehicles had never been an issue outside of the Abbey.
4. The Abbey had two car parks, there was a grassed area for parking and there was plenty of provision for parking.
5. He made reference to a person in a wheel chair who had contacted highways about problems negotiating the narrow bend on Church Street and he had never seen any cars park on this bend. Infact, this person, along with most people, took a shortcut through the Abbey carpark to avoid this bend but this was not recommended by the "wheel chair" service.
6. He would prefer not to see yellow lines outside of the Abbey, including the adjacent car park, and noted that the local District Councillor and Parish Council supported his views.
7. He had received a letter from the mother of the person in the wheel chair stating that it was not safe to negotiate Church Lane on the bend and preferred to use the shortcut through the car park near the Abbey. However, the "wheel chair" service had recommended that the person should use Church Lane because of the poor surface of the car park.
7. He had offered to meet officers on site to examine the situation but his request had not been met. However, he was open to discussions with officers.

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Officers stated that they agreed with Councillor N H Pepper's comments in connection with parking on Church Lane adding that this road was only used heavily when there were events at the Abbey, stated that some people did park on the blind bend on Church Lane and added that they were unaware of the letter from the mother of the disabled person and had been informed before this letter was known about that the disabled person could not use the short cut route in the adjacent car park next to the Abbey.

Comments by the Committee and responses by officers, where appropriate, included:-

1. The Traffic Regulation Order while appropriate on a blind bend was not appropriate in front of the Abbey and adjacent car park.
2. There was an issue of vehicles being parked at the "pinch point" on Church Lane especially during funerals and weddings.
3. "H" bars should be used instead of yellow lines. Officers stated that "H" bars were only advisory.
4. Funerals were sensitive occasions and therefore the use of yellow lines outside of the Abbey was inappropriate.
5. Any amendments to the proposals before the Committee would require officers to re-consult.
6. It was illegal to park within 15 metres of a bend.

Councillor N H Pepper stated that it was not easy for the disabled wheel chair user to use the Abbey car park because the surface was gravel, that Crowland Abbey was a Grade 1 Listed Building and that the "pinch point" on Church Lane was difficult for vehicles to pass at the most times.

On a motion by Councillor I G Fleetwood, seconded by Councillor W S Webb, it was –

RESOLVED (12 votes for and 0 votes against. Councillor N H Pepper did not vote as previously described in minute 2. Councillor C L Strange did not vote as he arrived in the meeting during this item).

That the proposals detailed in the report be rejected and that officers, in consultation with the local Member, give consideration to alternative proposals.

9 PROPOSED EXTENSION OF WAITING RESTRICTIONS - EAST STREET, CROWLAND NEAR THE JUNCTION WITH HALL STREET

The Committee received a report in connection with an objection received during the formal consultation to extend No Waiting At Any Time Traffic Regulation Order by 18 metres in East Street, Crowland near the junction with Hall Street (past the front of the Abbey Hotel).

The report detailed the proposal, consultations, the objection received and the comments of officers on the objection received.

On a motion by Councillor H N Pepper, seconded by Councillor T M Trollope-Bellew, it was -

RESOLVED (unanimous)

That the objection be overruled and that the Order be confirmed as proposed at consultation.

10 A607 CLIFF ROAD, FULBECK - INTRODUCTION OF 30MPH SPEED
LIMIT ALONG CLIFF ROAD, FULBECK

The Committee received a report in connection with the introduction of a 30mph speed limit along Cliff Road, Fulbeck.

The report detailed the proposal and consultations. Officers stated that no objections had been received during the consultation period. However, the proposal had been brought to the Committee for consideration as it was a borderline case and the Committee's approval should have been obtained before undertaking the consultations as required within the new Policy.

On a motion by Councillor T M Trollope-Bellew, seconded by Councillor Mrs H N J Powell, it was –

RESOLVED (13 votes for, 0 against and 1 abstention (Councillor W S Webb requested that a note should be made in the minutes that he abstained from voting because there were similarities with a similar issue in another part of Highways (South) Division where a request had not been progressed)

That a 30mph speed limit be introduced along Cliff Road, Fulbeck for the extent of the existing 40mph speed limit.

