

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors P Bedford, D Brailsford, M Brookes, N D Cooper, D R Dickinson, R Hills, D C Hoyes, H R Johnson, S F Kinch, K Milner, J M Swanson, M Tinker, T M Trollope-Bellew and S F Williams.

Also in attendance: Councillors Mrs P A Bradwell (minute 55(2)), Mrs B Harvey OBE (minute 55(2)), Councillor R Phillips (minute 55(1)) and Councillor W S Webb (Executive Councillor for Highways and Transport).

53. DECLARATIONS OF COUNCILLORS' INTERESTS

Councillor T M Trollope-Bellew stated that he knew the owner of the site (minute 55(1)), stated that he had received a letter, sent to all Members of the Planning and Regulation Committee, lobbying Members in connection with (minute 55(2)).

Councillor J M Swanson declared a personal interest in minute 56(1) as a member of East Lindsey District Council and as the local Division Member.

Councillor P Bedford stated that he had not attended the site visit in connection with minute 55(2) and declared a personal interest in minutes 55(3) and 55(5) as a member of Boston Borough Council and the Black Sluice Drainage Board and minute 56(2) as member of Boston Borough Council.

Councillor M Brookes stated that he had not attended the site visit in connection with minute 55(2), declared a personal interest in connection with minutes 55(3) and 55(5) as a member of Boston Borough Council, Swineshead Parish Council and the Black Sluice Drainage Board and declared a personal interest in minute 56(2) as a member of Boston Borough Council.

Councillor D C Hoyes stated that he had been lobbied by Woodhall Spa Parish Council in connection with minute 55(2), that he had never expressed an opinion in public on the application and would speak and vote thereon.

Councillor K Milner declared a personal interest in all matters on the agenda affecting East Lindsey District Council as a member of that Council and as the Executive Support Councillor for Highways and Transport, stated that he had not attended the site visit in connection with minute 55(1) and had been lobbied by Woodhall Spa Parish Council on minute 55(2).

Councillor D Brailsford stated that he knew the owner of the site in connection with minute 55(1).

Councillor D R Dickinson declared a personal interest in all matters on the agenda affecting the Black Sluice Drainage Board as a member of the Board.

Councillor R Hills stated that he had not attended the site visit in connection with Minute 55(1) and declared a personal interest in all matters on the agenda affecting the Upper Witham Drainage Board as a member of the Board.

Councillor M Tinker declared that he had not attended the site visits in connection with minutes 55(1) and 55(2).

Councillor S F Kinch stated that he had not attended the site visits in connection with minutes 55(1) and 55(2).

54. MINUTES

RESOLVED

That the minutes of the meeting held on 9 November 2009 be agreed as a correct record and signed by the Chairman.

55. PLANNING APPLICATIONS RELATING TO COUNTY MATTER DEVELOPMENTS

The Committee received five reports from the Executive Director (Development Services) on planning applications relating to County Matter developments. The results of consultation and publicity were detailed in each report.

- (1) (Supplementary Report) – To construct a new facility for the production of pre-cast concrete products with associated infrastructure on land that has been quarried and reinstated to grassland to comprise: an industrial building; an external storage area served by gantry cranes; car parking; a further building incorporating offices and staff facilities and a waste water treatment plant at Norton Bottoms Quarry, Norton Disney – ABM Precast Solutions (Application No. N47/0106/09)

Since the publication of the report responses to consultation had been received as follows:-

Head of Spatial Planning –correction to Supplementary Committee Report, paragraph 10, second bullet point should read as follows:-

“The similarities between a precast concrete produce works and other mineral related industrial developments such as brickworks is that the manufacturing facility is located in close proximity to the source supply of raw materials. The applicant estimates that nearly 75% of the concrete used by the precast concrete works would be made up of sand and gravel materials which would be sourced from the adjacent quarry. Therefore by locating the precast works at the quarry meets the requirements of Policy M18 for being closely linked”.

