

**PLANNING AND REGULATION
 COMMITTEE
 4 JULY 2016**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D McNally (Vice-Chairman), J W Beaver, D Brailsford, G J Ellis, D C Hoyes MBE, 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 and W S Webb

Councillors: A M Austin attended the meeting as observers

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Jeanne Gibson (Area Highways Manager (City of Lincoln)), Andy Gutherson (County Commissioner for Economy and Place), Sean Kent (Group Manager, Environment Services), David Kerfoot (Solicitor), Neil McBride (Planning Manager), Marc Willis (Applications Team Leader) and Mandy Wood (Solicitor)

17 APOLOGIES/REPLACEMENT MEMBERS

An apology for absence was received from Councillor D Hunter-Clarke.

18 DECLARATIONS OF INTERESTS

Councillor T M Trollope-Bellew requested that a note should be made in the minutes that he had attended meetings of Baston Parish Council when this matter had been discussed but he had not participated in the debate (minute 27).

19 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 6 JUNE 2016

RESOLVED

That the minutes of the previous meeting of the Planning and Regulation Committee held on 6 June 2016, were agreed as a correct record and signed by the Chairman, subject to the following amendments:-

(a) Minute 8 – at No. 7 of paragraph four delete the words – "preferred to use" and add the words – "had used".

(a) Minute 10 – add "RESOLVED" – "That a 30mph speed limit be introduced along Cliff Road, Fulbeck, for the extent of the existing 40mph speed limit".

(b) Minute 13 under "RESOLVED", second line, delete the words "he was" and add the words "both were".

(c) Minute 14, page 14, under "Comments by the Committee", No. 4, delete the words "Barn blitz" and add the words "Baston in the blitz".

20 TRAFFIC ITEM

21 BRAYFORD WHARF EAST, LINCOLN - PROPOSED ONE WAY AND TRAFFIC REGULATION ORDERS AND HIGH STREET (BETWEEN ST MARK STREET AND WIGFORD WAY), LINCOLN - PROPOSED PEDESTRIAN ZONE AND ONE WAY ORDER

The Committee received a report in connection with objections received to proposed traffic regulation orders to restrict traffic flow on Brayford Wharf East and High Street, between St Mark Street and Wigford Way, Lincoln.

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

Comments by the Committee and responses of officers, where appropriate, were as follows:-

1. Would these proposals be implemented at the same time as all of the other proposals associated with the East West Link as this would benefit the public. Officers stated that it was hoped to implement the traffic orders to coincide with the opening of the East/West Link and closure of the High Street between St Mary's St and St Mark St. However, the proposals for the Brayford Wharf might be delayed for a short period. In any case if the Committee approved the orders then they must be implemented within a period of two years after their public advertisement.
2. The proposals were supported by the City of Lincoln Council and would improve traffic flow in the City.

On a motion by Councillor G J Ellis, seconded by Councillor I G Fleetwood, it was –

RESOLVED (13 votes for and 0 votes against. It was noted that Councillor Ms T Keywood-Wainwright did not vote as she arrived in the meeting while this report was under consideration)

That the objections be overruled and the traffic regulation orders be confirmed as proposed at consultation.

22 COUNTY MATTER APPLICATIONS

23 TO USE LAND FOR THE RECYCLING OF CONSTRUCTION,
DEMOLITION AND EXCAVATION WASTES AT DUNSTON QUARRY,
B1188 LINCOLN ROAD, DUNSTON - LEN KIRK PLANT HIRE LTD
(AGENT: HUGHES CRAVEN LTD) - N26/0434/16

(Note: Councillor C L Strange requested that a note should be made in the minutes that when he was Executive Councillor for Waste he had had dealings with the applicant when the Energy from Waste project was on going. Councillor I G Fleetwood requested that a note should be made in the minutes that seven years ago he had employed the applicant to remove some stone from a property he owned but did not know where the stone had gone to or its market value).

The Committee had received a letter from the applicant's planning agent, Oliver Craven, dated 20 June 2016, and this letter had been circulated to all members of the Committee, in the Committee's update.