11 TRAFFIC REGULATION ORDERS - PROGRESS REVIEW

The Committee received a report in connection with the current position on all Traffic Regulation Orders and petitions received.

RESOLVED

That the report be noted and the receipt of petitions be noted

12 COUNTY MATTERS DEVELOPMENTS

13 SECTION 73 APPLICATION TO VARY CONDITIONS 4(A) AND 23 OF
PLANNING PERMISSION (E)S189/1353/99, AS AMENDED BY PLANNING
PERMISSION (E)S176/1876/03 AT WOODHALL SPA QUARRY,
TATTERSHALL THORPE - AGGREGATE INDUSTRIES LIMITED -
(E)S176/189/0443/16

Graeme King, representing the applicant, commented as follows:-

1. Quarrying had taken place at this location for over 60 years.
2. The application represented an opportunity for the Company to maintain continuity of materials supply during the period when the Section 106 Agreement for the main extension area was being finalised as well as allowing for the discharge of the pre-development conditions at a time when remaining permitted reserves within the quarry were very limited.
3. Mineral extraction was explained.
4. The application was seeking permission to reduce the width of the strip currently supporting the conveyor from 10m to 5m but incorporating a shallower, more stable final slope to ensure bank protection of the adjoining Old River Bain.
5. The existing operation had limited reserves remaining and the planning application would, if granted, provide a further 50,000 tonnes of mineral, extend the life of the operation for a further six months and ensure continuity of supply to its customers.
6. Although only a modest extension, the planning application was accompanied by an Environmental Impact Assessment which demonstrated that the mineral could be worked in a way which did not give rise to any adverse impact to the adjoining Old River Bain and therefore planning permission was requested subject first to the Company entering into a Section 106 Agreement to deal with lorry routeing and site aftercare.

Graeme King responded to questions from the Committee including concerns about the narrower strip for the conveyor. This had been raised initially by the Environment Agency and the company had now reassured the Environment Agency that adequate bunding would be provided to accommodate the conveyor.

Comments by the Committee and responses by officers, where appropriate, included the following:-

1. The application was supported by the local Member for Woodhall Spa who noted that there had not been any objections from local people and that there was sufficient room for machinery used by the Environment Agency.
2. Officers stated that the concerns expressed by East Lindsey District Council's Environmental Health Officer in connection with the migration of contamination from the adjacent tar lagoons along the Old River Bain, had been addressed and the Environmental Health Officer had been re-consulted and was now satisfied. Officers stated that this was also addressed by a condition in the report.
3. Officers stated that this condition addressed monitoring arrangements with regard to the lagoons adjacent to the Old River Bain.

On a motion by Councillor H N J Powell, seconded by Councillor D J Hoyes MBE, it was –

RESOLVED (12 votes for and 0 votes against. Councillors T M Trollope-Bellew and Mrs J M Renshaw did not vote as he was not present during the presentation of the report by officers)

(a) That the applicant be invited to enter into a Section 106 Planning Obligation in relation to:-

- ensure that all sand and gravel extracted and removed from the application site is initially taken to the existing processing plant for processing or stockpiling for onward sale;
- vehicle routing;
- preventing the flooding of land within the application site except for such parts that are due to be restored to water bodies in accordance with an approved scheme and facilitate the agricultural or other after-use of that land by carrying out drainage operations;
- to maintain the clay seal of any peripheral embankments;
- ensure that all water discharged from any part of the application site is settled before it is permitted to enter any watercourse, culvert, pipe or drainage channel and no residual sludge to be permitted to enter any watercourse or drainage channel;
- take all practicable steps to ensure that there is no pollution of any such watercourse arising out of or caused by the drainage operations referred to; and
- allowing the hedge located along the western boundary of Tattershall Road to reach a height of 2 metres and thereafter be maintained at that height.

(b) That, subject to the conclusion of Planning Obligation in (a) above, the Executive Director, Environment and Economy be authorised to grant planning permission subject to the conditions detailed in the report; and

(c) That the 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's Offices specified information regarding the decision. Pursuant to Regulation 24(1)(c) the Council must make available for public inspection a statement which contains:-

- content of decision and any conditions attached to it;
- main reasons and considerations on which decision is based;
- including if relevant, information about the participation of the public;
- a description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
- information recording the right to challenge the validity of the decision and procedure for doing so.