Paragraph 15, Landscape and Visual Impact should read as follows:-

“Having taken into account the additional information and photomontage images submitted by the applicant, it is still considered that the proposed development would have a negative impact on the landscape and visual appearance of the local area. Whilst the proposed screening bund alongside the public bridleway would reduce the visibility of the building from users

immediately adjacent to the site, the bund itself would be a significant unnatural man-made feature within the local landscape. Whilst there are other man-made screening bunds located in the vicinity of the site (eg associated with the existing mineral operations) they in themselves are also unnatural features and therefore are not typical of the local landscape character. Consequently the existence of such features should not be considered as justification and support for the establishment of additional similar structures in the local landscape.

Norton Disney Parish Council –

"Drainage Issues

My Councillors note that the Witham Internal Drainage Board has withdrawn its objections to the proposed development subject to a further investigation of a water retention facility. The imposition of a 106 agreement relating to its use during periods of unstable weather would also be imposed. My Council notes that the proposed site which has been offered by C and G Concrete falls outside of the red-line area which indicates the boundary of the proposed application site. Precise details of its location have not been known to us. My Councillors' knowledge of the quarry site however, suggests that the most likely location for this facility would be the pond known as the Borrow-Pit which is located to the south of Brills Farm. This pond resulted from the extraction of an inferior quality material that was required by contractors to construct the embankments alongside the A46 dual carriageway, between Lincoln and Newark. The planning consent for the borrow pit required that it be reinstated as agricultural land within a period of 10 years. In my Councillors' view this restoration requirement should be completed in approximately 3 years time. In the present circumstances therefore, if my Council are correct in their assumption it would seem inappropriate to consider this option further. The facility could not provide a long-term solution to the drainage issue that emerges from the application.

Landscape and Visual Impact Issues

My Councillors are aware that your Committee has visited the proposed site and would therefore anticipate that the Applicant's description of the landscape may be regarded as having little credibility. Furthermore, the photomontages and wire-line views may be regarded as of nominal value, and providing precious little to alleviate the concerns of reasonably-minded people. The proposed site is clearly visible from Newark Road since it is located at the foot of some rolling countryside. The nearest house at Norton Disney Lodge would have an uninterrupted view of the proposed industrial workings and this property would be severely and adversely impacted by the application. Furthermore, the pleasant woodland on the boundary of the proposed site would be obscured by the intended structures. This woodland is currently clearly visible from the road and the nearby housing. The proposal to finish the plant in a blue/grey colour so as to fade into the background appears to my Councillors as a futile attempt to disguise, what is in fact, an eyesore. My Councillors feel that many would agree that is one of the delightful aspects of any woodland that the colour changes constantly. The bridle path which is located to the west of the proposed site has been used for hundreds of years. It is known locally as 'The Thoroughfare' and recreational users return

regularly to access the countryside by this route. Furthermore, in recent years my Councillors have seen growth in the local economy as a consequence of the emergence of equestrian activities. Traditional farms have varied their business interest to accommodate stabling, livery and riding activities. Generally "The Thoroughfare" is viewed as a quiet and safe environment where young riders can pursue their interests. Heavy industry in this location would undoubtedly present a significant risk to the safety of horse/pony riders whose mounts may be alarmed by the proposed industrial operations.

Conformity to Policy M18-Associated industrial Development

The comments of the Applicant in relation to this policy are noted by my Councillors who regard them as misleading. It may be helpful to summarise the arguments the Applicant has presented before seeking to address them.

- § The percentage of raw materials used should determine those industries that are considered as suitable for quarry sites.
- § The environmental benefits of reducing HGV road miles and carbon footprints serve to protect the environment.
- § The precedent is set by other determinations in Lincolnshire and other counties.

