

**PLANNING AND REGULATION
 COMMITTEE
 15 FEBRUARY 2021**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), Mrs P Ashleigh-Morris, D Brailsford, L A Cawrey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, R P H Reid, R A Renshaw, S P Roe, P A Skinner, H Spratt and M J Storer

Councillor Dr M E Thompson attended the meeting as the local Councillor for agenda item 5.1 (minute 64). Councillor M Brookes attended the meeting as the local Councillor for agenda item 5.2 (minute 65)

Officers in attendance:-

Jeanne Gibson (Programme Leader: Minor Works and Traffic), Nick Harrison (Democratic Services Officer), Neil McBride (Head of Planning), Martha Rees (Solicitor) and Marc Willis (Applications Manager)

56 APOLOGIES/REPLACEMENT MEMBERS

None were received.

57 DECLARATIONS OF MEMBERS' INTERESTS

Councillor S P Roe declared an interest in agenda item 5.1 (minute 64). He reported that his daughter lived within 200 meters of the site entrance and that he would leave the meeting for consideration of this item.

58 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 18 JANUARY 2021

RESOLVED

That the minutes of the previous meeting held on 18 January 2021, be approved as a correct record and signed by the Chairman.

59 TRAFFIC ITEMS

60 A631 MARKET RASEN TO LOUTH, PROPOSED SPEED LIMIT ALTERATIONS

The Committee received a report in connection with an objection to the lengths of a new 50mph speed limit proposed along sections of the A631 and a request for the

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proposed 30mph speed limit extension outside De Aston School to be extended further into the existing 40mph limit.

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

Members were provided with the opportunity to ask questions to the officers present in relation to the information contained within the report and some of the comments made included the following:

- It was noted that this proposal was a step in the right direction and would have a benefit to the local community and make school children safer.
- A question was asked whether consideration could be given to reducing the speed limit to 40mph just before entering Ludford village. It was noted that speed limits around the nearby junction could be re assessed at a later date.

On a motion by Councillor T R Ashton, seconded by Councillor D Brailsford, it was:

RESOLVED (Unanimous)

That the request to extend the proposed 30mph speed limit be rejected and the objection to the proposed 50mph speed limit be overruled, so that they could be advertised and introduced as consulted upon, subject to the consideration of any further objections received.

61 LOUTH, NEWBRIDGE HILL - PROPOSED PUFFIN CROSSING FACILITY

The Committee received a report in connection with the outcome of a pedestrian crossing survey carried out in response to a request for a crossing facility at Newbridge Hill, Louth, as shown in Appendix A of the report.

The report detailed the outcome of a survey and the need to seek the approval of this Committee to advance from a Zebra crossing to a Puffin on the basis of site constraints.

Members were provided with the opportunity to ask questions to the officers present in relation to the information contained within the report. It was reported, following a question from a member that the possibility of introducing waiting restrictions near the mini roundabout would be reviewed in the future.

On a motion by Councillor D McNally, seconded by Councillor T R Ashton, it was:

RESOLVED (Unanimous)

That the submission of a funding bid for a feasibility study and design for the installation of a Puffin Crossing at Newbridge Hill, Louth, at the location detailed on Appendix A of the report, be supported.

62 A153, GREYLEES - PROPOSED 30MPH SPEED LIMIT

The Committee received a report in connection with a request for the reduction of the existing 50mph speed limit to 30mph on the A153, Greylees, as detailed on Appendix B of the report. Investigations had indicated that this site was a 'Borderline Case', as defined within the Council's Speed Limit Policy.

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

RESOLVED (Unanimous)

That the proposed speed limit be approved so that the necessary consultation process to bring it into effect may be pursued.

(Councillor S P Roe left the meeting for consideration of agenda item 5.1 (minute 64) in relation to his previously declared interest earlier in the meeting)

63 COUNTY MATTER APPLICATIONS64 FOR THE DEMOLITION OF THE EXISTING ANIMAL BY-PRODUCTS PROCESSING PLANT AND ALL ASSOCIATED INSTALLATIONS AND THE CONSTRUCTION OF A NEW ANIMAL BY-PRODUCTS PROCESSING PLANT AT JERUSALEM FARM, JERUSALEM ROAD, SKELLINGTHORPE (AGENT: MAZE PLANNING SOLUTIONS) - 20/0550/CCC

The Committee received a report which sought planning permission by DS Developing Limited (Agent: MAZE Planning Solutions) for the demolition of the existing animal by-products processing plant and all associated installations, and the construction of a new animal by-products processing plant, comprised of: raw material reception and processing buildings; engineers building; boiler house; oxidiser building and flue; DAF plant; effluent treatment plant; bio filter bed; general office; weighbridge and weighbridge office; hard standing areas for accessing the processing plant and for parking of cars, commercial vehicles and trailers used in connection with the operation; alterations to the existing site access from Jerusalem Road; and all associated development, including landscaping at Jerusalem Farm, Jerusalem Road, Skellingthorpe.