- 14 ERECTION OF A BIOGAS TO GRID ANAEROBIC DIGESTION PLANT TO COMPRISE 3 DIGESTATE TANKS, 3 SILAGE CLAMPS, TECHNICAL OPERATIONS BUILDING, STORAGE LAGOONS, DIGESTATE STORAGE LAGOON, SURFACE WATER ATTENUATION LAGOON, COMBINED HEAT AND POWER UNIT (CHP), GAS FLARE, GAS UPGRADING SYSTEM (GUS), GAS COOLING GRID, GAS STORAGE TANKS, PADDLE DRYER AND ANCILLARY EQUIPMENT AT LAND EAST OF A1, GONERBY MOOR - MOOR BIOENERGY LTD - S37/0354/16

Officers stated that since the despatch of the report, comments had been received on the application from Colin and Marion Weightman, Marcol, Pinfold Lane, Marston, near Grantham, in an email, dated 5 June 2016. The comments by Colin and Marion Weightman included:-

1. Concerns about the amount of tonnage (33,000) of farm waste from a ten mile radius of the plant and questioned how this was possible in view of the low number of dairy and pig farms in the area.
2. Having spoken to farmers they all wanted their own manure to benefit their land, which also had a cost saving over artificial manure.
3. There was a smell from manure and slurries and without this product, the only way to make it cost effective would be to use food waste or sewerage, which would smell.
4. Requested that the Committee should not allow food waste or sewerage to be used there in the future.

Officers stated that conditions in the report addressed the concerns expressed by Colin and Marion Weightman, restricting the types of waste that could be brought to the site excluding food waste and sewerage.

Alan Presslee, representing the applicant, commented as follows:-

1. He explained how the plant would work, its benefits, including production of renewable energy; significant reductions in CO2 emissions; sustainable development benefiting the local rural economy; enhanced soil conditioning through the production/use of bio-fertiliser; and support for broader renewable energy policies expounded by national and Development Plan policies.
2. The application was comprehensive and thorough and had been informed by a range of supporting studies and assessments, including, amongst others, odour, transport, flood risk, habitat, archaeology and landscape.
3. Had addressed, to their satisfaction, all matters raised by your officers and other consultees during the course of the application, concluding that the proposals met in full the provisions of the Development Plan.

Alan Presslee responded to questions from the Committee as follows:-

1. He was satisfied that the proposed 55,000 tonnes of mixed feedstock per annum, comprising approximately 60% farm waste and 40% purpose grown energy crops was correct.
2. There was no intention to use food waste.
3. Routing of vehicles visiting the plant had been agreed in consultation with Highways. The A1 was the main access to the plant.

4. The applicant was confident he would get approval from the owner of the private access road to his site.
5. It was not proposed to store straw on the site.

Following an enquiry by the Committee, officers stated that the results of the Archaeological Desk Based Assessment were addressed by conditions detailed in the report.

Further comments by the Committee included:-

1. The application site should be located closer to industrial development.
2. The use of a large acreage of land for the production of energy crops should be used instead of for food production.
3. Concerns about the effect of extra traffic on local villages including Marston.

On a motion by Councillor I G Fleetwood, seconded by Councillor N H Pepper, it was –

RESOLVED (7 votes for, 1 vote against and 5 abstentions (Councillor C L Strange requested that a note should be made in the minutes that he had abstained)

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

15 COUNTY COUNCIL DEVELOPMENTS

16 SUPPLEMENTARY REPORT - TO REMOVE CONDITION 4 OF PLANNING PERMISSION S7/0287/92 (VEHICULAR PARKING) AT BASTON CHURCH OF ENGLAND PRIMARY SCHOOL - S7/0478/16

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

Local Resident – Attention should be drawn to the fact that sports day was held on 26 May. Parking was so bad by parents attending the school in the surrounding streets that residents were blocked in and the refuse lorry could not access some streets. The school wrote to residents affected offering an apology, but this highlights how problematic parking is and how badly the surrounding streets would be affected if this application is approved.