Oliver Craven, on behalf of the applicant, was allowed to speak to the Committee and reiterated the comments made in his letter of 20 June 2016, including, amongst others, the following:-

1. The previous consents for the recycling of construction, demolition and excavation wastes only ceased to have effect following a clerical oversight and that it always remained the applicant's intention to continue recycling as previously permitted.
2. The importance of the site for recycling and its close relationship with the applicant's site a Whisby.
3. The application had been submitted following consultations with the Council's officers.
4. The application site accorded with national and local planning policies.
5. The loss of 75,000 tonnes at this site would undermine the local capacity to drive material up the waste hierarchy.
6. The loss of this facility conflicted with the Council's policies.
7. The proposal would not lead to any increase in the area or intensity of the site.
8. While it was accepted that the application site did not lie within a main urban area its main source of waste and market for recycled products was the Lincoln urban area.
9. The site had close links to the main road network.
10. Should the application be refused it would not be possible to make improvements to drainage.
11. The application would not increase traffic on the local highway.

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

1. The creation of additional employment if the application was approved.
2. The applicant would have got planning permission under the previous planning policies up to 2025 before the recent approval of the Lincolnshire Minerals and Waste Local Plan.

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3. There was no extra tonnage arising from the application.
4. The application would support the local economy.
5. It was noted that the local Member was against the application due to the likely increase in traffic from the site. Officers stated that the applicant had failed to submit a scheme to discharge a condition imposed on the planning permission containing details of repair and improvements to the site entrance within the three year time limit to implement the planning permission and therefore the original planning permission had lapsed. Officers added that the local Member's view that this application would lead to an intensification of the site was correct as there was currently no planning permission in place for waste recycling at the site. It would involve an additional 26 HCV movements a day (13 in and 13 out).
6. The proposed increased in vehicle movements was not a lot.
7. The application should be approved under paragraph 28 of the National Planning Policy Framework.

A motion moved by Councillor T M Trollope-Bellew, that the recommendations detailed in the report should be approved, was not seconded.

On a motion by Councillor Mrs H N J Powell, seconded by Councillor J Beaver, it was –

RESOLVED (10 votes for and 3 votes against)

That the Committee is minded to grant planning permission, subject to a report to the next meeting, for the reasons detailed in paragraph 28 of the National Planning and Policy Framework.

24 TO USE LAND FOR THE PROCESSING AND STORAGE OF CONSTRUCTION, DEMOLITION AND EXCAVATION WASTES TO PRODUCE RECYCLED/SECONDARY AGGREGATE AT MID UK RECYCLING LTD, CAYTHORPE HEATH LANE, CAYTHORPE - MID UK RECYCLING LTD (AGENT: JHG PLANNING CONSULTANCY LTD) - S20/S16/1138/16

(Note: Councillor I G Fleetwood requested that a note should be made in the minutes that he had employed JHG Consultants many years ago).

Since the publication of the report officers read out responses received to consultation from Caythorpe and Freiston Parish Council and a local resident. The concerns of the Parish Council included concerns about environmental hazards including noise, dust, possible further expansion of the site if the application was approved, increased traffic movements with its effects on pedestrians, ramblers and cyclists, the need for an environmental impact assessment, that the use of equipment should not take place before 7am, equipment should be housed and that there should be close monitoring of the site by the Environment Agency.

The local resident had concerns about the site being close to Caythorpe Holiday Centre, dust, noise, the effects of the application on the local countryside and that it was too near an Equestrian Centre.

Oliver Grundy, representing the applicant, commented as follows:-

1. The application would help Mid UK Recycling Ltd meet its own objective of zero waste to landfill guarantee.
2. The application would assist in the recovery of aggregate on the site.
3. It was not proposed to store material on the site.
4. The creation of new employment.
5. There would not be any increase in tonnage.
6. There would not be any increase in traffic movements.
7. It was proposed to use former industrial land.
8. Appropriate landscaping would be in place and the site would not have any adverse impact on the local countryside.
9. The application complied with the Council's and national planning policies.

Comments made by the Committee and responses by officers, where appropriate, included noise from the Trommel/Screeners and the routing of vehicles from the site. Officers stated that the Trommel/Screeners equipment met noise requirements, that no crushing of material was involved and that the A607 was a suitable route for HGVs.