The application was the subject of an Environmental Impact Assessment submitted, pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and an Environmental Statement submitted in support of the application. The Environmental Statement assessed the potential impacts of the proposed development along with the mitigation measures proposed to avoid, reduce and, if possible, remedy any significant adverse impacts.

It was reported that this was a very complex proposal and, like the previous application, there were a wide range of issues which needed to be carefully

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considered, including the principle of the development, highways, odour, noise, lighting, landscape and visual impacts, the natural environment, the historic environment, flood risk and drainage, design and alternatives.

It was reported that since the agenda had been published, a further representation had been received from North Kesteven District Councillors - Councillor Goldson and Councillor Johnston. A copy of their joint statement had been attached to the update which had been circulated to the Committee the previous Friday and published on the website.

Officers guided members through the report and set out the main issues to be considered in the determination of the application.

Andrew Watt, Agent for the applicant, MAZE Planning Solutions, spoke on behalf of the applicant and made the following points:-

- Since 2019, the applicant's team had been working to directly address the Committee's reasons for refusal of the first application.
- The principle of redevelopment was to provide an entirely new and thoroughly modern processing plant, replacing the existing A.Hughes and Son operation. The replacement plant that was proposed in the planning application complied with the County and District Council's Development Plan policies. The housing component of the 2019 development had been a key policy sticking point, so it had been deleted from the scheme. Other concerns were technical – relating to odour, noise and contaminated land. The applicant had carried out further work on those topics, all of which were documented in the updated Environmental Statement and further submissions made during consideration of the current application. The result of that additional work was the Officer recommendation for approval of planning permission.
- The District Council was happy that all of its previous concerns had been addressed, and there was an absence of any objections from key statutory consultees, including the Environment Agency, Historic England and Natural England.
- The processing of animal by-products in the UK was a highly specialised activity. The applicant's parent Company, Leo Group, was investing group-wide in the renewal and upgrading of its animal by-products processing sites which were designed to be durable, easy to clean and incorporate modern air handling systems and odour control which was targeted at its source and channelled rapidly to efficient and effective odour abatement systems. The improved infrastructure required substantial investment but it delivered improved efficiency and environmental performance necessary to meet changing customer needs and minimise the environmental impact of operations on the local area.
- The renewal that was proposed at Skellingthorpe would make it one of the most modern and technologically capable facilities in the UK, if not the world, because it would be built from scratch. It would bring an array of improvements at the site, incorporating the best available technology and techniques to ensure clean, efficient and reliable processing with good odour management and noise control.

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- Understandably there had been local concern about the impact the plant would have, and that had been heightened by the widely reported pollution and noise incidents that had been attributed in recent months to the existing processing plant operated by A Hughes and Son. The existing plant was ageing and the risk of repeat incidents remained unless and until there was substantial investment in the upgrading and renewal of the plant. Approval of the planning application would provide the pathway to that renewal.

County Councillor Dr M Thompson declared an interest in that he lived in Hykeham West and made the following points:

- The revised application dealt with a number of technical issues, but the recommendation to approve offered an opportunity to remedy problems which residents of “Smelly Skelly” had experienced over many years, and to ensure a better future, both for the village and the plant. If ignored, the wellbeing of local communities would continue to be adversely, and perhaps increasingly, affected.
- In his consultee comments he referred to the site access and emphasised a number of concerns. The plans showed the site entrance at the apex of a 90 degree bend. During public consultation the applicant had previously made an offer to explore a new site access running directly from Black Lane behind Jerusalem Cottages. This was not included. He suggested it should be.
- He referred members to Paragraph 73 of the Officer's report which sought to dismiss a possible routing restriction as being “unreasonable” and “nothing has changed” and in questioning this he submitted his reasons: *(Paragraph 73 the “routing restriction was previously dismissed as being unreasonable” and “nothing has changed. The main road through Doddington village is a “B” class public highway, currently unrestricted in types of vehicle use” and “there is not sufficient justification to require a routing agreement given that HGVs can currently use this route”)*. He reported that there had been a number of incidents where lorries had run off, lost loads, had leaks of offensive material with substantial inconvenience and damage to highways infrastructure and private property. Restrictions were already in place on a number of adjoining roads.
- Delay in implementing a requested TRO through Doddington village was due to a long running on-going dispute with Highways England about costs of signage, which had been raised with the Department for Transport by the MP.
- He asked - What has changed? In 2016 Nottinghamshire County Council (NCC) had approved a TRO at Girton, since made permanent, to prevent HGV traffic using the A1133 through Collingham village from 7pm to 7am, to reduce the impact on village residents, despite objection from Lincolnshire County Council and despite being an “A” class public highway, which HGVs could use. Large signs at Winthorpe A46 roundabout, 6 miles away, showed alternative “A” road routes via A46/A57 (or A1/A57) with no account apparently taken of additional travel distance.
- Further restrictions in the Spalford area increasing HGV traffic on Lincolnshire rural roads and through local villages were made permanent by NCC in October 2020, with consequent disturbance of residents, particularly at night, and road damage reported as FixMyStreet faults.

