



**PLANNING AND REGULATION
COMMITTEE
1 OCTOBER 2018**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D Brailsford, Mrs J E Killey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, S P Roe, P A Skinner and C L Strange

Councillor A N Stokes attended the meeting as the local member (minute 45)

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Neil McBride (Planning Manager), Martha Rees (Solicitor), Marc Willis (Applications Team Leader) and Matthew Fairweather (Senior Engineer)

39 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors L A Cawrey, Mrs P Cooper, H Spratt and M J Storer.

40 DECLARATIONS OF MEMBERS' INTERESTS

No declarations of interest were made at this stage of the meeting.

41 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 3 SEPTEMBER 2018

RESOLVED

That the minutes of the previous meeting held on 3 September 2018, be agreed as a correct and signed by the Chairman.

42 COUNTY MATTER APPLICATIONS43 FOR THE ERECTION OF GENERAL PURPOSE BUILDING FOR STORAGE AND MAINTENANCE OF PLANT AND EQUIPMENT, EXTERNAL STORAGE OF SKIPS, PLANT AND EQUIPMENT AS AN EXTENSION TO THE ADJACENT MRF AND THE INSTALLATION OF BAYS FOR THE STORAGE, SALE AND DISTRIBUTION OF RECYCLED AND IMPORTED AGGREGATE AT MUSHROOM FARM, BOUNDARY LANE, SOUTH HYKEHAM, LINCOLN - STEVEN DUNN ARCHITECTS LTD - 18/1096/CCC

Since the publication of the report the Planning Manager reported that proposed Condition 6 in the recommendations should be amended as detailed in the update which had been circulated to the Committee and published on the Council's website.

Nick Grace, representing the applicant, commented as follows:-

- He described the layout and size of the application site.
- He quoted support for the application by the National Planning Policy Framework, including helping businesses to invest, expand and integrated with existing businesses.
- He stated that no objections had been received from the statutory consultees and noted that only North Hykeham Town and South Hykeham Parish Councils had raised concerns.
- He stated that the proposed development did not seek to increase the overall tonnage per annum being processed through the adjacent Materials Recycling Facility (MRF) but to provide on-site maintenance facilities for the skip lorry fleet and plant machinery associated with the MRF as well as storage area for empty skips, plant and machinery awaiting maintenance.
- The storage bays would simply receive recycled aggregate for re-sale and imported virgin aggregate for re-sale. It was not proposed to process aggregate at the site.
- The application in part promoted the re-use of waste and supported the operations of the adjacent MRF.
- He stated that highways did not have any objections and that the application did not justify a detailed assessment of structure and construction of Boundary Lane as the Parish Councils had suggested.
- There would no more than an additional 50 two way movements Monday to Saturday (daily).
- The site was well screened and the building set back from residential properties at the rear of the site.

Nick Grace responded to questions from the Committee, as follows:-

- He explained the layout of the applicant's site with regard to the location of land set aside for residential development.
- He explained the increase in additional vehicle movements detailed in the report and stated that these had been assessed and deemed acceptable.

- He explained that the application would improve the efficiency, management and visual aspects of the site.
- He explained that it was not proposed to create a retail site but that materials would be brought in, stored efficiently and their sale done by telephone.

With regard the storage of skips and whether they contained material, officers confirmed that the skips would not contain any waste and explained that the material stored on the site was a combination of recycled and imported aggregate. Officers had also considered the use of the same access for this application and the Materials Recycling Facility and had decided that it was more efficient to have an overall condition for both permissions limiting the number of vehicle movements permitted rather than a separate condition for each development as it would be difficult to enforce. This was because it would not be clear when a vehicle enters or leaves the site which permission it was operating under.

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

- The application site was designated employment land and was also surrounded by designated employment land.
- While noting that the applicant had made improvements to his site Boundary Lane was a country lane with a 60mph speed limit. Had highways considered the effects on traffic movements following the proposed construction of Soper BMW access onto Boundary Lane?
- Could speed restrictions be installed on Boundary Lane in view of the increase in HGVs? Officers stated that it was not possible to consider a speed limit in the planning procedure.

On a motion by Councillor D McNally, seconded by Councillor D Brailsford, it was –

RESOLVED (8 votes for and 2 votes against)

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

44 COUNTY COUNCIL APPLICATIONS

45 TO VARY CONDITION 2(B) OF PLANNING PERMISSION NUMBER S35/0922/16 - TO REMOVE AND REPLACE THE EXISTING 2.5M HIGH FENCING WITH 3.6M HIGH MESH PALADIN FENCING IN THE SAME COLOURS AS THE EXISTING (GREEN) AT THE BEACON CHILDREN'S CENTRE, SANDON CLOSE, GRANTHAM - KIER WORKPLACE SERVICES - S18/1490

Councillor A Stokes, the local member, commented as follows:-

- Residents wanted a higher fence to prevent objects being thrown in their gardens from the children's home and wished to enjoy their gardens. Some residents had even been struck by objects thrown over the fence.

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- With regard to the comments made in the report about the institutionalised style of the fencing it should be noted that this was a children's' home open all the time and not a school which would give some respite for local residents.