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

RESOLVED (13 votes for and 1 against)

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

25 COUNTY COUNCIL APPLICATIONS

26 TO CONSTRUCT A HOUSEHOLD WASTE RECYCLING CENTRE (HWRC) WITH A SINGLE STOREY WELFARE BUILDING/OFFICE AND ACCESS ROAD TO HIGHWAY ADOPTABLE STANDARD AT NURSERY ROAD, BOSTON - B/0130/16

(Note: Councillor C L Strange requested that a note should be made in the minutes that he used to be the Executive Councillor for Waste a few years ago and had knowledge of sites similar to the application before the Committee today).

Officers stated that on page 82 (paragraph 22) of the report reference to 'South Fen Road' should in fact read 'Nursery Road'. Also, as a point of clarification, on page 84 (paragraph 27) reference was made to the site being 'an intensively cropped field'. Officers stated that the land was perhaps better being described as agricultural land that had been ploughed but had not had a crop on it for a number of years.

Paul Needham, an objector, commented as follows:-

1. Disappointed that Boston Borough Council did not advise the Council about businesses in the local area as convinced that this would have made the Council reconsider the application.

2. Had to make a hurried response.
3. Problems of odour and dust.
4. Food businesses required excellent air quality.
5. Future investment by businesses could be impeded if the application was approved.
6. Impact of odours was not supported by objective assessment.
7. Amount of green waste to be handled was considerable.
8. Business operated in a competitive environment and perception of customers was important.
9. Business had spent many years building up its reputation, employed 250 people and hoped to increase this number to 300 by the end of the year.
10. Was it possible to relocate the application to the current County Council waste facility at the end of the industrial estate? This would enable existing users of the waste site to avoid taking a circuitous route involved in the new application site.
11. There was a biomass gasification plant nearby. Was it possible to locate this application to this site?
12. The business was one of the largest employers in Boston.
13. The correct publication process had not been followed.

Paul Needham responded to questions from the Committee. He stated that his business was located 30 metres from the proposed application site, that no information had been received from the applicant in connection with minimal risks of the application site, detailed the location of the other objectors and that his business was down wind of the prevailing south westerly winds.

Mike Reed, representing the applicant, commented as follows:-

1. The application, if approved, would secure a household waste recycling service for Boston which was second in size to Lincoln.
2. The other household waste recycling site nearby was privately owned and it was possible that the owner could decide to close this site at short notice.
3. There was a big financial saving for the Council if the application was approved.
4. The comments raised by the objector in connection with noise and dust were noted. However, the waste delivered to this site would only be kept on the site for a short period of time and on most occasions would be removed daily with odours minimal. Also, it was proposed to store material in sealed storage containers.
5. The Environment Agency and site inspectors would visit the site on a regular basis to ensure that the highest standards were being maintained.
6. The Council owned similar sites around the county and some of these were within 50 metres of residential properties and there were no issues of odour or dust. The household waste recycling site in Sleaford was located very close to a cider brewery and there were no problems with dust or odour there.

Mike Reed responded to the comments made by the Committee including:-

1. If the owner of the current household waste recycling site decided to end the contract with the Council then Boston would not have an alternative site, these sites were very popular with the public.

2. If the contract for the existing household waste centre ended then there was no guarantee that the site would continue as a household waste recycling site.
3. The Council had just agreed Heads of Terms for the application site with the landowners and it was hoped to complete the purchase of the site within one month.

Councillor Alison Austin, the local Member, commented as follows:-

1. She requested that it should be noted that she had taught Paul Needham about 20 years ago.
2. Was unaware of all of the issues raised by the objector.
3. Was concerned about lack of communication by the applicant to the objector. It was noted that Paul Needham had stated that he had been notified by one of his former employees about the application. Pilgrim Foods had also been notified through a third party.
4. Erection of a site notice on a route which was not a public right of way.
5. Food businesses relied on clean air.
6. The businesses in this area employed many people from Boston and made a valuable contribution to the economy of Boston.
7. The public view of household waste recycling centres was not good with a perception that these were still like the traditional "tips", similar to Slippery Gowt. The new household waste recycling sites were much cleaner in operation and appearance.
8. If the application was approved it was important that businesses in the locality were reassured about air quality and that the purity of their products would not be compromised.
9. Perhaps land behind the current waste site should have been used bearing in mind the plan to use Bittern Way as a route to the new.
10. It was important that when the Council was giving planning permission for its own sites that it was satisfied it was following procedures correctly.

