



PLANNING AND REGULATION COMMITTEE
11 APRIL 2022

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), P Ashleigh-Morris, Mrs A M Austin, S A J Blackburn, A M Hall, C S Macey, Mrs A M Newton MBE, Mrs M J Overton MBE, N H Pepper, R P H Reid, N Sear, P A Skinner and T J N Smith

Officers in attendance:-

Robert Close (Democratic Services Officer), Richard Fenwick (County Highways Manager), Jeanne Gibson (Programme Leader: Minor Works and Traffic), Neil McBride (Head of Planning), Martha Rees (Solicitor) and Marc Willis (Applications Manager)

78 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillor I D Carrington

Councillor Mrs M J Overton MBE arrived at the meeting during item 83a and therefore couldn't take part in the vote.

79 DECLARATIONS OF MEMBERS' INTERESTS

Councillor T J N Smith declared that, in relation to minute 83a, he was Local Member for North Wolds but would approach the application with an open mind.

80 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 14TH MARCH, 2022

RESOLVED

That the minutes of the previous meeting held on 14 March 2022, be approved as a correct record, and signed by the Chairman.

81 MINUTES OF THE SITE VISIT TO BAILGATE AND CHAPEL LANE, LINCOLN

RESOLVED

That the minutes of the site visit to Bailgate and Chapel Lane, Lincoln held on 14 March 2022, be approved as a correct record, and signed by the Chairman.

82 TRAFFIC ITEMS

82a Pinchbeck, Mill Green Road - Proposed 30mph Speed Limit

The Committee considered a report which detailed a request for the existing 40mph speed limits through Pinchbeck, Mill Green Road to be reduced to 30mph. Investigations had indicated that conditions to the south of the village may be considered a 'Borderline Case', as defined within the Council's Speed Limit Policy. Therefore, the Planning and Regulation Committee could approve a departure from the criteria if they felt it appropriate.

On a motion proposed by Councillor N H Pepper and seconded by Councillor Mrs A M Newton MBE, it was:

RESOLVED (Unanimously)

That the reduction in speed limit proposal be approved so that the necessary consultation process to bring it into effect may take place.

82b Somerby, Londonthorpe and Harrowby A52 and B6403 High Dyke - Proposed 40mph Speed Limit

The Committee considered a report which detailed a request for the existing 60mph speed limits through Somerby, Londonthorpe and Harrowby A52 and B6403 High Dyke to be reduced to 40mph. Investigations had indicated that conditions to the south of the village may be considered a 'Borderline Case', as defined within the Council's Speed Limit Policy. Therefore, the Planning and Regulation Committee could approve a departure from the criteria if they felt it appropriate.

On a motion proposed by Councillor Mrs A M Austin and seconded by Councillor Mrs A M Newton MBE, it was:

RESOLVED (Unanimously)

That the reduction in speed limit proposal be approved so that the necessary consultation process to bring it into effect may take place.

82c North Hykeham, Manor Farm Estate - Proposed No Waiting at Any Time, Mandatory School Keep Clear Markings and Bus Stop Clearway

The Committee considered a report in connection with six objections received to the proposed introduction of waiting restrictions at Claudius Road & Tiber Road, North Hykeham. The majority of the objections were concerned about the loss of on street parking adjacent to their properties and reduced opportunity for visitors to park nearby. However, it was the officer's view that, although some residents would lose the ability to park outside their properties, all were provided with off street parking to the rear of their properties and the remainder of the estate was not subject to restrictions so would be available for on street parking.

On a motion proposed by Councillor Mrs A M Newton MBE and seconded by Councillor I G Fleetwood, it was:

RESOLVED (Unanimously)

That the objections be overruled so that the order, as advertised, may be introduced.

83 COUNTY MATTERS APPLICATIONS

83a To vary conditions 1 (expiry date) and 3 (approved documents and drawings) of planning permission 141306 at land to the east of Smithfield Road, North Kelsey Moor - Egdon Resources U.K Limited, (Agent AECOM Limited) - 144203

To vary conditions 1 (development cease date) and 2 (approved documents and drawings) of planning permission 141307 at land to the east of Smithfield Road, North Kelsey Moor - Egdon Resources U.K Limited, (Agent AECOM Limited) - 144207

The Committee considered a report inviting them to confirm their agreement of the reason for refusal for variations to conditions attached to an extant permission for exploratory drilling and an associated permission for a security compound at land to the east of Smithfield Road, North Kelsey Moor. as agreed at the 14 March 2022 meeting of the Planning and Regulation Committee.

The Head of Planning guided members through the report and set out the main issues to be considered in the determination of the application. The Committee were advised that a late representation was made on the Friday prior to the meeting requesting further points be brought to the Committee's attention.

The representation suggested that the report didn't make clear that no work whatsoever had been undertaken at the site. The Head of Planning responded that auxiliary works had actually been carried out, including minor works undertaken to construct the beginning of the access point together with some highway improvements.

