

**PRESENT: COUNCILLOR I G FLEETWOOD**

Councillors P Bedford (Vice-Chairman), M Brookes, N D Cooper, D R Dickinson, R Hills, D C Hoyes MBE, K Milner, Major R T Newell, J M Swanson, T M Trollope-Bellew and S F Williams.

Also in attendance – Councillor W S Webb (Executive Councillor for Highways and Transport).

Officers in attendance: Communities - Neil McBride (Development Manager) and Natalie Dear (Planning Consultant); Legal - Charlotte Lockwood (Solicitor, Legal Services); Performance and Governance – Steve Blagg (Democratic Services Officer).

46. APOLOGIES FOR ABSENCE/REPLACEMENT COUNCILLORS

Apologies for absence were received from Councillors D Brailsford, H R Johnson and M Tinker.

47. DECLARATIONS OF COUNCILLORS' INTERESTS

Members of the Committee requested that a note should be made in the minutes as follows:-

Councillor T M Trollope-Bellew had attended the meeting of Baston Parish Council when the planning application had been discussed (minute 49(1)).

Councillor J Swanson was a member of East Lindsey District Council's Planning Committee.

Councillor R Hills was a member of the City of Lincoln's Planning Committee.

Councillor N D Cooper was Chairman of East Lindsey District Council's Planning Committee.

Councillor I G Fleetwood was a member of West Lindsey District Council's Planning Committee.

Councillor D R Dickinson was a member of North Kesteven District Council's Planning Committee.

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48. MINUTES

RESOLVED

That the minutes of the previous meeting of the Committee held on 3 December 2012 be agreed as a correct record and signed by the Chairman.

49. PLANNING APPLICATIONS RELATING TO COUNTY MATTER DEVELOPMENTS

The Committee received five reports from the Executive Director for Communities on planning applications relating to County Matter developments. The responses to consultation were detailed in the reports.

(1) Supplementary Report - To construct three lean to covered extensions for storage and vehicle washing at Bradstone Site, Baston Outgang Road, Baston - PMK Recycling Ltd (Agent: CPK Architects) - S7/2853/12 (Minute 44(1), Planning and Regulation Committee, 3 December 2012)

On a motion moved by Councillor J M Swanson, seconded by Councillor K Milner, it was

RESOLVED (unanimous)

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

(2) Supplementary Report - A 500kW agricultural Anaerobic Digestion plant that will comprise of an anaerobic digester tank, silage clamps, digestate store and ancillary equipment at Clapgate Farm, Ashby Puerorum, Greetham with Somersby - Bashfarms Ltd - (E)S66/1031/12

(NOTE:- Councillor T M Trollope-Bellew requested that a note should be made in the minutes that his second wife was the applicant's first wife and that he would not take part in the discussion or voting on this matter).

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

Local Resident – have seen updated Landscape Visual Impact Assessment and consider it is misleading in respect of the impact on this residential property and holiday accommodation business at Grantham Retreat.

The proposed development can be viewed from this residential property. The photographs in the assessment do not take account of the elevated position of this property with uninterrupted views across the open landscape.

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The holiday accommodation comprises 5 self-catering holiday cottages and a small 5 pitch touring caravan site. The land that forms part of this holiday accommodation site overlooks the proposed development with uninterrupted views. Guests come to this area for the wide open spaces, beautiful landscape and views of the Area of Outstanding Natural Beauty and to use footpaths nearby. Consider that the development will impact adversely on the scenery and views that are currently enjoyed and will make this site less attractive for them.

Provides figures to confirm the high usage of the site during 2012 and notes that this business brings many tourists to the area each year who spend significant money in the local community.

Anything which adversely affects this business must be resisted in these difficult recessive times. Consider that the development will adversely affect the business during the building stage and for several years until the planting is effective to screen this eyesore.

Invite Councillors to this property to better appreciate their concerns.

Mr Hugh Massingberd-Munday, representing the applicant, commented as follows:-

1. Hedging and trees had been planted to screen the site.
2. Wished to protect the landscape of the Wolds Area of Outstanding National Beauty (AONB).
3. At the pre-application stage had been assured by the Council that the application site was suitable.
4. Made comments about the definition of waste.
5. The officer's reasoning to refuse based on there being no exceptional circumstances was incorrect.
6. A professional Landscape Visual Impact Assessment had been produced which demonstrated that the proposal would have no adverse visual impact on the Wolds AONB.
7. Supported the Council's stand on using other forms of renewable energy rather than wind turbines.

The applicant responded to questions by the Committee as follows:-

1. The owner of the holiday homes lived approximately  $\frac{3}{4}$  mile from the application site.
2. Explained the location of the access road to the site which was dualled widthed
3. There was a third party property within 250 metres of the site but odour was not a problem according to the District Council's Environmental Health Officer.
4. This was not the same site detailed in a planning application to keep cattle considered approximately twenty years ago.

The Executive Director for Communities responded to comments made by the Committee including an explanation of the 250m distance policy of residential properties

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from the application site; that the advice provided to the applicant at pre-application stage did not say that the application site was suitable but highlighted the issues the applicant would need to overcome; the requirement of the applicant to demonstrate exceptional circumstances for the development to be located at the site and the objections from the owner of the holiday homes should not be considered just in respect of visual impact in isolation as tourism was very important in the Wolds AONB.

On a motion by Councillor N D Cooper, seconded by Councillor R Hills, it was –

RESOLVED (8 votes for and none against)

That consideration of the application be deferred pending a site visit to enable the Committee to examine the salient features of the site particularly the visual aspects and the local highway.

(3) Supplementary Report - To construct a new facility for the production of precast concrete products with associated infrastructure on land that has been quarried and reinstated to grassland at Norton Bottoms Quarry, Norton Disney – ABM Precast Solutions – N47/0106/09 (minute 69(1), Planning and Regulation Committee, 18 January 2010)

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

Councillor R J Phillips – Committee to note his agreement to this recommendation that the planning application be refused.