Firstly in my Council's view it is clearly unrealistic to base a test of what is regarded as a suitable industrial development at a quarry site, upon the percentage of a raw material that a finished product contains. Any number of industries could be regarded as suitable by this means. Furthermore, there are clearly some industries that use even higher percentages of raw materials than precast concrete manufacturers and therefore if this proposed linkage was accepted as the prevailing guidance, it would be difficult to envisage how other proposed developments could be excluded.

Secondly, the environmental issues are of the highest importance and it is commendable that any section of an industry that is reported as creating more CO₂ globally than air travel should be concerned to reduce this. In my Councillors' view however, the environmental issues that are presented as significant to this application have been largely discredited and appear as a Trojan Horse in which to disguise the more dominant economic interests of the applicant and their partners. Indeed in my Councillors' view, if environmental issues were of the highest concern to the applicant they would choose to relocate to the brown-field site at the former Swinderby Airfield. In that location the infrastructure is more suited for purpose and readily available to the Applicant. If a balance sheet was formulated specifically on the issues of environmental gains and losses arising from this application, my Councillors feel that a different picture would emerge. Sadly the Applicant requires us to accept a rather simplistic account of some HGV movements whilst ignoring other journeys. In particular other HGV movements, extra journeys of staff and the loss of agricultural land that currently serves to process carbons. Shuttering, steel rod and cement are also basic requirements of production in this industry and as they are not found in this locality will obviously have to be moved from somewhere else. Furthermore, as my Councillors have already suggested it could be anticipated that a company of the size of ABM would not

seek to limit their options by making C and G Concrete an exclusive supplier. There is a conundrum therefore, in understanding environmental issues. The number of short journeys that equate to one that is longer is a factor and whether the use of a brown-field site would cause less damage to the environment than the destruction of agricultural land. These issues are relatively unexplored in this application but are fundamental to understanding the environmental impact of the Applicant's presence in this location.

Thirdly the precedent set by other determinations appears as a very complicated issue. An examination of the specific locations that are cited in Lincolnshire illustrates marked differences in the various sites. Indeed we are informed by Mr E A Banks in his submissions on behalf of The Campaign for the Protection of Rural England, that access to the railway network was a dominant feature in the Tallington application. He also states that measures to protect the countryside have been brought into effect since some of the precedents occurred and by inference therefore, would probably not have been granted today. My Councillors remain unclear as to whether any of the sites or the adjoining locations were determined by the Local or Regional Plans as suitable for commercial/industrial development whereas they are clear that in this instance they are not.

Guidance of Policy M3

My Councillors have also had regard to the content of Policy M3 which although directed at different circumstances is very prescriptive regarding plant on quarry sites. The Policy seeks specifically to address an application by an aggregate company to extend their area of working. It provides a list of pre-requisites for a successful application and seemingly ruling out increased plant capacity and additional traffic movements. The Policy also lists, ***a material impact upon the landscape, ecology and other features of nature conservation importance, or other significant additional adverse impacts***, as reasons for refusing such an application. In my Councillors' view the guidance that is directed at an aggregate company is none the less relevant to another developer who seeks to occupy the same site. In this application the M3 guidance is clearly not met in any respect, and in those circumstances would normally be refused.

Conclusion

This application is in my Councillors' view, in direct contradiction of government policies and guidance as applied to green-field and countryside locations. It seeks to use agricultural land that is not designated as suitable for industrial/commercial development in any of the planning documents. It also makes a frail attempt to use topical and globally concerning arguments to disguise the applicant's overriding hope to occupy the land for the sole purpose of maximizing profit. No regard is given to the loss of a countryside amenity which has been used for commercial and recreational purposes for hundreds of years – an amenity that has made a significant contribution in creating and supporting rural businesses. In relation to jobs the applicant says their existing workforce would be transported on mass, from their existing site and hence the job creation opportunities for the job seekers of Lincolnshire would be zero.