Secondly, there was concern that the recommendation didn't reference the Committee's apprehension that the 12-month time frame was unrealistic and may result in a further extension therefore causing anxiety to local residents. Furthermore, that 49 weeks work in the 52-week period hadn't taken into account the period of March to August inclusive for the production of breeding birds. The Head of Planning responded with an example of a similar site that was completed within a six-month period therefore, whilst time may have been limited, it wasn't appropriate to state it was unrealistic.

Finally, the representation requested the inclusion of Policy R1 within the reasons for refusal. The Head of Planning raised no objections to Policy R1's inclusion for refusal.

The report recommended that, in line with the Committee's resolution to refuse 144203 and 144207 at the 14 March 2022 meeting, the Committee confirm its reasons for refusal in line with that cited within the report.

Some members of the Committee felt minded to include Policy R1 within the reasons for refusal, however this view wasn't shared throughout the membership.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor P A Skinner, it was:

RESOLVED (unanimous)

That it be confirmed that planning permission be refused for application 144203 for the reason set out below:

'Policy DM3 of Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management (CSDMP) Policies (2016) grants permission for minerals development only where it does not generate unacceptable adverse impacts to the occupants of nearby dwellings or other sensitive receptors. Where unacceptable impacts are identified which cannot be addressed through appropriate mitigation measures planning permission will be refused.

The site is situated within open agricultural land with residential properties located in and around the town of Caistor, small villages, hamlets, and farmsteads within 5.0 kilometres of the site. The nearest residential property being approximately 600 metres north.

Temporary planning permission was first granted for this development in 2014 and has been extended since then a number of times. Sufficient works have been undertaken that the original permission has been implemented although no drilling operations have taken place. The applicant has sought to extend the period to undertake the drilling works and restoration of the site for a number of reasons, the most recent due to the Covid pandemic. Representations from the local community have made it clear that the delay and prolonging the uncertainty with each extension of time has caused unacceptable levels of anxiety to local residents which has been exacerbated through the repeated extensions of time sought by the applicant. The anxiety of local residents from these delays and repeated applications creates unacceptable adverse impacts to resident's amenity contrary to Policy DM3 of the CSDMP.

It is also contrary to the requirements of Policy LP26 of the Central Lincolnshire Local Plan (2017) which states that amenities, which all existing and future occupants of neighbouring land and buildings, may reasonably expect to enjoy, must not be unduly harmed by development. In this case, it is considered that to allow a further extension of time for a development creates a level of uncertainty and anxiety for local residents as they wait for the full development to be completed, which conflicts with the requirement of Policy LP26.'

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor P A Skinner, it was:

RESOLVED (unanimous)

That it be confirmed that planning permission be refused for application 144207 for the reason set out below:

In light of the Council's decision to refuse application 144203 to extend the period to undertake exploratory drilling and restore the site back to agricultural use there is consequently no need for the security cabins to be stationed at the site. To permit the security cabins to be situated in this location without connection to a mineral operation would be contrary to the principle of development in the open countryside and be visually intrusive.

The site is situated within open countryside and consequently does not meet the requirements of Policy DM3 of the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) as it would create unacceptable visual intrusion in the open countryside. It is also contrary to the requirements of Policy LP26 of the Central Lincolnshire Local Plan (2017) as the proposed development does not respect the landscape character of the area and there is no essential reason to locate the development in this location.

83b To vary conditions 5 (dust management) and 10 (sheeting) of planning permission (E)S163/1599/02 (as amended by permission (E)N163/2338/14) at South Thoresby Quarry, Greenfield Lane, South Thoresby - GBM Waste Management (Agent Sirius Planning) - N/163/00352/22

To vary conditions 7 (sheeting) and 8 (dust management) of planning permission (E)S163/2206/02 at South Thoresby Quarry, Greenfield Lane, South Thoresby - GBM Waste Management (Agent Sirius Planning) - N/163/00353/22

The Committee considered a report where Planning permission was sought by GBM Waste Management to vary conditions attached to two separate planning consents which cover the mineral and waste management operations being carried out at South Thoresby Quarry, Greenfield Lane, South Thoresby.

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

The report recommended that, following consideration of the relevant development plan policies and the comments received through consultation and publicity, that the proposed variations be refused.

On a motion proposed by Councillor S A J Blackburn and seconded by Councillor Mrs M J Overton MBE, it was:

RESOLVED (unanimous)

That it be confirmed that planning permission be refused for application N/163/00352/22 for the reason set out in the report.

On a motion proposed by Councillor S A J Blackburn and seconded by Councillor Mrs M J Overton MBE, it was:

RESOLVED (unanimous)

That it be confirmed that planning permission be refused for application N/163/00353/22 for the reason set out in the report.

The meeting closed at 11.12 am