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- He requested that the Committee ensured that the interests of local communities were placed first and took full account of the impact which HGV traffic was having in his Division on village residents, and the Lincolnshire rural road network.

The Committee was provided with the opportunity to discuss the application and information presented and some of the points raised included the following:

- Odour from the site had been noticed in other parts of the City at times and it was confirmed, following a question, that Lincoln City Council had not been consulted.
- It was recognised that there had been concerns from residents about the development, however, a new purpose built site would address many of the historical issues.
- Developments in technology and the introduction of the latest bio-filters since the original site had been built would mean that any odour emanating from the site would be significantly reduced. It was noted that there had been no objections from the Environment Agency.
- There were some concerns about traffic volume, however it was noted that future traffic flows would be similar to existing flows. It was noted that there would be a Section 106 and conditions imposed on traffic routes in and out of the site and also a requirement for the site access to be improved.

Councillor L A Cawrey declared that she was a member of North Kesteven District Council (NKDC) and confirmed that she had not taken part in discussions when the application had been considered by NKDC.

On a motion by Councillor I G Fleetwood, seconded by Councillor T R Ashton, it was:-

RESOLVED (Unanimous, with the exception of Councillor S P Roe who had declared an interest and had left the meeting for consideration of this item)

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

(Councillor S P Roe re-joined for the remainder of the meeting)

65 TO REMOVE CONDITION 6 OF PLANNING PERMISSION B/16/0217 - TO ALLOW OUTSIDE STORAGE WHEN THE SITE WAS NOT IN OPERATION AT REED POINT, SPALDING ROAD, SUTTERTON - ROBERT DOUGHTY CONSULTANCY LIMITED - B/20/0474

The Committee received a report which sought planning permission by Envirotyre UK Limited (Agent: Robert Doughty Consultancy Limited) to remove condition 6 of planning permission B/16/0217 – To allow outside storage of tyres when the site was not in operation at Reed Point, Spalding Road, Sutterton.

It was reported that further to the publication of the agenda, the applicant had provided a plan showing the areas and quantities of tyres to be stored outside. The plan was attached to the update which had been circulated to the Committee the previous Friday and published on the website.

The storage areas accorded with the Environment Agency guidelines for storage of waste (pile sizes and distances from boundaries/buildings) and planning officers were therefore confident that the storage as shown could be incorporated into a variation of the existing Environmental Permit.

David Matthews an objector, was unable to attend the meeting but had requested his objection be read out at the meeting. The following points were read out by the Democratic Services Officer as follows:-

- *'I spoke at the original hearing when the planning officer promised him personally and the meeting in general that the extremely dangerous suggestion that tyres that were made of oil, very volatile, be left in the open outside working hours. In 2004 in Kirton, within 5Km of the site, it was graphically demonstrated the risks (Health and Safety Act 1974 and later EU directives still in English law) were not acceptable. If anyone was killed both the operator and the council were guilty of manslaughter'.*
- *I am of the opinion that the operator accepted the original conditions and should be made, for the safety of the residents of Sutterton and beyond to keep to them or close down. I am extra very concerned, as a retired professional Engineer, who understands these things, for both my own health and that of my neighbours, particularly, like me, those who live to the East of the site with a normally prevailing West wind'.*

Mr Matthews had asked that it be made clear that he would consider himself an expert in this issue.

Lewis Smith, Agent, spoke on behalf of the applicant and made the following points:-

- Envirotyre had been operating from the purpose-designed site at Sutterton since 2015. During that time, the business had continued to thrive and now employed 20 local people. The operation was very straightforward in that waste tyres were brought to the site and then put in bales which were used to line landfill sites around the country.
- The company accepted waste tyres from surrounding district and county councils, large businesses, and all the way down to the local farmer
- The business provided an essential service within the county and there was a need for a businesses such as Envirotyre.
- The site at Sutterton was constructed for this use, from scratch, following the cessation of the former haulage use.
- A new building had been erected, and a new concrete yard constructed under which there was a bespoke drainage system with storage that captured surface water. In the unlikely event of a fire, the fire water would be isolated from the field drains beyond the site boundary. There was a 2m high secure palisade fence surrounding the site and a CCTV system was linked to four mobile phones to provide both security and an alarm in the unlikely event of a

fire. Lincolnshire Fire and Rescue Service at Kirton had a good relationship with the applicant company to a point where organised drills were carried out at the site for training purposes.