By 2050 the global population is projected to rise by 40% from 6.6 billion to 9.3 billion. This places increasing pressures on land to meet in sustainable ways the competing demands for food, animal feed, energy and the environment. The proportion of the UK produced food supply has fallen from 75% to 60% in the last 10 years and local food is regarded as having clear advantages over that which travels long distances. Security, consumer confidence and dare we say, a lower carbon footprint all emerge from a more vibrant agricultural industry which this application seeks to harm. My Councillors feel therefore that in addition to the many technical and planning considerations that have been cited in relation to this application, there is also a powerful moral argument. Globally we have a responsibility to do all that we can to preserve our agricultural land for future generations and my Councillors feel that ABM should have given greater consideration of this.

- Regardless, this Parish Council feels that the proposed structures would constitute an unacceptable development in open countryside. It would materially change and affect the character and amenity of the area from predominantly rural to industrial. Visual and in our view environmental harm would result from the application causing a deterioration in the quality of life for residents in this community through noise, dust and the prospect of flooding. My Councillors ask therefore that you reject this application”.

Local Residents – make following comments summarised:-

- Totally unsuitable for such large industrial building as there are no other such buildings and has also been agricultural and woods.
- Understood site would be returned to agricultural use following completion of sand and gravel extraction. Erection of such building would be paramount and create intrusion for neighbouring residential properties from noise and dust standpoint. Building would be visually intrusive.
- Better alternatives to put such buildings on existing industrial sites there are a number in close proximity to the application site.

Applicant’s Agent – copy of legal opinion submitted in support of application has already been circulated.

Head of Spatial Planning – correction to report (missing text), Page 3, last bullet point:

- Concerns over deficiencies in the Environmental Statement with respect to archaeological evaluation, the noise and air quality (dust) assessments and the hydrological assessment (particularly regarding the potential impact of any groundwater drawn down on nearby Sites of Special Scientific Interest).

Ramblers’ Association – have raised concerns but no reasons stated.

North Kesteven District Council – continue to raise concerns that a building of this significant size would have a detrimental visual impact on the character

and appearance of the open countryside. The District Council requests that should planning permission be granted, consideration should be given to a Routing Agreement. Although the proposal has a dedicated access and egress onto the A46, the District Council would still raise concerns that visitors to the site and workers may use the local road network and traffic levels would increase through the villages of Norton Disney and Stapleford.

Letters of Objection from Local Residents – two letters received objecting on grounds of:

- large industrial building in the countryside;
- land should be returned to agriculture;
- noise and dust impacts from the factory; and
- development should be in an industrial estate.

A legal Advice note from David Park had been emailed and a hardcopy had been sent to all members of the Committee on 3 December 2009.

It was noted that Norton Disney Parish Council had indicated that they would be sending a representative to speak as an objector to the application but the representative was not present at the meeting.

Peter Cambourn representing the applicant, raised the following matters:-

- (1) Issues relating to flooding, visual landscape and the colour of the building had now been addressed.
- (2) The proposed building was below the skyline and the applicant had sent to members of the Committee photomontages of the proposals.
- (3) Referred to the legal Advice from David Park in connection with Planning Policy M18 which provided further evidence of the link between the current site and the proposed planning application.
- (4) The proposals would ensure security of employment of existing employees, create 40 new posts and these would be recruited locally.
- (5) The new development would help to provide infrastructure to the country and was supported by the East Midlands Development Agency.
- (6) The proposed site was suitable for access to the local highway.

Councillor R J Phillips, the local Division Member, commented as follows:-

- (1) He expressed disappointment, on behalf of residents of Norton Disney, that not all members of the Committee had attended the site visit.
- (2) Local residents had not a problem with the current quarrying operation but expected this to be for the duration of the extraction of the minerals and that this would be followed by the restoration of the site to agricultural use.
- (3) This was a new application for industrial development and was more suited to a location, e.g. the Swinderby Airfield site.
- (4) It was important to protect the countryside and if the application was approved an ugly building in open countryside would be constructed.
- (5) New employment was welcomed but this would not be sourced locally.
- (6) Should the planning application be approved then the Council would negate the trust of the public and would be going against its own planning policies.

