

**PLANNING AND REGULATION  
COMMITTEE  
13 MAY 2019**

**PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)**

Councillors T R Ashton (Vice-Chairman), L A Cawrey, Mrs P Cooper, Mrs J E Killey, Mrs M J Overton MBE, N H Pepper, S P Roe, P A Skinner, H Spratt, M J Storer, C L Strange and Mrs A M Austin

Councillors: attended the meeting as observers

Officers in attendance:-

Neil McBride (Planning Manager), Marc Willis (Applications Team Leader), Rachel Wilson (Democratic Services Officer) and Mandy Withington (Solicitor)

**92      APOLOGIES/REPLACEMENT MEMBERS**

Apologies for absence were received from Councillors D Brailsford, D McNally and Mrs A M Newton.

The Chief Executive reported that having received notice under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, she had appointed Councillor Mrs A M Austin as a replacement member of the Committee in place of Councillor Mrs A M Newton for this meeting only.

**93      DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest at this point in the meeting.

**94      MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND  
REGULATION COMMITTEE HELD ON 4 MARCH 2019**

**RESOLVED**

That the minutes of the meeting held on 4 March 2019 be signed by the Chairman as a correct record.

**95      COUNTY MATTER APPLICATIONS**

- 95a      To extract sand and gravel in order to create an agricultural irrigation reservoir (part retrospective) at Tithe Farm Pastures, Tithe Farm, Langtoft - SB Rice Ltd - S56/2453/17

## **PLANNING AND REGULATION COMMITTEE**

### **13 MAY 2019**

The Committee received a report which detailed a request for planning permission to extract sand and gravel in order to create an agricultural irrigation reservoir (part retrospective) at Tithe Farm Pastures, Tithe Farm, Langtoft, Lincolnshire, PE6 9LN. Officers guided members through the report and set out the main issues to be considered in the determination of this application.

Mr S B Rice spoke on behalf of the applicant and made the following points:

- Met office data showed that the average rainfall this area of Lincolnshire was approximately 60% of the UK average, and so the long term demand for irrigation was likely to increase. The recent dry spring and summer had made it harder to renew abstraction licenses.
- It was noted that permission had been granted in 2016 under permitted development rules, which demonstrated that there was a need for the reservoir.
- The Environment Agency had indicated that it would be likely to object to an above ground reservoir due to the risk of flooding to neighbouring properties.
- This planning application had been developed with close liaison with planning officers, and any concerns had been responded to.
- It was planned to extract the mineral as quickly as possible in order to minimise disruption.
- The proposal complied with planning policies.

Members were provided with the opportunity to ask questions to the applicant and the following was noted:

- In terms of the extraction of the mineral, it was queried whether more would be taken out that was necessary. Members were advised that no more than was needed to create the reservoir would be removed and the bunds that would surround the reservoir would sterilise any minerals below.

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 points raised during discussion included the following:

- It was noted that the south of the county was now starting to see a lack of water for growing crops, and as a council needed to do everything possible to support the farming industry.
- It was suggested that this could be one of many applications coming forward for reservoirs.
- It was commented that this proposal looked to provide the most sustainable use for the minerals being extracted and also provided for a sustainable use for the water resources of the county.
- It was highlighted that the applicant did not need permission for the reservoir itself, just the extraction of the minerals.
- Members were pleased to see that the conditions included hours of operation and it was proposed that the site should have an 8.00am start rather than 7.00am start.
- It was commented that agriculture was an early start operation and it was felt that 7.00am was a reasonable start time.

- The environmental assessment did examine potential noise levels, and it was determined that expected noise would fall with acceptable levels.
- As there was a property nearby, it was proposed and seconded that the report be accepted with the 7.00am start time changed to 8.00am.

On a motion by Councillor T R Ashton and seconded by Councillor P A Skinner it was:-

RESOLVED (12 in favour, 1 abstention)

That the conditional planning permission be granted with a start time of 8.00am.

95b To vary conditions attached to 12 different planning permissions to amend the hours of operation to allow for the cleaning of buildings and internally housed machinery between the hours of 1800 to 0700 Monday to Friday at Mid Uk Recycling Ltd, Caythorpe MRF, Heath Lane, Caythorpe, Grantham - JHG Planning Consultancy Ltd - S19/0292, 0382, 0383, 0385, 0386, 0388, 0396, 0398, 0406, 0408, 0409, 0442

Consideration was given to a report which detailed the planning permission sought by Mid UK Recycling to vary conditions attached to 12 different planning permissions relating to Mid UK Recycling Ltd's Caythorpe Materials Recycling Facility (MRF), Heath Lane, Grantham, Caythorpe.

Oliver Grundy (JHG Planning Consultancy Ltd) spoke on behalf of the applicant and highlighted the following points:

- The Caythorpe MRF operated in accordance with a Fire Prevention Plan and had been approved by the Environment Agency. The Plan required frequent inspection and cleaning of the site to prevent the build-up of loose combustible material.
- A rigorous cleaning and maintenance regime had been implemented across the Caythorpe MRF. At present, cleaning and maintenance was taking place inside various buildings subject to active waste processing operations. This was undesirable as it reduced the efficiency of the cleaning and maintenance and achieving the high standards of health and safety would be challenging without a complete shutdown of waste processing in any given building.
- Many of the waste processing operations were interconnected and this presented its own constraints, as if one of the operations was shut down to allow the cleaning and maintenance of plant and structures, it typically resulted in all interdependent processes being brought to a halt.
- Necessary cleaning and basic maintenance typically took several hours and quickly caused a build-up of unprocessed or partially processed waste materials.
- The application portfolio accordingly sought to introduce a provision to allow cleaning and maintenance of machinery between 1800 and 0700 hours on Mondays to Fridays. This would enable cleaning and maintenance of internal plant and associated structures to take place after waste processing operations had finished.