Officers stated that since the publication of the update a further response to consultation had been received from Rebecca Mills, Headteacher of Baston CoE Primary School, by email, dated 3 June 2016, stating that it was important for the Committee to know that at the same time as the site visit on 26 May 2016, the schools' sports day had been held, the school drive and turning circle was full of cars, hot lunches for the children could not access the school and no cars could get pass one another on the circle.

Rebecca Mills, on behalf of the applicant, commented as follows:-

1. She was unable to attend the meeting on 9 May 2016, but this was the beginning of Year 6 SATs week and needed to put children's safety first.
2. She was pleased to hear that the Committee had made a site visit.

3. First time in my three years as Headteacher that I know of any member of the Council or Parish Council to visit the school site to assess our parking situation.
4. She supported conditions 1 and 3 detailed in the report.
5. Condition 2 must be excluded. This condition outlines the precise reason why we are here in the first place – which was to remove any condition that required us to allow all parents to drive on to the school site during the peak times of the school day.
6. Condition 3, which expressly permits the parents of 191 pupils to drive onto the site at the start and end of the day, contradicts condition 3.
7. Should condition 2 be approved then all drivers would see as their right to drive on to the site.
8. As a school if condition 2 was approved this would go against the case for sustainable transport.
9. The site visit on 24 May 2016 coincided with other events on that day at the school including, amongst others, a visit by ground contractors and the school cricket team returning.
10. A rise in the number of pupils on roll but the school still had a responsibility for the safety of children.

Following questions from the Committee, Rebecca Mills responded as follows:-

1. The presence of a coach was a regular occurrence.
2. The qualifications of the school's Safeguarding and Health and Safety Co-ordinator was outlined.
3. The use of the Barn by the school to park cars was a one-off because the staff car park was full.
4. It was important to have measures in place to control access to the school by all parents with the exception of parents with children with special needs.
5. The change of use of the island at the circle as replacement parking would require the backing and funding from the County Council.

Comments by the Committee and the responses of officers, where appropriate, included:-

1. It was noted that the speed limit was 5mph on the access road leading to the school.
2. It was noted during the site visit that contractor's vehicles had blocked some of the access route.
3. Access to emergency vehicles would have been prevented during site visit.
4. It was noted that during the Barn blitz cars had been parked on the school's play area.
5. A fire engine weighed as much as six "Chelsea tractors".
6. The school had existed for twenty five years and in that time a lot of things had changed including a large increase in the number of children on roll, more parents lived some distance away from the school and parents wished to get as close as possible to the school to deliver their children.
7. Maintenance personnel normally had fixed schedules when visiting schools.
8. Only those parents with children with special needs, delivery vehicles, maintenance personnel should only be allowed to park on the school site.
9. Children's safety was paramount. Had the Road Safety Partnership been consulted? Officers stated that the application had been assessed by Highways and they did have concerns about the removal of any of the conditions proposed by officers as the current situation relied upon the use of the car park at the local Public House and there was no guarantee of its use in the future for parent parking. Officers also stated that if the school

did not provide on school parking for parents then on-street parking would be aggravated.

10. There were examples of schools having "in" and "out" similar to Baston CoE Primary School such as the primary school approved by the Committee in Skegness.

11. Should condition 2 be removed there was nothing to prevent the school closing the school gates.

12. It was the school's responsibility to manage its parking.

A motion by Councillor T M Trollope-Bellew that the officer's recommendations should be rejected, was not seconded.

A motion by Councillor Mrs H N J Powell, seconded by Councillor Mrs J M Renshaw, that the recommendation of the officers, as detailed in the report should be approved, with the exception of condition 2, was lost by 4 votes for and 5 votes against.

A motion by Councillor D McNally, seconded by Councillor I G Fleetwood, that the recommendation of officers, as detailed in the report should be approved, was lost by 3 votes for and 6 votes against.

Officers explained that as none of the motions put to the Committee had been successful then the application was refused as there were no further motions to vote on..

It was agreed that officers would bring a report to the next meeting setting out a reason for the application to be refused for the Committee to endorse.

RESOLVED

That officers submit a report to the next meeting setting out a reason for the application to be refused for the Committee to endorse.

The meeting closed at 1.05 pm