Comments by the Committee included:-

- (1) An enquiry about the dimension of the product from the plant.
- (2) The need for the applicant to undertake a proper sequential test.
- (3) The site was not suitable for agriculture.
- (4) The painting of the building green would reduce its visibility.
- (5) 80% of the materials for the new application were available from the existing site. Only cement, which would be in a sealed unit and steel would be imported to the site.
- (6) The site was accessible to a good road network (A46).
- (7) New employment would be created.
- (8) It would be possible to plant fast growing trees on the bunding which reduce the plant's visibility.
- (9) A precedent would be set if the application was approved.

The Executive Director (Development Services) stated that he was concerned that if the application did not conform to Policy M18 and was approved by the Committee then this could set a precedent and would pose difficulties for similar applications in the future.

Councillor S F Williams moved refusal of the application as detailed in the report but was unable to get a seconder for his motion.

Councillor D C Hoyes moved that the Committee should be minded to approve the application, contrary to the officer's recommendation to refuse on the basis that the proposed development afforded employment opportunities and any environmental concerns could be mitigated by condition, which was seconded by Councillor P Bedford. This motion was agreed by the Committee. It would be necessary for the Executive Director (Development Services) to bring a report to the next meeting of the Committee outlining the reasons and conditions for approval.

RESOLVED

That the Committee is minded to approve the planning application, contrary to the officer's recommendation to refuse, and that a report on conditions and reasons for approval be submitted by the Executive Director to the next meeting of the Committee.

(NOTE:- Only the Councillors who had attended the site visit on 2 November 2009 were able to vote on the application – Councillors P Bedford, D Brailsford, D R Dickinson, I G Fleetwood, D C Hoyes, H R Johnson, T M Trollope-Bellew and S F Williams).

- (2) To extract sand and gravel, erect processing, ready-mix concrete and mortar plant, site and an aggregates recycling yard with concrete crusher, with restoration to nature conservation at Park Farm, Tattershall Thorpe – Cemex UK Operations Ltd (Application No. (E)S176/3099/07)

Since publication of the report responses to consultation have been received as follows:-

East Lindsey District Council (Planning) –has previously made detailed comments in relation to the main issues (contained in the committee report).

At this stage no additional comments to make but would ask that the County Council satisfies itself that the matters raised previously by the Council are addressed.

Environment Agency – have reviewed the draft “Groundwater Monitoring and Mitigation Programme undertaken by the applicant. Confirm satisfied with the proposals including the trigger levels for mitigation.

Letters of Objection from residents:-

Objection to the loss of agricultural land, particularly in view that the July/August edition of “Inside Lincolnshire” an article gives considerable importance to the promotion of sustainable development and the LCC website states that Lincolnshire is “the bread basket of England”. The recommendation to grant permission for the quarry is considered by the objector to be contrary to sustainability and food security principles.

Two letters of Objections received from residents in Woodhall Spa expressing concerns that the Planning and Regulation Committee may be lobbied to change the proposed route for HGVs as recommended in the officer report. It is pointed that:

- there are no ‘A’ class roads surrounding Woodhall Spa;
- the route through Tattershall Thorpe is the shortest to an ‘A’ class road;
- Woodhall Spa has schools and an elderly population;
- the roads in Woodhall Spa are congested and unsuitable for HGVs

Head of Spatial Planning – following the site visit on 4 December 2009, the following points of clarification should be noted:

- the plan attached to the officer report showing the existing HGV routes is based on a one day survey undertaken by the applicant’s consultants. The figures shown of this plan and the subsequent plan showing proposed routes therefore only show ‘typical’ daily movements and are not definitive (i.e. HGV movements may vary due to local deliveries).
- the Committee needs to be aware that the making of a Traffic Regulation Order involves a statutory procedure so, while a Planning Obligation may facilitate the making of the TRO it does not guarantee a TRO will be made. Should the Committee be minded to grant planning permission, Members need to be satisfied that it would be acceptable without the TRO being in place.