**PLANNING AND REGULATION COMMITTEE**  
**13 MAY 2019**

- This would improve health and safety, avoiding the halting of throughput, amassing of waste materials, logistical problems and loss of revenue. Importantly, this measure would help to reduce potential fire risk.
- A number of objections to the proposal had been raised by local residents. However, there was no reason to believe that after hours internal cleaning and light maintenance would give rise to any loss of residential amenity. In fact, clean and well maintained machinery was usually quieter in use and improving operational efficiency was conducive to avoiding potential disruption.
- The proposed variations of conditions were considered to be sustainable and to also achieve compliance with all relevant planning policy.

The Committee had an opportunity to ask questions to the applicant and the following was noted:

- It was suggested whether the machinery could be cleaned in sections throughout the day. However, members were advised that this was not practical as waste would arrive for processing throughout the day and each operation commenced simultaneously at the start of the day. There was a constant supply of material going through the system.
- The aim of this application was to minimise disruption, and it was likely that only a very small number of people would be required to carry out the cleaning.
- One member noted that they had been on a site visit to this facility and it was very apparent that there was a lot of airborne dust.

Councillor Roger Brook (Caythorpe Parish Council) spoke as an objector to the application and made the following points:

- Nothing had changed since a change to the conditions had been applied for and rejected in 2010.
- It was thought that allowing this change would set a precedent for further planning conditions to be amended.
- There was concern that there was a potential fire risk if the fire alarms were disabled for cleaning purposes.
- The Parish Council was willing to offer a compromise, that the current proposal was rejected and resubmitted in two phases, one to allow for a deep clean Monday to Friday for no more than 30 consecutive days, and the second to alter the hours for cleaning from 6.00pm to 10.30pm.
- It was believed that the knock on effects of the proposed changes would adversely affect the village.

Members were provided with the opportunity to ask questions to the officers present in relation to the information contained within the reports and some of the points raised during discussion included the following:

- It was noted that the previous application which had been in 2010 was to extend the working hours to allow further waste processing operations.
- Noise assessments did not demonstrate that there would be any disturbance to the local amenity.
- Government guidance advised that temporary planning permissions should not be imposed other than in exceptional circumstances.

- The view of officers was that the operations could take place without causing any unacceptable noise impacts.
- The applicants wish to ensure that the plant was working safely and cleanly was respected, but it was queried whether the cleaning aspect should be carried out throughout the day and generally additional planning permissions were not required. It was commented that this was something which should not be left until the end of the day, particularly when the number of fires which had occurred was taken into consideration.
- There was a need to focus on the potential impact of this application. Cleaning and maintenance was in the interest of the building. The previous applications were to increase the hours of operational waste processing. These activities would be contained within the building.
- If there was to be a change by the applicant to increase the waste processing without consent then Planning Officers would have powers of enforcement.
- It was commented that the expected noise levels were within acceptable limits and it would lead to improved health and safety for the site and the staff working there. As previous fires had occurred overnight, having people on site cleaning may be of benefit.
- There was a concern over the disabling of the fire alarms over night to allow cleaning.
- There would be a requirement for the operator to undertake some noise monitoring and if the noise levels were higher than predicted there was a procedure to require further mitigation measures to take place so the levels did not become unacceptable.

On a motion by Councillor T R Ashton and seconded by Councillor S P Roe it was:-

RESOLVED (11 in favour, 1 against and 1 abstention)

That conditional planning permissions be granted.

## 96      OTHER REPORTS

96a      For an extension to the existing quarry into 4ha of agricultural land at Dunston Quarry, B1188 Lincoln Road, Dunston, Lincoln - Hughes Craven Ltd - N26/0437/17

Consideration was given to a report which set out the outcome of an appeal following the Council's decision to refuse planning permission relating to Len Kirk Plant Hire Ltd's (the Appellant) application for an extension to the existing quarry into 4ha of agricultural land at Dunston Quarry, B1188 Lincoln Road, Dunston, Lincoln, Lincolnshire.

It was reported that having considered the arguments and representations made by the Appellant and the Council during the course of the appeal, the inspector decided to find in favour of the Appellant and consequently allowed the appeal.

Members were advised that nothing would change significantly in terms of the Council's policies, but it may be considered further within the Core Strategy.

It was queried whether the original application had come to this Committee, and it was likely that it was the first item to be considered by this Committee following the election in 2017. It was highlighted that when this application was considered by the Committee the Local Plan was very new. The Council was required to monitor those policies to ensure they remained fit for purpose, and some monitoring reports would be brought to the Committee in September/October 2019.

**RESOLVED**

That the decision of the Planning Inspectorate be noted.

The meeting closed at 11.35 am