Officers stated that in most cases the height of fencing around children's homes was similar in height to that around schools. Officers agreed that the height of the fencing proposed could be seen as having more in common with a Children's Secure Unit where the fencing was needed for security reasons

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

- Residents should be encouraged to speak to the children's home if they had any issues as this was more of a management problem.
- The installation of higher fencing would make the children's home look like a Secure Unit.
- A member stated that there had been similar problems in her area similar to those raised by the local member and suggested that the children's department perhaps had a better understanding of the issues faced by residents than the planning process.
- The request for higher fencing from residents did not set a precedent and residents had a right to privacy.

Following further consideration Councillor D Brailsford agreed to withdraw his motion to support the recommendation in the report and would abstain when it came to the vote.

On a motion by Councillor Mrs A M Newton, seconded by Councillor P Skinner, it was –

RESOLVED (7 votes for, 0 votes against and 1 abstention)

That the Committee resolved to grant planning permission to vary condition 2 (B) of Planning Permission No. S.35/0922/16 to remove the existing fence and erect a 3.6m high fence around the perimeter of the children's home as detailed in the report, against the Officer recommendation to refuse permission, as the Committee considered that the benefits to both children and residents are greater than the negative visual impacts of increasing the height of the fence to 3.6m.

46 FOR THE CONSTRUCTION OF A NORTHERN ACCESS AND SOUTHERN ACCESS INTO THE COMMERCIAL SITE AT THE JUNCTION OF THE A46/LINCOLN ROAD, DUNHOLME, LINCOLN - WSP - 138194

Since the publication of the report the Planning Manager reported a response from the local landowner, the applicant's response and the response of the Planning Manager all of which were detailed in the update to the Committee which was published on the Council's website and had been sent to the Committee before the meeting.

Andy Hey, representing objectors, commented as follows:-

- The Council's attitude had been one of authoritarianism since the start of the scheme for the new roundabout and with this current application for subsidiary works of mitigation the Council had shown little interest about the effects of the scheme on businesses.
- The idea of a simple solution of providing a speed limit and two speed cameras was dismissed with the Council determined on seeing their scheme receive approval.
- The poor start to the process when the tenants on site were ignored completely had never improved and now I had been informed that Highways could not reply to my letters while the planning process was continuing – why not?
- With regard to the current proposals the Council had been asked whether the new road to be provided would allow Motorwise to have access and would this road be adopted by the Council in order to guarantee Motorwise access at all times in the future? I had been informed that this was not really a planning matter, but in any case the Council sought to pass ownership and future maintenance to a third party as soon as practicable. (See para 9 of the report).
- If this was done it would remove the legal right for Motorwise to access their property from the public highway. A right they now enjoyed and which was fundamental to the operation of the business.
- Why was the future ownership and maintenance of what was being provided in mitigation of the removal of a presently enjoyed facility not a planning matter? Planning was about land use, who and how, where and when, use of that which was to be constructed would be used in the future. Without this consideration planning became pointless.
- Please decide, today, that the new works proposed would be retained in perpetuity as adopted highway. Should you do not do this and you carry out the threat to pass ownership to a third party, that third party could immediately deprive Motorwise and AMS of the right to use the road or demand a sizeable payment for the right. Either way, the present position of having right of access from the public highway would be denied.
- AMS Carwash would almost certainly finish trading as a result of the overall proposals. Motorwise would change from a business which was nicely accessible to one where potential purchasers had to wind their way round a contorted new arrangement. It might work, or it might not.
- Have been informed that the proposed works for this scheme were likely to be carried out at the same time as the roundabout construction and was not sure this was the best solution - could the Council please decide to discuss timing with the site users so their needs could at least be considered before a final decision was taken.
- This scheme and its partner roundabout scheme had never taken any heed to the people involved and their livelihoods and there had always been a feeling that they did not really matter. Please could the Council improve on the perceived dismissal of their views, by including the retention of the new roadworks as adopted highway. This, at least, would provide some chance of survival for the tenants on site.

In response to a question by the Committee Andy Hey stated that the Council had improved its consultation with business tenants compared to the outset of the scheme and mitigation measures had been put in place by the Council which had improved matters.

Charlotte Hughes, representing the applicant, commented as follows:-

- She explained the installation of two accesses to the businesses which would enhance the Consented Scheme.
- The provision of an island at this junction would help with road safety because there had been numerous accidents at this junction, some of which had been serious.
- She explained the reasons for the closure of the existing business accesses following a safety audit.
- There had not been any objections received to the proposed accesses from either the Environment Agency or West Lindsey District Council and both met the planning policy criteria.

Officers stated that following further investigations into the tenancy boundaries and existing access rights of tenants, the applicant was proposing to construct two new access points in order to provide alternative and separate means of access for each of the businesses operating from within the commercial site. The access arrangements proposed and approved were part of the Consented Scheme.

Comments by the Committee included balancing the needs of the businesses, including the effects of the proposed new accesses and the adoption of the access roads by the County Council.

Officers emphasised the importance of the overall Consented Scheme for highway safety and added that the two new accesses would be constructed to comply with highway standards, would remain in ownership of the Council until negotiations were undertaken to pass on their ownership and future maintenance to a third party.

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

RESOLVED (10 votes for and 0 votes against)

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

The meeting closed at 12.00 pm