

**PLANNING AND REGULATION
 COMMITTEE
 6 FEBRUARY 2017**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D McNally (Vice-Chairman), J W Beaver, G J Ellis, Ms T Keywood-Wainwright, N H Pepper, Mrs H N J Powell, Mrs J M Renshaw, T M Trollope-Bellew and W S Webb

Councillor R B Parker attended the meeting and would speak as the local Member (minute 74)

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Andy Gutherson (County Commissioner for Economy and Place), Neil McBride (Planning Manager) and Stuart Tym (Solicitor)

70 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors D Brailsford, M S Jones, D C Hoyes MBE, D Hunter-Clarke and C L Strange.

71 DECLARATIONS OF MEMBERS' INTERESTS

Councillor Mrs J M Renshaw requested that a note should be made in the minutes that she had been lobbied by objectors (minute 74).

72 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 16 JANUARY 2017

RESOLVED

That the minutes of the previous meeting held on 16 January 2017, be agreed as a correct record and signed by the Chairman.

73 TRAFFIC REGULATION ORDERS - PROGRESS REVIEW

The Committee received a report in connection with the latest position of all current Traffic Regulation Orders and petitions received since the last meeting of the Committee when these matters were considered.

RESOLVED

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

- 74 TO DEMOLISH AN EXISTING BUILDING, CONSTRUCT A NEW BUILDING AND OPERATE A WASTE TRANSFER STATION, INCLUDING THE PRODUCTION OF REFUSE DERIVED FUEL, WITH ASSOCIATED DEVELOPMENT INCLUDING A NEW WEIGHBRIDGE, RELOCATION OF EXISTING WASH BAY, DIESEL TANK AND RE-ALIGNMENT OF EXISTING FENCE LINE BY VEOLIA ES (UK) LTD AT WASTE MANAGEMENT FACILITY, VEOLIA SITE, LONG LEYS ROAD, LINCOLN - L/1076/16

Since the publication of the report further correspondence had been received from the applicant together with the response of the Planning Manager, Councillor R A Shore, Executive Councillor for Waste and Recycling and local residents and these was detailed in the Update to the Committee which could be viewed on the Council's website. Officers stated that a further four letters had been received from residents objecting to the application since the publication of the Update.

It was noted that the Committee had made a site visit to the application site preceding this meeting.

Ben Hill, an objector, commented as follows:-

- Before making his speech he gave a petition, on behalf of objectors, to the Chairman.
- He stated that proposal was industrial and would operate day and night, was unacceptable to the local residents in the wrong location.
- He was satisfied with recommendation in the report.
- He stated that residents on Long Leys Road were already disturbed by noise from vehicles from the site and the new application, if approved, would only aggravate the problem.
- The parking of vehicles at night would cause noise and pollution for local residents.
- The amenity of local residents would be affected if planning permission was granted.
- There were 13 high specification Eco houses in close proximity to the application site.
- Excellent schools served the area near the application site and the area was environmentally attractive for local residents.
- The applicant had failed to consult local residents about the application and when local residents had arranged a public meeting to discuss the application the applicant had not attended.
- The applicant had failed to answer questions from local residents about the application.
- The applicant needed to examine more appropriate sites which were not close to residential areas and urged refusal of the application.

Ben Hill responded to questions from the Committee as follows:-

- Was noise a problem from the workshop on the applicant's site? Ben Hill stated that residents living close to the site were able to hear noise from the scraping of bins, reversing vehicles and vibration from vehicles.
- The light industrial estate covered a large area and was noise a general problem? Ben Hill stated that noise from vehicles was a general problem and not just from the Veolia site.
- There did not appear to be much activity on the Veolia site, when the Committee had made its site visit, was this a normal average day? Ben Hill stated that residents were disturbed by traffic on site from early morning (5am) and added that if the application was approved then noise would increase.

Chris Okenyi, representing the applicant, commented as follows:-

- Veolia had been a good local neighbour for 40 years and therefore he was surprised by the opposition to the application.
- Veolia employed local people.
- The company had tried to address misinformation about the application given to the community.
- It was not proposed to sort waste at night.
- The application should be considered on its merits.
- It was important that the company was in close proximity to where waste was generated to provide a service for local businesses.
- There were no objections from statutory consultees.
- The Council's officers had not raised any significant problems with the application.
- The company had suggested a solution to the enforcement issues detailed in the Update which would allow waste to be monitored at the weighbridge.
- No complaints about vehicles leaving the site at 7am had been received from residents and the site did not operate before 7am
- The company had worked with officers to reduce the hours of operation through a S106 Agreement.
- The application supported the aims of reducing landfill and meeting recycling targets.

Comments and questions to the applicant from the Committee included:-

- Surprise was expressed about the size of the application in what was supposed to be light industrial estate in a residential area.
- How much consultation had taken place with local residents? Chris Okenyi stated that as the company had been operating for 40 years with very little complaint they had not expected any opposition from local residents and as such had not undertaken any pre-application consultation. The company had addressed issues of odour and noise with consultees and as waste would be removed on a daily basis odour would not be a problem.
- Members had been informed at the site visit that the sorting of waste would take place in an airtight building but because of the potential for fumes it would not be possible for employees to work in these conditions.

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- Was it the applicant's responsibility to repair the shared road access to his site? Chris Okenyi stated that the road was shared with other businesses on the estate but the applicant had repaired the road in the past.
- When did the complaints about traffic issues start to be received by the company? Chris Okenyi stated that there had been no complaints about traffic issues but there had been complaints about lighting on the site which had been corrected.
- On the site visit it was noted that the applicant's site appeared to be organised with health and safety in place. However, officers were concerned about a compromise being sought between the current working arrangements and the application today. Chris Okenyi outlined the working hours of the current operation and the application today and stated that the applicant sought a compromise to reduce the operational hours on the site to meet the Council's concerns.