- The proposal before members allowed more efficient working practises in that tyres and bales would not need to be taken in and out of the building at the end and start of each day. The officer report also pointed out that there would arguably be greater impact on the nearby resident from having to operate in accordance with the condition.
- There were two dwellings at the front of the site, one was owned by the applicant and the other was occupied in association with an adjacent waste wood facility. The next nearest dwellings were some 120m to the north and on the other side of the building on site.
- Views of the site were predominantly fleeting ones from the A17, and these had the backdrop of the existing building, plus the 2m high palisade to the front.
- Ultimately, once space was retained for vehicles to enter and leave the site in forward gear, the areas left over for storage, inside the security fence, were quite small. The requirement to comply with Environment Agency guidelines also impacted on where the tyres and bales could be stored.
- The Environment Agency monitored the site as part of the approved Environmental Permit and this ensured that the business operated safely and with no impact on the local environment or local residents.

Councillor M Brookes, Boston Rural Division, spoke as an objector and made the following points:

- He confirmed that he understood the reasons for the application coming forward and was pleased to see a business being successful and growing, but not at any price.
- There were several local objections and Sutterton Parish Council had also objected to the application.
- This had been a contentious issue since the site was first granted permission on appeal in 2012. The planning inspector at that time had granted permission with a condition 6 - that there should be no outside storage of tyres on site at any time. The condition had been subsequently eased by the Planning Committee in 2015 to allow storage of tyres outside during the hours of operation.
- The latest application was to remove the condition completely, allowing tyres to be stored outside all of the time. The condition was slowly being chipped away at until it was gone. He asked what had changed in this time to make the storage of tyres any less of an imposition on the local amenity than it was previously? The applicant stated in a covering letter that the effect of the removal of the Condition would be that in general, tyres would be able to be left outside during the hours of darkness, but the statement had ignored Saturday afternoons and all-day Sunday and Bank Holidays, which was clearly a large chunk of daylight hours.
- In addition to the usual residential amenity issues, in the objections there were many references to fire. He had been a member of the Planning Committee when the first application for the site was considered. In 2003 there had been

a huge fire at a large tyre stack nearby in Kirton which burned for several days and people were evacuated from their homes and spent nights away with relatives and friends. The fire had resulted in a great deal of contamination around the area. This was still fresh in people's minds when the planning application came forward and many were extremely frightened of a similar event. He recalled in reports at that time reference had been made to the fear of fire being a consideration when determining that application and residents were still worried about this. In paragraph 10 on page 121 of the officer's report it referred to - Ensuring development appropriate for its location, taking into account the likely effects on health and living conditions. Unfortunately, the Planning Inspector who had overturned the planning committee decision to refuse at that time had not given specific reasons, but if the public were worrying about fire and its consequences it could be affecting their health.

- He supported the residents and the Parish Council in their objections to the application and asked what had changed in respect of the effect of the operations on residential amenity?

The Head of Planning reported that the fire in Kirton in 2004 was at an unauthorised site which was not subject to any controls. He suggested that as businesses developed, requests to vary conditions were sometimes to be expected. There were processes for public consultation and it was legitimate to request planning application changes. Impacts of some changes could be accommodated without impact to the environment. He confirmed following a question from a member that there were no proposals to increase the height of the tyres stored.

Members were provided with the opportunity to discuss the applications as presented and some of the points raised included the following:-

- It was thought that if permission was granted then screening would be essential.
- The Committee recognised the importance of supporting business expansion but this needed to be balanced against the objections of local residents and on the impact on the amenity, landscape and quality of life.
- There was disappointment that Lincolnshire Fire and Rescue had not submitted a response on the application.
- Discussion took place regarding the risks and impacts on the local area and wider city should a fire break out. Also on whether there would be any difference should a fire break out inside the storage facility or outside of it, should the tyres be stored outside.
- There was a suggestion that the application should be rejected on the same grounds as the Planning Inspector had previously used i.e. to protect the residential amenity and character of the area.

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On a motion by Councillor M J Overton MBE and seconded by Councillor A M Newton, proposing the refusal of the application on the basis of Planning Policy DM3 – the effect on the quality of life and amenity and DM6 the impact on the landscape, it was:

RESOLVED (10 in favour, 5 against)

That conditional planning permission be refused and a report be submitted to the next meeting of the Committee confirming the reasons for refusal, as was the current custom and practice.

The meeting closed at 12.37 pm