Following comments made by the Committee in connection with the length of time that had passed since the Committee resolution to grant permission and the subsequent failure of the applicant to complete the S106 Planning Obligation, the Executive Director for Communities agreed to inform the applicant that unless the applicant indicated positively that they wished to move forward with the Section 106 Agreement by 19<sup>th</sup> January 2013 the application would be refused.

On a motion by Councillor R Hills, seconded by Councillor S F Williams, it was –

RESOLVED (13 votes for and none against)

That the Executive Director for Communities be delegated to refuse planning permission on the 19<sup>th</sup> January 2013 unless the applicant contacts the Council before that date to indicate that they intend to complete the Section 106 Agreement.

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(4) To change the use to continue to use an area of land for shredding imported wood waste and to use two adjacent agricultural buildings for the storage of the shredded material prior to export off site at Anson's Farm, Eagle Road, Swinderby - MEC Recycling Ltd - N62/1269/12

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

North Kesteven District Council – do not wish to make any observations on this application.

Environment Agency – no objection. The site will require an Environmental Permit for this activity and an application has already been made.

Applicant – submits that the report provides erroneous information and interpretation of WLP 5. Policy 5 states unequivocally that planning permission will be granted provided they are associated with an existing waste management facility.

In this case the proposal is clearly associated as the report makes plain same men, same machines, same disposal, same management.

The dictionary definition of association means to join in company, unit, unite in action, to be affected by the action of a different part. This does not mean you are entitled to ascribe a specialist definition to suit your own purposes, to suggest, as the Council does, that association requires conforming of the waste streams. There are no conditions, no reservation, no addendum by way of explanation to confirm that the Council can restrict the definition of associated in this Policy.

The Policy should have been conditional if that is what was intended, the Council should not retain secretive definition that only it knows about.

Also take issue with the unfairness in the preface to the report which states that following consideration of comments received through consultation and publicity the application should be refused. However, in the report the consultees have not responded or raised any objection.

The operation has been taking place for 8 years without complaint.

The report should be withdrawn, interpretation corrected and brought back to committee at a later date for consideration.

Mr Andy Hey, representing the applicant, commented as follows:-

1. The applicant had operated two operations at the site for ten years, with green waste operating for ten years and wood waste since 2005.

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2. It was his view, contrary to the views of officers, that Policy WLP5 allowed the shredding of wood.
3. All of the processes, including machinery, skips and personnel at the site were involved in both the composting and shredding of wood.

Comments made by the Committee included the following:-

1. An enquiry about whether a legal precedent was being set by granting permission.
2. An enquiry about the likely number of vehicles using the site as a result of the application.
3. An enquiry about the formalisation of the application when it seemed that the application had been operating for eight years.
4. The current site was handling wood albeit it was being used for different purposes, shared the same staff and machinery.
5. An enquiry about the number of times this interpretation of Policy WLP 5 had been used by officers.
6. The application should be deferred to allow Policy WLP5 to be amended and for further consultations to take place with the applicant about the application.

Officers responded to the comments made by the Committee as follows:-

1. This type of application had not been tested at appeal and was the officer's interpretation of Policy WLP 5.
2. With this application and the current operation at the site there would be a maximum of seventeen vehicle movements a day.
3. The applicant wished to extend his composting operation and as a result of this and site investigations it became clear that a further waste management operation was taking place that required planning consent. The applicant had been advised by officers to show a link between the waste streams. If the development had been in operation over ten years then it would not have needed planning approval.
4. Four similar applications to this application had been refused in the past and if a precedent was set then this could allow similar and possibly larger waste management schemes to be established in the countryside.
5. Any changes to Policy WLP5 would take a considerable amount of time to achieve and the need for the applicant to show a linkage between the two operations at the site was emphasised.

On a motion by Councillor R Hills, seconded by Councillor D R Dickinson, it was –

RESOLVED (8 votes for and 4 votes against)

That the Committee is minded to approve the application, against the recommendation of the Executive Director for Communities to refuse the application, and that the Executive Director report to a future meeting on the reasons and conditions for approval.

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(5) Application for the Prior Approval of the Mineral Planning Authority to replace office building at Gainsborough Oil and Gas Field, Gainsborough – Island Gas Ltd - W33/129364/12

Councillor I G Fleetwood reported that Councillor M Tinker, the local Member, had not got any objections to the application.

On a motion by Councillor S F Williams, seconded by Councillor T M Trollope-Bellew, it was –

RESOLVED (unanimous)

That prior approval be granted.

50. PLANNING APPLICATIONS RELATING TO COUNTY COUNCIL DEVELOPMENTS

The Committee received one report from the Executive Director for Communities on planning application relating to a County Council development.

(1) To install photovoltaic panels at the Museum of Lincolnshire Life, Burton Road, Lincoln – L/1151/12

The Committee requested that there should be a condition added to the effect that the materials used for the photovoltaic panels should not be reflective and that the framing materials around the photovoltaic panels should complement the colour of the building.

On a motion by Councillor T M Trollope-Bellew, seconded by Councillor R Hills, it was -

RESOLVED (unanimous)

That subject to the receipt of Listed Building Consent from the Secretary of State for Communities and Local Government, the Executive Director for Communities be authorised to grant planning permission (Ref L/1151/12) subject to the conditions detailed in the report and the additional conditions approved at the meeting as follows:-

Condition: The photovoltaic panels should be non-reflective and the framing materials around the photovoltaic panels should complement the colour of the building.

Reason: In the interests of protecting the setting of the Listed Building and the visual amenity of the area..

The meeting closed at 12.10 pm