Parish Councillor Mrs G Shaw from Tattershall Thorpe Parish Council, an objector, commented as follows:-

- (1) Expressed great concern about the number of HGVs to be routed through the village of Tattershall Thorpe. It had been originally suggested that 50% would pass through Tattershall Thorpe and 50% through Woodhall Spa.
- (2) Noise and dust from HGVs.
- (3) The narrow roads in Tattershall Thorpe and problems of HGVs negotiating windy roads.
- (4) Currently 40 HGVs used the road and it was proposed to increase this to 107 HGVs in the new application.

- (5) Narrow footpaths.
- (6) Tattershall Thorpe was a tourist attraction especially to the war memorial and the local woods.
- (7) There should be a compromise with Woodhall Spa taking 50% of the HGVs
- (8) Blind bends on the roads.
- (9) The proposed route through Tattershall Thorpe was not the shortest route to either Horncastle or Lincoln.
- (10) HGVs using the site, other than those owned by Cemex, would take shortcuts on inappropriate roads.

Mr Stephen Woods, representing the applicant, commented as follows:-

- (1) Park Farm was a natural extension to the current operations in the area and the company had taken measures in the last 25 years to prepare and secure the site.
- (2) The site was in the Lincolnshire Minerals Plan.
- (3) There had been no complaints about the current Cemex site.
- (4) The company had provided help in connection with flood defences and wartime artefacts.
- (5) The application if approved would provide Lincolnshire with sand and gravel for construction projects.
- (6) The site would eventually be restored to encourage habitat, tourism and the SSSI's would be enlarged.
- (7) Bio-diversity would be encouraged.
- (8) The proposal would provide valuable employment to the local area.

Councillor Mrs B Harvey OBE, the local Division Member, commented as follows:-

- (1) Expressed great concern about the proposals to re-route HGVs through Tattershall Thorpe which had not been stated in the original planning application.
- (2) Had not seen details about the additional ghost lane to allow access for HGVs to the new site.
- (3) Tattershall Thorpe had agreed to the original routing details which meant sharing the routing of HGVs with Woodhall Spa.
- (4) The main road in Woodhall Spa was wider than the main road through Tattershall Thorpe.
- (5) There were few footpaths in Tattershall Thorpe especially near the council houses in the vicinity of Hall Lane.
- (6) Tattershall Thorpe had been the runner up in the Best Kept Village competition.
- (7) The residents of Tattershall Thorpe wished to see Woodhall Spa take their fair share of HGVs.

Councillor Mrs P A Bradwell, local Division Member for the villages of Martin and Martin Dales, six miles from the application site, commented as follows:-

- (1) Concerned about the number of HGVs passing through the two villages on unclassified roads.
- (2) Residents in the two villages considered that most of the traffic needed to go to the A153 and not through their villages.
- (3) A lot of heavy traffic went through the two villages to access the east of the county.

- (4) If the number of HGVs was to continue to access these villages then there needed to be speed restrictions especially in the vicinity of the school which was on a blind bend.
- (5) There had been seven fatal deaths on the B1191 in recent years, with three people being killed quite recently.

Comments made by the Committee included:-

- (1) Proposals by Cemex to extract sand and gravel from this site had been planned for many years.
- (2) Concerns about the accuracy of the traffic census carried out.
- (3) Woodhall Spa had not requested any S106 Agreement monies and did not want any HGVs passing through the town.
- (4) The agricultural land was grade 4 and not productive land.
- (5) The site was in the Lincolnshire Minerals Plan and people were aware of this fact.
- (6) The proposed access and egress to the proposed site was nearer to the A153 than Woodhall Spa.
- (7) The access road leading to the operation site should be metalled to prevent mud going onto the local highway.
- (8) Why was a ghost lane to allow HGVs to turn right into the application site being provided as few HGVs would be coming from a north westerly direction.
- (9) Evergreen trees/shrubs should be planted for visual purposes.
- (10) Concern about the large size of HGVs.
- (11) The residents of Tattershall Thorpe should be able to access funds available through the Aggregate Levy to improve facilities in their village.
- (12) TROs would ensure enforcement of the routing of HGVs.
- (13) It was noted that in Woodhall Spa parking was permitted on both sides of the local highway which caused problems for HGVs.
- (14) Some residents were advocating the construction of new roads but this was not possible in the present financial climate.