Officers drew attention to the comments by the "Highways and Lead Flood Authority" in connection with the need to improve access to the applicant's site and to Long Leys Road. Officers stated that the applicant's suggestion to address the reason for refusal in the Update did not overcome the concerns raised report and that the recommendation to refuse was still valid.

Councillor R B Parker, the local Member, commented as follows:-

- He had represented the area as the local Member for 28 years.
- He stated that no one was against the current site but the application before the meeting was in the wrong location.
- The application had been on-going since April 2016 and the request to defer the application had only recently just been raised by the applicant.
- The applicant's consultation with the City of Lincoln Council and local residents had been inadequate and the applicant had failed to attend a public meeting arranged by local residents in November 2016 to discuss the application.
- The size of the proposed building was intrusive to resident's local amenity and drew attention to a plan submitted by Ben Hill in his submission which made a comparison of the size of the proposed applicant's building compared to the Stonebow in Lincoln and noted that the new building would "dwarf" local residential properties.
- He supported the officer's recommendation but requested that the Committee should, in addition, refuse the application on the grounds of its proposed location which was totally unsuitable for a residential area.
- If a S106 Agreement was entered into by the applicant then the application could subsequently meet planning conditions, would not rid the application of its intrusiveness and that this should be another reason for refusal.
- The application did not meet the criteria of the National Planning Policy Framework because the quality of life of local people would be affected and proposal was visually intrusive and was not in keeping for a residential area.
- He noted that the Executive Councillor for Waste, Councillor R A Shore, did not support the application.

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- He stated that 622 people signed the petition against the application, that 300 people had written to the Council to oppose the application, the local City of Lincoln Council Members were against the development and so was the City of Lincoln.

Comments made by the Committee included:-

- Would the local residents be satisfied if the height of the proposed building was reduced? Officers stated that the Committee was only able to consider the application before it today. Officers added that in April 2016 the applicant had proposed a height of 7 metres but then subsequently increased it to 12 metres.
- What was the width of the access to the applicant's site? Officers stated that the Highways and Local Flood Authority had addressed the issue of access to the applicant's site and the comments were detailed in the report.
- The Committee observed the access to the site and noted that the frequency of traffic from other businesses on the industrial site was not known.
- It was noted that the applicant's workshop bays were not open for the Committee to inspect on the site visit. Officers stated that the workshop bays were not relevant to the application.
- The applicant provided a valuable service for the local community and the proposal was important for its future development and success but it was in the wrong location.
- Concern about the increase in traffic from the site on to an already busy road (Long Leys).
- There were additional reasons for refusal in the National Planning Policy Framework which should be used like the intrusive nature of the proposed building on local residential properties, fumes from vehicles and its effect on family life.

Officers stated that these issues had been addressed in the report and measured against policies in the National Planning Policy Framework and Development Plan Policies. The conclusion reached by Officers was that no other reason for refusal could be substantiated other than the reason set out in the report. Officers confirmed with the member making this observation that no amendment was sought to the motion proposing a refusal only in accordance with the officer's report; no amendment was proposed.

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

RESOLVED (9 votes for and 0 votes against. Councillor J Beaver abstained because he had not attended the site visit)

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

- 75 ERECTION OF A FREE STANDING KITCHEN POD WHICH WILL ACT AS A "HUB" PROVIDING MEALS FOR THIS AND OTHER LOCAL SCHOOLS. THE PROPOSAL ALSO COMPRISES A COVERED WALKWAY, ALONG WITH RELOCATION OF EXISTING STORAGE UNITS AND BIKE SHELTER AT CONINGSBY ST MICHAEL'S COFE PRIMARY SCHOOL, SCHOOL LANE, CONINGSBY - (E)S35/2348/16

Kate Hodson, representing the applicant, commented as follows:-

- There would only be between 3 and 4 deliveries to the school each day and these would take place outside of the school's working hours.
- 3 new posts would be created if the application was approved.
- A car sharing scheme had been introduced for school staff and this had freed up car park places.
- The school's kitchen would be open from 7.30am to 2pm and would provide meals for other schools in the area.
- The other school suggested by the local Member and the Parish Council in the report as an alternative to the applicant's school only had 115 pupils on roll and was not economically viable compared to the 326 on roll at the applicant's school.

Comments by the Committee and responses of the applicant, included:-

- Parking issues was problem outside many schools in the county.
- How far the school was suggested by the local Member and the Parish Council from the applicant's school? The applicant stated that the other school was approximately a mile away.
- The applicant stated that on School Lane (access to the applicant's site) there was a Care Home which had its own car park and two residential houses with their own parking, opposite the school and therefore local traffic was not an issue.
- The applicant stated that parking by parents dropping and picking their children up from the school was an issue otherwise parking was not an issue on School Lane.
- It was important that vehicles visiting the kitchen should abide to the delivery times and the applicant agreed that this would happen.
- The applicant stated that the proposed colour of the kitchen would be the same as the school's colours.

The officer agreed with the applicant's comments about traffic management on School Lane adding that he had visited this area on an afternoon during a school day and noticed how quiet traffic was in the area and agreed problems occurred when children were being dropped off/picked up which was a county wide issue.

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

RESOLVED (6 votes for and 2 votes against)

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

The meeting closed at 12.07 pm