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

1. Officers stated that the Council had followed the statutory requirements in connection with notifying the public about the application, including site notices, a press notice and notifying all neighbouring businesses in the vicinity of the application site.
2. Officers stated that no notices had been placed on Bittern Way as there was no traffic currently using this route. Evidence of consultees consulted was available for viewing and this included the business operated by Paul Needham. Comments had been received from Paul Needham and had been taken into consideration. Officers added that they were confident that all of the consultations had been carried out properly.
3. Officers explained the wind direction and how this affected the application site.
4. It was noted that if there were any problems with the site then the Environment Agency and site inspectors could close the site down.
5. The public notices had been located where they could be read by the public. Officers stated that the public notices had been located in accordance with the statutory requirements and the various sites were reiterated.

6. The noise from the application site was considered to be low given the nature of the operation and activities proposed. Similar sites ran by the Council had not caused any problems to date.

7. Officers stated that the risk associated with this type of sites was minimal and waste and recycled waste was moved from the site on a regular basis in sealed containers.

8. There seemed to be a perception that the application was for a "tip" whereas this type of application had been proven to be a "clean" operation.

9. Dust in the vicinity was caused by businesses involved in the construction business.

10. Why was this application site chosen? The public notice involved "tying a piece of paper around a lamp post". Was a similar Council household waste recycling site located near a food producer? Officers stated that the Council's household waste recycling in Sleaford was located very near to a cider brewery and the site at Sleaford handled a similar amount of waste compared to this site.

11. Did the application site meet all of the planning policies requirements and had all of the relevant consultees been consulted? Officers stated that the application site met all the planning policies criteria and consultations had met the statutory requirements.

12. Concerns expressed about public perception of the application site and there were alternative sites available to the Council. Should the Environment Agency have to step in to control this site this would reflect badly on the Council.

13. Officers stated that the reasons to save money put forward by the applicant had been provided as contextual information, was not detailed in the report as reasons why the application should be approved; by allowing the objector to speak at today's meeting was proof that he was aware of the application; the application met the criteria detailed in the Council's recently approved Minerals and Waste Local Plan which had been examined, scrutinised in detail, had been considered by the Planning Inspector and met the criteria in the National Planning and Policy Framework.

A motion moved by Councillor Mrs H N J Powell, that the application should be deferred to allow proper consideration of the application, was not seconded.

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

RESOLVED (9 votes for and 3 votes against)

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

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

(Note: It was noted that only those Members who had attended the site visit on 24 May 2016, could discuss and vote on this matter – Councillors D Brailsford, I G Fleetwood, D C Hoyes MBE, Ms T Keywood-Wainwright, D McNally, N H Pepper, Mrs H N J Powell, Mrs J M Renshaw, T M Trollope-Bellew and W S Webb).

Officers outlined the constitutional position in connection with considering this application and stated that any decision by the Committee to overturn the decision to refuse within six months of the previous decision could only be taken if significant new information was produced.

Simon Gledhill, representing the applicant, commented as follows:-

1. The school still wished for condition 2, proposed by officers at the last meeting of the Committee, should be removed.
2. The school had no intention of closing the school gate.
3. It was the wish of the school to seek a compromise.
4. The school still had concerns about safety.
5. The use of part of the school car park for parking was not a solution to the problem.
6. Communications with Baston Parish Council had improved.
7. Parents would be informed about the latest situation, the school gates would remain open, school staff would still have access to the school site and it was proposed to introduce a parking permit scheme.
8. The school would return with a new application in the future.

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

RESOLVED (7 votes for and 0 votes against)

That the application be refused for the reason detailed in the report.

28 OTHER REPORTS

29 OUTCOME OF PLANNING APPEAL - WELTON AGGREGATES LIMITED,
HIGHFIELD QUARRY, BLUESTONE HEATH ROAD, WELTON LE MARSH
- (E)N199/2021/14

The Committee received a report in connection with an outcome of an appeal following the Council's decision to refuse planning permission relating to an application for the restoration of the southern section of the quarry to an agricultural after-use using quarry fines and soils screened from existing on-site materials at Highfield Quarry, Bluestone Heath Road, Welton le Marsh.

RESOLVED

That the decision of the Planning Inspectorate be noted.

The meeting closed at 12.45 pm