The Executive Director (Development Services) explained that he had regard to the provision of a ghost lane to the proposed site, emphasised the importance of wheel washing facilities, metalling of the access road, stated that noise from the concrete crushing activity would be addressed because the facilities would need to be housed in a building and would meet British Standards and suitable trees and shrubs would be planted. All of these matters were covered by the conditions in the report.

RESOLVED

- (a) That the applicant be invited to enter into Section106 Planning Obligation to secure the following:-
 - (1) a Management Plant to maximise the ecological value of the site (to extend from the statutory aftercare period and end 25 years from the date of completion of mineral extraction);
 - (2) the establishment of permissive paths within the site on completion of the restoration;
 - (3) a bird management agreement to further reduce any bird strike hazard to RAF Coningsby during the Management Plan period;

- (4) the maintenance of a groundwater monitoring programme with appropriate mitigation measures to protect nearby water features during the management period;
- (5) a prohibition on the use of HGVs associated with the development of the B1191 to the east of the roundabout in Woodhall Spa (except for local deliveries);
- (6) a prohibition on the use of HGVs associated with the development of Lodge Road, Thorpe Road, Hunter's Lane and Kirkby Lane;
- (7) the funding subject to a maximum of £15,000 to make traffic regulation orders on Lodge Road, Thorpe Road and Hunter's Lane;
- (8) a contribution to the highway and footpath works as set out in the Second Amendments.

(b) That, subject to the completion of the Planning Obligation referred to in paragraph (a), the Executive Director be authorised to grant planning permission subject to the conditions set out in the supplementary report circulated prior to the meeting;

(c) That the report forms the Council's Statement under paragraph 21 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (which require the Council to make available for public inspection at the District Council officers specified information regarding decisions).

(NOTE:- Councillor N D Cooper arrived at this stage of the meeting and declared a personal interest in all matters of the agenda affecting East Lindsey District Council as the Executive Councillor for the Built Environment for that Council).

- (3) To remove pre-commencement conditions No.10, 11 and 12 of planning permission No.B19/0824/06 at Recycling Shed 3, Holme Farm, Kirton Holme, Boston - BRS(GB) Ltd (Application No.B19/0366/09).

Since the publication of the report the following was noted:-

Head of Spatial Planning – correction to report (missing text). Paragraph 18, second bullet point, should read as follows:-

- Dust, odour etc – the proposal sought to use an existing building and yard adjoining a substantial commercial greenhouse complex within a rural location. It was considered, following receipt of comments from the Environmental Health Section of Boston Borough Council that by ensuring all operations with a potential to cause dust and noise vibration were situated within the building provided an opportunity to ensure the operations were adequately controlled and would not cause any negative impact on the amenity of the area. Therefore it was considered that the development would not cause an unacceptable impact on the amenity of the area in terms of noise and dust and so in this respect would comply with criterion (xi) of Policy WLP21.

RESOLVED

That planning permission be refused for the reason detailed in the report.

- (4) To construct a new sewage treatment works at land off Pump Lane, Fenton, in accordance with amended details dated 21 October 2009 - Anglian Water Services Ltd - (Application No.S31/1733/09)

RESOLVED

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

- (5) Proposed change of use from Storage to Waste Transfer Station at Recycling Warehouse, Nursery Road, Boston - Silver Skips Lincolnshire Ltd (Application No.B/0000/09) PL/0213/09 - awaiting the official planning register number from the District Council)

Since the publication of the report a response to consultation had been received as follows:-

Anglian Water – have provided informative notes for the applicant.

RESOLVED

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

56. PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS

The Committee received three reports from the Executive Director (Development Services) on planning applications relating to County Council Developments. The results of consultation and publicity were detailed in each report.

- (1) To erect a portal framed grain store and plant room at Eastville Farm, Station Road, Eastville (Application No. (E)S47/2440/09)

RESOLVED

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

- (2) To construct a two storey lift, revised main entrance, and provide a new footpath access at Ingelow Manor Elderly Persons Home, Rowley Road, Boston (Application No. B/0157/09).

RESOLVED

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

- (3) To construct a sheltered external children's play area, create a new pedestrian access and associated footpath, provide additional cycle storage and alter a section of fencing on the southern boundary at Allington with Sedgebrook Church of England Primary School, Marston Lane, Allington (Application No. S1/2512/09).

RESOLVED

That, provided that no representations are received by the expiration of the statutory publicity period (11 December 2009), which in a view of the Executive Director in consultation with the Chairman warrants further consideration of the application, then the Executive Director be authorised to grant planning permission subject to the conditions detailed in the report.

57. APPLICATIONS FOR NON-MATERIAL CHANGES

The Committee received two reports from the Executive Director (Development Services) on applications for non-material changes.

- (1) Application to make non-material amendments to planning permission 2009/0310/CCC to construct a new all through academy on site of existing Witham Academy (formerly known as Joseph Ruston Technology College), Shannon Avenue, Lincoln

RESOLVED

That the proposed amendments be treated as non-material amendments to planning permission reference 2009/0310/CCC and that approval be given for drawings to supersede the relevant previously approved plans as detailed in the report.

- (2) Application to make a non-material amendment to planning permission W104/124107/09 (to demolish an external brick store, construct a single storey pitched roof extension to form Children's Centre and extend existing car park at Sturton by Stow Primary School, School Lane, Sturton by Stow

RESOLVED

That the proposed amendment be treated as a non-material amendment to planning permission reference W104/124107/09 and that approval be given to the plan to supersede the relevant previously approved drawings as detailed in the report.

58. DEVELOPMENT CONTROL - QUARTERLY MONITORING REPORT

The Committee received a report from the Executive Director (Development Services) in connection with the Council's development and management function for the quarter ending 30 September 2009.

RESOLVED

That the report, together with the draft project briefs for the Audit and Service Review, to be reported to the Environment Scrutiny and Value for Money Scrutiny Committees, be noted.

59. AMENDED PLANS AND THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (AMENDMENT 103) (ENGLAND) ORDER 2009

The Committee received a report from the Executive Director (Development Services) in connection with amendments to the Town and Country Planning (General Permitted Development Procedure) Order which had resulted in legislation being changed with respect to minor non-material amendments to un-implement permissions or developments in the process of being implemented.

Comments made by the Committee included:-

- (1) Volumetric changes needed to be considered.
- (2) A “whats in” and “whats out” list was required for officers.
- (3) Any movements in the footprint of a building could bring objections from the public and therefore should not be accepted as a non material amendment
- (4) In the past if a change to a planning application was detrimental to a neighbour then a new application would be required.

The Executive Director (Development Services) stated that the criteria in Annex B addressed any detrimental effect on a neighbour, that criteria 5 (Annex B) (covering the movement of a footprint/siting of the building by more than one metre) could be removed from the criteria and that the criteria in Annex B would be amended to take into consideration the diminution of any amenities.

RESOLVED

That the comments made by the Committee on the proposed procedure and criteria be forwarded to the Executive and the Council for consideration.

60. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of part 1 of Schedule 12A of the Act.

61. PLANNING ENFORCEMENT AND MONITORING REPORT

The Committee received a report from the Executive Director (Development Services) on enforcement investigations, actions taken and closure of cases as at 23 November 2009.

RESOLVED

That the report be noted.

The meeting closed at 12:45 pm.